

Stepping into Uncertainty

Refugee and IDP experiences of return in
Southeast Myanmar



KHRG

Karen Human Rights Group
Documenting the voices of villagers in rural Burma

Stepping into Uncertainty:

Refugee and IDP Experiences of Return in Southeast Myanmar

Karen Human Rights Group
August 2020

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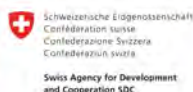
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Executive Summary

Refugee repatriations and IDP returns in Myanmar have steadily increased since the 2015 Nationwide Ceasefire Agreement, as have repatriation and return initiatives. If ethnic minorities are to assume an active and equal role in Myanmar's future, then political, economic and social reintegration of returnees is critical. The situation of refugee and IDP returnees in rural Southeast Myanmar remains however extremely difficult, with most struggling to meet their most basic needs and little means of even beginning to build a sustainable livelihood. KHRG interviews with returnees suggest that current support frameworks are so insufficient that those who do receive return assistance are generally no more capable of rebuilding their lives than those who have returned "spontaneously" with no institutional or governmental support whatsoever. Moreover, unmet promises about resettlement support and follow-up have left returnees vulnerable to further hardship, and even future displacement if they are unable to adequately rebuild their lives in their new localities.

Although some accommodation has been made to assist with access to legal documents, many returnees continue to struggle to obtain the documents to which they are entitled as citizens. As such, full political, social and economic inclusion will also be hampered, as access to land, education, and employment require civil documentation. Ultimately, interest in the upcoming national elections and local decision-making is extremely low, since the daily struggles to meet even their most basic needs remains the central preoccupation of most returnees. Concerns about security and safety are also still prevalent for some due to the presence of ethnic armed actors as well as landmines and UXO (unexploded ordnance). In the absence of economic and physical security, returnees are likely to remain marginalised as political and social actors in building a democratic, peaceful, and stable society.

Lack of confidence in the peace process, distrust in government administration, and feelings of being discounted by the current government were also expressed by returnees and serve as clear indicators that the historical realities of conflict and violence are not yet (but in need of) being addressed as part of repatriation and reintegration initiatives. By calling attention to these problems, the current report highlights the challenges faced by returnees so that actions can be taken to better promote their sustainable and dignified return. Throughout this report, KHRG privileges the lived experiences of return to amplify the concerns of returnees, whose voices should be taken into account by the Myanmar government and relevant ethnic armed organisations and aid providers.

Introduction

In June 2019, KHRG published a news bulletin on the situation of recently repatriated refugees in Mae La Way Ler Moo, Hpa-an District and Lay Hpa Hta, Dooplaya District. Most were repatriated to Myanmar in February 2019 as part of a voluntary process led by the Thai and Myanmar governments with the support of the UNHCR and other partner organisations. From interviews undertaken by KHRG in March and April 2019, returnees reported facing numerous challenges in Myanmar, including a lack of basic social services and access to farmland or income-generating opportunities. Other issues such as unexploded ordnance contamination and unsafe travel conditions during their return journey were also raised, along with security concerns related to the presence of armed actors in their area.¹

The UNHCR-facilitated repatriation that took place in February 2019 was only the third in what is expected to be an on-going initiative. In fact, as of 2019, the Thai and Myanmar governments have agreed to repatriate two groups of refugees per year, prior to and after the rainy season.² UNHCR Thailand has also set as a priority for the next 4 years the reduction of the number of refugees residing in the Thai–Myanmar border temporary shelters.³ As future returnees could potentially face similar challenges as those described above, it is paramount to identify the shortcomings of the repatriation initiatives that have been conducted thus far and provide recommendations to address them. This report is an attempt to provide a fuller analysis of the challenges faced by returnees than what was presented in the June 2019 news bulletin. To that end, it encompasses all categories of returnees, including refugees repatriating through the UNHCR, those who repatriated “spontaneously” (by their own means), along with IDP returnees.

A total of 1,039 refugees have returned to Myanmar under the UNHCR-led tripartite scheme: 71 in October 2016, 93 in May 2018, 565 in February 2019 and 310 in July 2019.⁴ Although this figure is set to increase in the near future, it pales in comparison to the number of displaced persons who choose informal forms of return. Despite the existence of official repatriation channels, information from The Border Consortium (TBC) suggests that most returns happen outside of these formal mechanisms. Over 18,000 refugees are estimated to have returned to Myanmar spontaneously (i.e., without UNHCR- or government-sponsored assistance) from 2012 to 2017,⁵ and a further 3,390 refugees in 2018.⁶ Their exact number is hard to assess as many of them do not report their departures.⁷ As such, these estimates are generally considered conservative.

UNHCR initiatives to increase the number of facilitated repatriations have also contributed to an increase in the number of spontaneous returns. UNHCR Myanmar has already noted that

¹ See KHRG, “‘If I had known, I wouldn’t have returned to Myanmar’: Shortcomings in Refugee Repatriation and Reintegration”, June 2019.

² Ministry of Foreign Affairs of the Kingdom of Thailand, “Press Release: Cooperation between Thailand and Myanmar on the Voluntary Return of the 4th Batch of Myanmar Displaced Persons during 1–3 July 2019 in Tak, Kanchanaburi, and Mae Hong Son Provinces”, July 2019.

³ “Operations – Thailand”, *UNHCR Global Focus Thailand*, 2019.

⁴ Ministry of Foreign Affairs of the Kingdom of Thailand, “Press Release: Cooperation between Thailand and Myanmar on the Voluntary Return of the 4th Batch of Myanmar Displaced Persons during 1–3 July 2019 in Tak, Kanchanaburi, and Mae Hong Son Provinces”, July 2019. These figures represent UNHCR-facilitated repatriations to all parts of Myanmar. The exact figures for Karen State are not cited.

⁵ The Border Consortium, *2017 Annual Report*, 2018, p. 7.

⁶ The Border Consortium, *2018 Annual Report*, 2019, p. 7.

⁷ Carrie PERKINS, *Rethinking Repatriation: Karen Refugees on the Thai–Myanmar Border*, 2019, *Southern Methodist University*, PhD Dissertation.

spontaneous returns have increased over the past few years, and that the long delays in processing facilitated voluntary repatriation requests have led applicants to withdraw their name from the registration lists, often to opt for repatriation on their own.⁸

The number of IDP returns has also increased in recent years. While the reduction in armed conflict initiated by the 2012 preliminary ceasefire agreement and subsequent 2015 Nationwide Ceasefire Agreement⁹ resulted in a decrease in conflict-induced internal displacement, it also led to an increase in internal displacement for the purpose of return and resettlement. According to TBC, approximately 162,000 displaced persons attempted to either return to former villages or resettle in surrounding areas of Southeast Myanmar between 2013 and 2018. TBC noted, nevertheless, that the sustainability of these movements and prospects for reintegration remain in doubt due to on-going security and livelihood concerns.¹⁰ In fact, 11,000 of those 162,000 displaced persons were originally repatriated refugees, but were included by TBC in the above calculations because TBC believes that many of them may now be in a state of internal displacement due to difficulties with resettlement.

To highlight the situations faced by these three different types of returnees (facilitated, spontaneous, and internally displaced), KHRG chose to conduct interviews with IDPs and refugees in different locations of rural Southeast Myanmar. The principles laid down in the UNHCR *Handbook for Voluntary Repatriation* (1996)¹¹ and its *Handbook for Repatriation and Reintegration Activities* (2004) were then used to assess whether the conditions for successful reintegration were provided to returnees, and whether returnees feel that they are able to “secure the necessary political, economic, legal and social conditions to maintain their life, livelihood and dignity.”¹² Although primarily developed as a framework for enabling the voluntary repatriation of refugees, the guidelines emphasise the necessity of finding durable solutions for displaced populations as a whole and other groups affected by conflict, including IDPs, since all of these populations face similar challenges. The guidelines thus serve as a useful tool for evaluating the situation of all returnees.

This report begins with a presentation of decisions to return and experiences of return, keeping in mind UNHCR’s mandate of “ensuring the voluntary, safe and dignified return of displaced people and promoting sustainable reintegration.”¹³ The report continues with an examination of the primary conditions that UNHCR defines as key to voluntary return and sustainable reintegration: “access to civil documentation; physical safety and security; access to housing[,] land and property (HLP); community-based livelihoods aimed at peaceful coexistence and access to basic services.”¹⁴

⁸ “2020 (Plan) – Voluntary Return”, *UNHCR Global Focus Myanmar*, 2020.

⁹ On October 15th 2015, after a negotiation process marred with controversy over the notable non-inclusion of several ethnic armed groups, a Nationwide Ceasefire Agreement (NCA) was signed between the Burma/Myanmar government and eight of the fifteen ethnic armed groups originally invited to the negotiation table, including the Karen National Union. It was followed by the adoption of a Code of Conduct by the signatories in November 2015. In February 2018, two additional armed ethnic groups signed the NCA under pressure from the Burma/Myanmar government.

¹⁰ The Border Consortium, *Human Security in South Eastern Myanmar*, November 2018, p. 14. This figure provided by The Border Consortium includes Southern Shan and Kayah State, which are not part of KHRG’s research area.

¹¹ UNHCR, *Handbook. Voluntary Repatriation: International Protection*, 1996.

¹² UNHCR, *Handbook for Repatriation and Reintegration Activities*, 2004.

¹³ “2019 (Plan) – Refugee Returnees”, *UNHCR Global Focus Myanmar*, 2019.

¹⁴ “2019 (Plan) – Refugee Returnees”, *UNHCR Global Focus Myanmar*, 2019.

Throughout this report, KHRG highlights the differences in experiences and conditions that returnees undergo, while acknowledging that policies and initiatives that target one group can also impact the situation of other groups. Moreover, distinctions between the different types of returnees are sometimes less important than geographic or other factors, which this report also tries to capture. Ultimately, those who benefit from facilitated repatriation assistance live alongside other returnees, as well as local villagers and thus often face similar challenges, particularly after any initial support runs out. And in some cases, aid and development projects target local communities rather than specific categories of returnees. For that reason, KHRG considers the situation of returnees not simply in terms of their return “status” or degree of facilitated support, but also regarding the location and type of settlement they returned to.

Thailand’s “temporary shelters”

Although the Thai–Myanmar border camps in which refugees from Myanmar reside are commonly referred to as “refugee camps,” they are officially termed “temporary shelters” by the Thai government. Thailand is not party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, nor does Thailand have any specific domestic law with respect to the rights and obligations of refugees and asylum seekers. In fact, the Thai government makes no distinction between asylum seekers and undocumented migrants but defines all foreigners without valid documentation as “illegal aliens.” Although it has recently committed to the creation of a screening mechanism to assess requests for international protection and the granting of “Protected Person Status,” the Thai government still does not (and has made no plans to) undertake formal refugee status determination (RSD). Moreover, its current ad hoc RSD system does not include displaced persons from Myanmar, who are, instead, managed through the government-led “temporary shelter” system and officially registered as shelter residents. As such, displaced persons living in Thailand’s “temporary shelters” are considered “mandate refugees,”¹⁵ recognised by UNHCR but not the Thai government, and thus have limited rights outside of these border camps.

¹⁵ A person who meets the criteria of the UNHCR Statute and qualifies for the protection of the UN provided by the High Commissioner for Refugees, regardless of whether or not they are in a country that is a party to the Geneva Refugee Convention and Protocol, or whether or not they have been recognised by the host country as a refugee under either of these instruments. See “[Glossary](#)”, *European Commission Migration and Home Affairs*.

Key Findings

Although some improvements in Thai procedures regarding the protection of refugees have been made in the past few years, legislation remains highly restrictive and few possibilities exist for displaced persons to find legal solutions to livelihood challenges besides repatriation to Myanmar. Return decisions for refugees are thus largely motivated by “push” factors: lack of freedom of movement and decreasing access to livelihood means in the Thai–Myanmar border camps. “Pull” factors, such as the hope of improving their situation, a desire to return “home,” and the possibility of having their own land to work on, were also cited but must then be considered in relation to the constraints felt in the camps and the actual situation most returnees have faced since their return.

Despite efforts on the part of UNHCR to improve the conditions of facilitated returns, the organisation of return travel in Myanmar continues to present a number of problems that affront the dignity of returnees and subject them to unsafe and unhealthy travel conditions: disorganisation, unclean transportation, difficulty accessing food and water, and poor communication with the returnees, often leaving them feeling mistreated.

Due to an insufficiency of support and an absence of follow-up by protection and aid organisations, those who returned with assistance through the UNHCR tripartite agreement are generally not faring better than those who returned on their own. Even those who have returned to designated repatriation/resettlement sites, where access to basic services should have been assured by those organising their return, find themselves with limited access to clean water, healthcare and education. Some are even required to return to the temporary shelters in Thailand for basic medical care, and pay for schooling that is supposed to be free.

Assistance from the Myanmar government, protection organisations like UNHCR, and local actors like the Karen National Union (KNU),¹⁶ Karen Women’s Organisation (KWO), Committee for Internally Displaced Karen People (CIDKP), Karen Office of Relief and Development (KORD), and Karen Environmental and Social Action Network (KESAN) remains extremely short-term, barely covering initial resettlement costs. Although returnees are promised 6 months of support, the amount provided translates in real terms to 1 or 2 months of support at best, and does not offer the means to purchase land or other provisions that make possible building a sustainable livelihood. Those who have been provided land, or were able to recuperate their land, are better positioned for successful reintegration, but still require outside assistance. Because of the fragility of their situation, many risk losing their lands or being unable to benefit from land ownership if not provided additional support.

Access to the rights of citizenship remains inadequate in all domains. Many returnees, even those who receive the assistance of UNHCR and its partners, struggle to obtain their legal documents because of extensive requirements and/or administrative impediments. Overall, there seems to be a lack of support to help returnees access justice and understand their citizenship rights, including the right to vote. Many expressed an overall distrust and lack of confidence in government administration, including doubts about being counted as full citizens. Discrimination against returnees by local villagers is a problem in some areas and risks creating further marginalisation.

¹⁶ The Karen National Union (KNU) is the main Karen political organisation. It was established in 1947 and has been in conflict with the Burma/Myanmar government since 1949. The KNU wields power across large areas of Southeast Myanmar and has been calling for the creation of a democratic federal system since 1976. Although it signed the Nationwide Ceasefire Agreement in 2015, relations with the government remain tense.

The guarantee of safety and security is a core condition of facilitating voluntary returns, which means that organised returns to certain areas are still not possible. The distribution of KHRG interviews reflects that problem. But even in areas considered “safe to return,” KHRG found that issues of security and safety continue to be a problem given the lack of any systematic demining operations in Karen areas. Landmine awareness training is provided to returnees, and is taking place in many areas of heavy resettlement, but landmines and UXO contamination are still present in certain locations, and thus pose a threat to villagers’ safety and can impact movement and livelihood. The on-going presence of ethnic armed groups and military activity also leads returnees to worry about the return of conflict and feel distrust in the peace process.

The claims of repatriation initiatives to ensure the voluntary, safe and dignified return of displaced people and promote sustainable reintegration are not yet being fully met. The shortcomings of repatriation initiatives need to be addressed in order to ensure that future returnees, especially to rural areas, are provided not only adequate support, but also accurate information about the possibilities for sustainable reintegration.

Designated repatriation/resettlement sites

While some refugees and IDPs have been able to return to their village of origin, others have resettled in other villages or in designated repatriation and resettlement sites that have specifically been set up to receive returnees. These sites are locations that repatriation and resettlement agencies (like UNHCR) and/or the local government have determined meet certain minimum standards, like access to means of livelihood (e.g., housing and suitable land), healthcare, water and educational facilities, and thus are proposed to refugees as possible repatriation locations. There is considerable variation in the structure and organisation of these settlements, but typically some sort of donor support was provided for the construction of new houses and facilities, and/or the allocation of land. KHRG was not able to access any official list of designated repatriation/resettlement sites, although some of the larger sites are commonly known as such. For this report, information gathered from interviewee statements about their return village/site (e.g., “this village was set up for returnees”) was used to determine which sites qualify for that designation.

Return villages and designated repatriation/resettlement sites



This photo was taken in Ma Yah Hpin village, Moon (Mone) Township, Kler Lwee Htoo (Nyaunglebin) District on June 24th 2017. The photo shows houses in Ma Yah Hpin village, where IDPs have returned. *[Photo: KHRG]*



This photo is from a video taken of Kaw Lah village, Kaw T'Ree (Kawkareik) Township, Dooplaya District on February 6th 2020. Kaw Lah village is one of several designated repatriation/resettlement sites for returnees. Pictured is the three hundred Houses area where new housing was built for refugee and IDP returnees. *[Photo: KHRG]*

Recommendations

The following recommendations are derived from the research, analysis, and key findings elaborated by KHRG in the present report. Recommendations offered directly by interviewees are included in the body of the report (see Chapter 5: Perspectives and recommendations of returnees).

General recommendations

To the Myanmar Government, UNHCR, CBO-CSOs – Monitor the situation of UNHCR- and government-sponsored returnees; and conduct individual follow-up in cooperation with the local CBO-CSOs on a regular basis in order to identify the needs of returnees and provide them with adequate support.

To the Myanmar Government, EAOs, UNHCR, donors – Conduct research to map return areas and assess the scope of spontaneous refugee and IDP returns; work in collaboration to identify spontaneous and IDP returnees' most pressing needs and develop tailored assistance programmes to help them resettle and rebuild their lives.

To the Myanmar Government, EAOs, UNHCR, donors – Identify the organisations that already provide assistance and services to returnees; provide them with the necessary access, and operational and financial support required to continue their activities.

Return

To the Myanmar Government, UNHCR, donors, INGOs – Increase the provision of humanitarian assistance to refugees and IDPs still displaced in camps and temporary shelters, since the reduction of rations can be considered a form of coercion to return or resettle.

To UNHCR, CBO-CSOs, INGOs – Continue working with the Thai government to create settlement opportunities and legal residence in Thailand for refugees who choose not to repatriate.

To the Myanmar Government, UNHCR – Improve return travel conditions and assistance for returnees, including proper transport and adequate provision of food and water to UNHCR-repatriated refugees travelling to their repatriation areas.

Legal documentation

To the Myanmar Government, UNHCR – Provide better coordination in assisting repatriated refugees' access to legal documentation during the repatriation process, including support to finalise and obtain their documents in a timely manner once in their return areas.

To the Myanmar Government – Ease the administrative requirements for the obtainment of civil documents, taking into consideration the specific constraints encountered by IDPs and refugees (i.e., name variations, inability to obtain certain supporting documents).

To the Myanmar Government, INGOs – Facilitate the obtainment of legal documentation by providing support services for IDP and refugee returnees, as well as more inclusive ethnic language provisions for administrative services in rural communities.

Access to justice

To the Anti-Corruption Commission of Myanmar – Step up the fight against corruption within the justice system to restore the trust of the population in the judiciary, including by setting up more local offices throughout the country and actively encouraging the reporting of instances of bribery.

To the Myanmar Government – Allocate enough resources to support the expansion and activities of the Anti-Corruption Commission of Myanmar; and move forward with the adoption of a comprehensive Whistleblower Protection Bill to protect those who denounce instances of corruption.

To the Myanmar Government, EAOs, CBO-CSOs – Conduct awareness workshops in returnee communities to promote a better understanding of human rights and the current justice systems in Southeast Myanmar; and facilitate recourse to legal mechanisms.

Civic participation

To the Myanmar Government, CBO-CSOs – Provide voter education and raise awareness about the importance of citizen participation in the election process in returnee communities.

To the Myanmar Government – Facilitate electoral registration in returnee communities ahead of the 2020 election, and set up enough polling stations to allow rural communities to exercise their right to vote.

To the Myanmar Government, EAOs, CBO-CSOs – Promote the participation of women in local decision-making mechanisms, including through gender awareness workshops in return communities.

To the Myanmar Government, EAOS – Develop mechanisms to monitor discriminations and protect returnees from discriminatory practices in their new communities.

Livelihoods

To the Myanmar Government, EAOs, UNHCR, CBO-CSOs – Develop provisions for returnees to secure land and land titles, including through the direct allocation of land, financial and administrative support, land subsidies and/or the regulation of local land prices; and assist them in rehabilitating/preparing their lands to ensure their viability for agriculture.

To the Myanmar Government, UNHCR, CBO-CSOs – Provide appropriate vocational training to help the returnees rebuild their livelihoods in rural areas.

To the Myanmar Government, EAOs, CBO-CSOs, INGOs – Provide support to small-scale farming communities to help them access and establish agricultural markets, notably in return areas.

To the Myanmar Government, EAOs, UNHCR – Create tailored assistance packages to cover the needs of the returnees until they are able to re-establish sustainable livelihoods.

Housing

To the Myanmar Government, EAOs, UNHCR – Provide durable housing in repatriation areas for UNHCR returnees; and ensure that they have access to affordable, socially sustainable electricity, clean water and the necessary household items for reinstallation (i.e., bedding, kitchen items, mosquito nets).

To the Myanmar Government, EAOs, donors, INGOs – Put in place due diligence measures to prevent the awarding of contracts to companies with military links for the construction of housing in repatriation sites.

To the Myanmar Government – Improve access to clean water and affordable, socially sustainable electricity, and develop and encourage adapted waste management systems in the rural areas of Southeast Myanmar, notably in return communities.

To the Myanmar Government, EAOs, CBO-CSOs – Support refugees who returned spontaneously and former IDPs by helping them rehabilitate or build durable housing.

Education and healthcare

To the Myanmar Government, EAOs – Improve overall access to education and healthcare in the rural areas of Southeast Myanmar, including through the construction and staffing of new schools and clinics.

To the Myanmar Government, UNHCR – Ensure that education and healthcare facilities are available within a reasonable distance of designated repatriation sites and are staffed to meet the increasing needs of these settlement areas.

To the Myanmar Government – Develop mechanisms to monitor curriculum differences between education in the camps and education in government schools, and that support pedagogical continuity for returnees.

To the Myanmar Government – Facilitate access to government schools for the children of IDPs and refugees who returned spontaneously, and provide equivalency support for those who did not attend government schools.

Physical security

To the Myanmar Government, Tatmadaw, EAOs – Ban the continued use of landmines, mark all areas contaminated by landmines and unexploded ordnance (UXO), and inform the local communities of their location for their safety.

To UNHCR, CBO-CSOs – Continue promoting and carrying out Mine Risk Education activities in return communities, IDP camps in Myanmar and temporary shelters in Thailand.

To the Myanmar Government, EAOs, UNHCR – Ensure that there is no landmine or UXO contamination in the immediate vicinity of designated repatriation sites.

To the Myanmar Government, Tatmadaw – Demilitarise areas close to repatriation sites, villages and livelihood areas by removing existing troops and dismantling army camps; and ceasing patrols in or near civilian areas.

Methodology

This report draws on interviews with refugees and IDPs, as well as local leaders directly involved in the resettlement process in their village. It does not include interviews with the larger stakeholders and organisations that facilitate repatriation and assist in resettlement (like UNHCR and the Myanmar government) or the smaller civil society organisations (CSOs) that may have played a contributing role. While it might be argued that presenting the views of stakeholders and responsible organisations would provide a more balanced view of the return process, that is not always the case when marginalised and excluded populations are involved. KHRG's intention is to privilege the voices of the returnees. As the returnees themselves repeatedly note, there has been virtually no follow-up with them by relevant organisations and stakeholders since their return. Thus, they have yet to communicate their experiences of return to the stakeholders that are responsible not only for *their* repatriation and resettlement, but that of future returnees. In presenting extensive excerpts from the interviews, KHRG seeks to honour their voices and ensure that their experiences and concerns are actually heard.

Field research and data

Research for this report consists primarily of oral testimonies, gathered via audio-recorded semi-structured interviews based on a pre-established questionnaire prepared by KHRG staff. The interviews were conducted by a network of researchers who are local community members, trained and equipped to employ KHRG's documentation methodology.¹⁷ All participants were informed of the purpose of the interviews and provided consent to be featured in this report. Interviews were conducted in S'gaw Karen, as well as Burmese language.

There are two sets of interviews that were used for this report. One set was from the previously collected interviews used for the June 2019 news bulletin. KHRG originally conducted interviews with 13 repatriated refugees and three local leaders in Mae La Way Ler Moo¹⁸ and Lay Hpa Hta¹⁹ resettlement sites in March and April 2019. From this original set, interviews with only 11 of the 13 returnees were usable for the current report. All three of the interviews with local leaders have however been used.

In addition to those interviews, KHRG conducted 30 interviews between November 2019 and March 2020 with:

- 28 repatriated refugees and IDP returnees;
- 1 IDP living in a displacement site which has now turned into an informal resettlement site;
- 1 local leader, the Karen Women's Organisation (KWO) chairwoman in Ei Tu Hta IDP camp.

Altogether, KHRG interviewed 40 returnees (21 men and 19 women); and 4 local leaders (2 men and 2 women).

The interviews were conducted in 20 villages spread across all 7 districts within KHRG's operation area. 24 of the returnees interviewed are currently living in villages that have been designated as repatriation or resettlement sites: Mae La Ta Law Thaw, Mae La Way Ler Moo Lay Hpa Hta, Kaw Lah, and Htee Th'Bluh Hkee. In these locations, interviews were conducted only with UNHCR-assisted or spontaneously repatriated refugees. This was not an intentional choice.

¹⁷ KHRG's full documentation philosophy and methodology is available upon request.

¹⁸ Formerly known as Mae La Hta.

¹⁹ Also known as Ma Taw Htoo in Karen and Zi Pin in Burmese.

IDPs have also settled in these sites but do not figure among those interviewed. These repatriation and resettlement sites are all located in Dooplaya and Hpa-an Districts. With the exception of one interviewee, all other interviewees in these two districts have settled in one of these designated sites. The predominance of interviews in these two districts (Dooplaya and Hpa-an) is reflective of the current political climate in Southeast Myanmar, since designated repatriation/resettlement sites have primarily been selected in areas that are relatively more stable and secure.

All four interviewees in Thaton District are IDPs who returned to their village of origin, Htee Hsee Baw Hkee. In Toungoo, Mergui-Tavoy, and Hpapun Districts, KHRG conducted interviews with a mixture of IDPs and spontaneous returnees from the Thai–Myanmar border camps, many of whom have now returned to their original area, but not necessarily their original village. All five of KHRG interviewees in Nyaunglebin District are IDP returnees, some of whom have returned to their original village.

The current sample of interviews does not match the global trends in return strategies for Southeast Myanmar. As previously mentioned, the vast majority of returns have been spontaneous, yet KHRG interviews were predominantly with those who returned through the UNHCR tripartite agreement. Because these returnees have primarily been placed in large, accessible settlement areas, it is much easier to gather information from and about this population. Given the constraints in identifying spontaneous returnees, both refugee and IDP, research will likely continue to underrepresent these returnees and fail to fully capture their experiences unless concerted effort is made in the future to access these populations.

Note on COVID-19: At the time that KHRG researchers were completing their interviews, border closures and travel restrictions began spreading through Thailand and Myanmar. This situation limited the ability to conduct follow-up interviews, as well as additional, more targeted interviews.

Research areas

KHRG operates in seven areas in Southeast Myanmar: Doo Tha Htoo (Thaton), Taw Oo (Toungoo), Kler Lwee Htoo (Nyaunglebin), Mergui-Tavoy, Mu Traw (Hpapun), Dooplaya and Hpa-an.²⁰ When KHRG receives information from the field, it organises data according to these seven areas. These are commonly referred to as “districts” and are used by the KNU, as well as many local Karen organisations, both those affiliated and unaffiliated with the KNU. KHRG’s use of the district designations in reference to our research areas represents no political affiliation; rather, it is rooted in the fact that many rural communities commonly use these designations.

Additionally, KHRG uses the term “Myanmar” in its analysis. The country was officially named Burma until the military regime changed the name to Myanmar in 1989.

When transliterating Karen village names, KHRG utilises a Karen language transliteration system that was developed in January 2012 in cooperation with 14 other local Karen community-based organisations (CBOs) and non-governmental organisations (NGOs) to ensure consistent spelling

²⁰ For clarity, the Burmese terms used for these districts are provided in brackets but do not correspond with the Myanmar government administrative divisions.

of place names. When transliterating Myanmar language place names, KHRG uses the official spelling used by the Government of Myanmar.

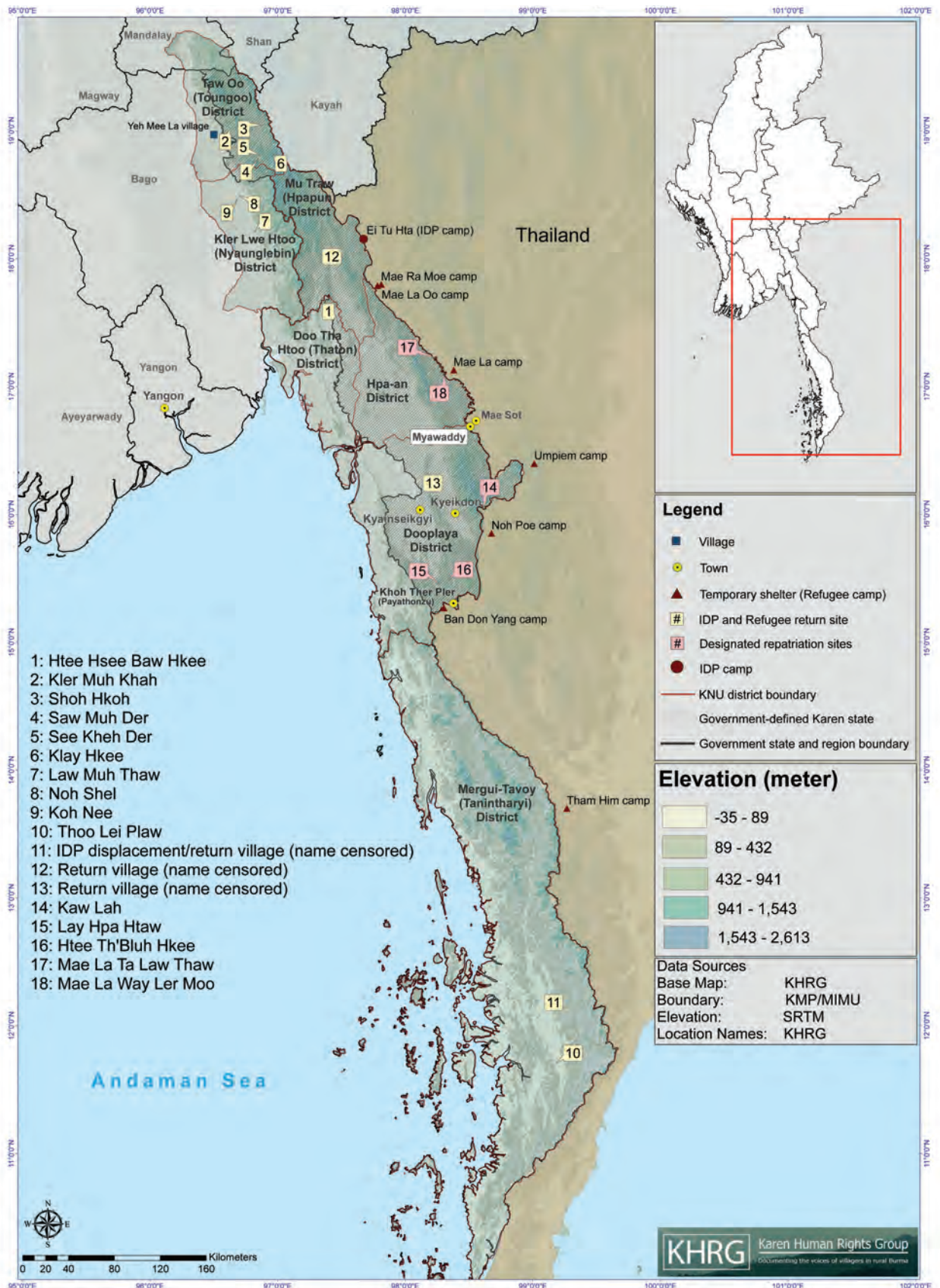
Sources and referencing

The information in this report is based directly upon testimonies offered by villagers and local leaders. In order to make the data in this report transparent and verifiable, all testimonies and examples cited have been footnoted to source documents numbered #1 through #43, which are available in an Appendix on KHRG's website. In addition to the data collected through interviews, KHRG consulted and analysed other external sources to gather policy and legal information, as well as statistical and contextual information, which have been referenced using standard citation format. Previously published KHRG reports were also used in the preparation of this report and have been referenced using standard citation format.

Censoring of names, locations, and other details

Where quotes or references used in this report include identifying information that KHRG has reason to believe could put villagers in danger or at risk, this information-notably, the names of individuals or villages-has been censored using an alphabetised system. Village and personal names have been censored using single and double digit letters beginning from A--- and running to Z---. The censored code names do not correspond to the actual names in the relevant language or to coding used by KHRG in previous reports. The censored names in the body of this report do, however, correspond to the censored names in the Appendix (on KHRG's website). All names and locations censored according to this system correspond to actual names and locations on file with KHRG. Thus, censoring should not be interpreted as the absence of information. In some cases, further details have been withheld for the security of villagers and KHRG researchers.

Map 1: Refugee and IDP return areas and settlement sites in Southeast Myanmar (from KHRG interviews)



Terms and Abbreviations

BGF	Border Guard Force
CBO	Community-Based Organisation
CIDKP	Committee for Internally Displaced Karen People
COI	Certificate of Identity
CSC	Citizenship Scrutiny Card
CSO	Civil Society Organisation
EAO	Ethnic Armed Organisation
FAO	Food and Agriculture Organization of the United Nations
IDP	Internally Displaced Person
IOM	International Organization for Migration
JMC	Joint Ceasefire Monitoring Committee
KECD	Karen Education and Culture Department
KESAN	Karen Environmental and Social Action Network
KNDO	Karen National Defence Organisation
KNLA	Karen National Liberation Army
KNU	Karen National Union
KNU/KNLA PC	KNU/KNLA Peace Council
KORD	Karen Office of Relief and Development
KRC	Karen Refugee Committee
KSNG	Karen Student Network Group
KWO	Karen Women's Organisation
KYO	Karen Youth Organisation
NCA	Nationwide Ceasefire Agreement
NGO	Non-Governmental Organisation
NIC	National Identification Card
RSD	Refugee Status Determination
RTG	Royal Thai Government
TBC	The Border Consortium
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Fund
UXO	Unexploded Ordnance
VRC	Voluntary Repatriation Centre

Language notes and special terms

<i>Naw/Saw</i>	Karen S'gaw female/male honorific title.
<i>Daw/U</i>	Burmese female/male honorific title for a married woman/man or a woman/man of a higher social position.
<i>longyi</i>	Sheet of cloth widely worn by men in Myanmar, wrapped around the waist and often sewn into a cylindrical tube.

Use of the term “refugee camp”:

Since the Thai–Myanmar border encampments are technically not “refugee camps,” KHRG has used the official term of “temporary shelters” or simply “camps” in referring to these locations. Most KHRG interviewees, however, used the terms “camp” and “refugee camp” interchangeably (as “shelter” designates a building or housing structure). Despite the potentially misleading nature of the term, the use of “refugee camp” has been preserved in the quoted interviews used in this report. Due to translation issues, “refugee camp” has also been used instead of “temporary shelter” in other parts of the report for the Burmese translated version.

Currency

baht	Currency of Thailand. All conversion estimates for the baht in this report are based on the July 1 st 2020 official live market rate of 1 baht to USD 0.03231 (taken from https://transferwise.com/gb/currency-converter/).
kyat	Currency of Myanmar. All conversion estimates for the kyat in this report are based on the July 1 st 2020 official live market rate of 1 kyat to US \$0.00072 (taken from https://transferwise.com/gb/currency-converter/).

Chapter 1: Return experiences and return organisation

Return experiences and the organisation of returns can have a significant impact on reintegration. Given the different categories of returnees, it is important to understand the different contexts through which their returns take place. This chapter draws on KHRG interviews with returnees to outline in detail the factors that have shaped their return decision, the manner in which they have returned, and the types of assistance that were or were not made available to them. It also evaluates UNHCR's mandate of ensuring the voluntary, safe and dignified return of displaced populations based on the experiences of return described by KHRG interviewees.

A. Return decision

i. Return decision: refugees

*"We were tired of living in the camp. There is no freedom of movement. We would like to go somewhere, like be able to collect vegetables from outside of the camp, but the Thai [authorities] would not allow us to go anywhere so we would sneak out of the camp and work as day labourers [for our family income]. We learned about the situation in Karen [State] and that people there could live, so we thought that we would be able to live like them."*²¹ (Naw A---, former resident of Mae La camp)

In KHRG interviews with returnees, the primary reasons for return among refugees were: decreasing rations and support in the camps, restrictions on movement, and an overall desire to live in their own country.²² These three factors were heavily intertwined. Decreasing rations and support within the camp made it more difficult to satisfy livelihood needs without being able to leave the camp. Restrictions on the ability to exit and re-enter the camp, along with fears of being targeted by Thai police, made refugees feel as though they were living in a place that was not their own and that did not accept them. Unable to freely participate in life outside the camp, the decreasing rations and support increased the necessity to look to solutions elsewhere for meeting their livelihood needs.

The signing of the NCA in 2015 brought hope on the part of the international community that refugees would soon be able to return to Myanmar. Refugees themselves and local aid and protection organisations that were familiar with the situation on the ground, including KHRG, were dubious of the possibility for return at that time. International organisations and donors, however, began directing their efforts toward repatriation, and funding for the temporary shelters along the Thai–Myanmar border began to drop. KHRG interviewees noted that each year, they seemed to be getting less and less in rations in the camps. Between 2010 and 2017, rice rations actually decreased by half, and well below international minimum nutrition standards. According to the Leitner Center's submission for Thailand's Universal Periodic Review in 2015, "Camp residents suffered from chronic malnutrition and anemia even before NGOs announced in 2011 that they could no longer meet international minimum nutrition standards."²³

²¹ See Source #1.

²² All but one of the refugees interviewed by KHRG had previously lived in a refugee camp on the Thai–Myanmar border. That one refugee lived in a rented apartment and had been able to find employment.

²³ Leitner Center for International Law and Justice at Fordham Law School, "Universal Periodic Review, 25th Session of the UPR Working Group, Stakeholder Submission, Thailand", September 2015.

Naw B---, who resided in Noh Poe camp for 13 years before repatriating back to C--- village in Dooplaya District in 2019, remarked: *“We received less and less support in the refugee camp. [...] The food aid is getting reduced. The other aid such as housing materials is getting reduced too.”*²⁴ Funding cuts also affected other support and services. The Border Consortium (TBC), the primary aid organisation serving the camps, had to “[scale] back ‘non-core’ activities and cut staff numbers and stipends, many of whom come from the refugee community.”²⁵ Aside from a decrease in employment opportunities for refugees, the cuts also impacted healthcare and education in the camps, resulting in clinic closures and rising school fees.

Given the limited opportunities to grow their own crops or earn a living, refugees in the Thai–Myanmar border camps have had little choice but to seek work outside of the camps. The Thai government however does not allow these refugees to work in Thailand, and has placed heavy restrictions on their movement outside of the camps. In order to leave the camps, refugees are required to request a travel permission letter. The cost and duration of validity varies by camp, ranging from 3 to 10 days and costing 200 to 500 baht [USD 6.46 to 16.16].²⁶ Naw D---, who lived in Mae La camp for nearly 30 years, states: *“We could not do anything while living in the camp and it was not easy to work as day labourers [outside of the camp]. We got rations [rice] from the camp but it was not enough for us. So we had to buy more and we had to find work outside of the camp. It was not easy for us because we had to get a travel document to be able to travel outside of the camp. It was valid for 3 to 4 days and it cost 200 baht [USD 6.46] each travel document.”*²⁷

Given the cost and duration of the travel permission, it was difficult for refugees to earn enough to pay for the document, which then made it even more difficult to leave the camps to find work. Naw D--- further notes that: *“You get a travel document and go to work for one day, you will just earn the same amount of payment as the cost of the travel document.”*²⁸ The limited duration, not to mention the ineligibility of refugees to legally work in Thailand, meant that stable work outside the camps would not be possible. Many refugees have talked about the necessity of sneaking out of the camps without authorisation. But such activity also had consequences if caught.

U E--- lived in Mae La camp for close to 8 years prior to returning to Ar--- village, Bu Tho Township, Mu Traw (Hpapun) District on his own. Although he himself did not have problems with the authorities, he states that: *“The refugees are not allowed to go out of the camp. They have to get a permission letter from Palat [Thai term for camp commander]. If you get it, you can go and work outside of the camp. [...] If you go out without permission, you will be arrested and you will be fined or they will cut your rations for 2 months and you will have to do volunteer work [unpaid labour] for 2 weeks.”*²⁹

Naw G---, who was in Ban Don Yang camp for approximately 15 years, sums up the situation as such: *“Life was so restricted when we lived in the camp. We could not find ways to earn an income because we had to follow the camp rules. [...] [W]e could not go out of the camp. It felt like we were under house arrest.”*³⁰ The camps themselves are also heavily secured by Thai military and paramilitary groups. And if refugees do leave the camps without a travel permission

²⁴ See Source #2.

²⁵ “In Thai Border Camps, Funding Cuts Leave Refugees in Limbo”, *Karen News*, November 2017.

²⁶ Thomas WILKIE-BLACK, “Myanmar’s Karen Displaced in a Quagmire”, *Asia Times*, April 2019.

²⁷ See Source #3.

²⁸ See Source #3.

²⁹ See Source #4.

³⁰ See Source #5.

letter or are caught working without proper authorisation, they could be subject to detention, questioning, and arrest by Thai police.³¹

Given the restrictions on their movement, those refugees who opted for repatriation often found the situation in the camps was hindering their ability to create a sustainable life for themselves. That served as a reminder that they are not living in their own country. When Saw H--- and Naw An---, who now live in Mae La Way Ler Moo repatriation site, were asked why they left Mae La camp, Naw An--- responded: *“We would like to come back and stay in our own place, our Karen state so we came back.”*³² Her husband, Saw H--- added: *“When we were in the camp, we could not go anywhere and we did not dare to go anywhere. So when we stay here, we can go freely.”*³³ Saw J---, who had been in Ban Don Yang before repatriating through the UNHCR in 2019 to Lay Hpa Htaw repatriation site, adds: *“The problem was it is not our country, we could not work or find a job easily. It was not easy to plan and work for our future.”*³⁴

ii. Return decision: IDPs

Although technically not living in a foreign country, IDPs, like refugees, struggle with the challenges of displacement. Like refugees, they also expressed a strong desire to “return home” — to be back in a place where they are able to be self-sufficient and work toward creating a sustainable future for themselves. However, return decisions among IDPs also varied depending on their displacement situation — that is, whether living in a designated IDP camp, or living in more informal displacement sites (often unknown, “unrecognised,” and unreachable by aid organisations).³⁵

IDPs often move between various “hiding sites” in small groups, or resort to living on the outskirts of other villages, or with family and friends. Among IDPs in informal displacement sites, the primary reason for return was tied to living in temporary situations, often on other people’s property, and not having any land or place of their own. Saw K---, who was forced to leave his village of Noh Shel in 1974/5 and was unable to return until 2016, stated: *“We were displaced and stayed on [other] people’s land. We did not have land to work on, a place to live or enough food to eat. We had limited land and property. When we got a chance to return and live in our village, it was like a release, and we could work on our lands freely.”*³⁶

IDPs living in displacement camps expressed similar concerns to those expressed by refugees. In some of these camps, IDPs were provided with cross-border food support by aid organisations. However, limited rations and work opportunities in the camps have made the possibility of returning to their village highly attractive. Saw L---, who left Ei Tu Hta camp in 2014 to return to Saw Muh Der, his original village, noted that: *“[t]he food condition was good when we first arrived in the camp. Later, it started getting worse. We [initially] got a lot of support from donors and got enough oil, salt and fish paste but after a year we did not get oil and fish paste. We only got rice but it was not enough for us. It was so hard for us to live there so we came back here.”*³⁷

³¹ Human Rights Watch, “Ad Hoc and Inadequate: Thailand’s Treatment of Refugees and Asylum Seekers”, September 2012.

³² See Source #6.

³³ See Source #6.

³⁴ See Source #7.

³⁵ The UNHCR has made an effort to assess the locations where IDPs and refugees have returned or resettled. See UNHCR, “Return Assessments — Kayin State”, March 2018.

³⁶ See Source #8.

³⁷ See Source #9.

In discussing the situation in Ei Tu Hta camp, KWO camp chairwoman Naw Thel Nay states: *“[W]hen people from Ei Tu Hta camp were asked about their willingness to repatriate, some people thought that if they continue to live in the camp, they will not get their share [of food] anymore. On the other hand, they thought that if they go back to their own places, there will be a security issue for them. But if they live in the camp, they will not get food and they will have no place to work for their livelihood so they chose to go back.”*³⁸

It should be noted that in recent years the situation has become extremely dire in IDP camps. Funding for Ei Tu Hta camp was cut entirely in 2017. In 2016, there were as many as 3,400 internally displaced persons living there.³⁹ A few NGOs were able to secure minimal support from other donors so that they could at least continue to provide rations for children under the age of five, but there are still high rates of malnutrition and many families have had to send their children away. Medical services have also become extremely limited.⁴⁰ Moreover, the funding cuts caused concern about impending camp closure. This led IDPs in the camp to feel even greater pressure to return to their village despite serious safety issues. Because the security situation is still highly unstable, some who do return choose to settle just outside their village to protect themselves from possible harm or danger. Naw Thel Nay explains: *“Some people went back [but] live beside the village because they cannot live inside the village. They live beside the village and do farming and plantation for their livelihood. But they still have security concerns.”*⁴¹

Security concerns were felt by many IDPs (not just those from the camps) in deciding to return. In some early cases, IDPs were told they could return, but without being offered any protection. Saw M--- was first displaced when just a child, and then faced displacement two more times from his village of Koh Nee. After the initial (2011/2) ceasefire agreements, he was told by a member of the Committee for Internally Displaced Karen People (CIDKP) that he could return again even though the safety of returnees could not be guaranteed: *“CIDKP told us that we can now go back to our village but they will not guarantee to take full security for the local people. However, they said we can go back if we want.”*⁴² CIDKP’s primary activities are relief assistance to displaced peoples. Security issues and authorising return are actually outside the scope of their responsibilities, so any recommendation to return would have been unofficial.

Despite the on-going security concerns, he (along with 42 other households) chose to return in 2012/3 and take their chances: *“I had concerns and was afraid to stay in the village as well. We tried to stay in the village because we love our lands, our village and our place here. Therefore, I said that I will just stay here no matter what and I will die here too. If my children would like to go to another place, they can go. I won’t go anywhere. I have endured the obstacles and difficulties in this place but now we have a chance to work on the lands of our ancestors. We [the people who left and are living here] help and advice each other. We can face the difficulties in everyday life by the grace of God.”*⁴³

Saw N---, who is also from Koh Nee village and in charge of arranging accommodation for IDPs in Koh Nee, adds: *“We decided to return to the village. If we are told to displace again, we will have to do so. It is because we have been displaced and living so many years in other people’s*

³⁸ See Source #10.

³⁹ S’Phan Shuang, *“End of Funding will Force Ei Tu Hta Karen Displaced People’s Camp to Close”*, *Karen News*, February 2016.

⁴⁰ Thomas WILKIE-BLACK, *“Myanmar’s Karen Displaced in a Quagmire”*, *Asia Times*, April 2019.

⁴¹ See Source #10.

⁴² See Source #11.

⁴³ See Source #11.

farms. *The land owners would just like to work in their farms.*⁴⁴ In some cases, IDPs have become so accustomed to displacement that the lack of assurance of a stable situation is not a deterrent to returning to their village. If fighting broke out, they would simply displace again. According to Saw M---: *“We just displace to the usual areas that we have in the past.”*⁴⁵

Although told by their leaders that they could (or even should) return, the IDPs KHRG interviewed often took measures to investigate the situation for themselves. Concerned not just about their safety but also about their ability to farm and the condition of their lands, returnees to Koh Nee went to visit the village prior to making any decision. Saw N--- explained: *“At first, displaced villagers did not trust [that they can go back to live in their village] because they were afraid [to go back]. [...] Among villagers, we discussed returning to live in our village. [...] Villagers were enthusiastic to come back to the village if their long-term crops were still good. We then went to see the situation in the village first. We decided to return.”*⁴⁶

Like refugees, IDPs also expressed the desire to return to their place of origin, to work the land of their ancestors: *“We love our village and areas here. We just want to stay in our own village because the place where we go to stay is not our village and our area. We know our village and our areas passed down by our ancestors.”*⁴⁷

B. Return scenarios and strategies

From interviews with returnees, KHRG has been able to identify a variety of return scenarios. Some individuals and families returned spontaneously, meaning that they returned on their own with no assistance from any organisation. Others were part of a facilitated return process, in most cases through a tripartite agreement between UNHCR and the Myanmar and Thai governments, who then worked with local actors like the KNU/KNLA Peace Council,⁴⁸ as interviewees in Hpa-an District noted. In other cases returns were facilitated directly through the Karen National Union (KNU). Others returned through a combination of strategies, often to adapt their return more fully to their particular needs. Among KHRG interviewees, IDP returns have tended to be more spontaneous, while refugee repatriations have mostly been facilitated. This breakdown is actually not representative of larger return trends. Although refugees living in the camps do have more opportunities for facilitated returns, the vast majority of all returns to Southeast Myanmar, whether IDP or refugee, are spontaneous.

i. Refugee returns facilitated by UNHCR

Of the 24 refugees interviewed, 14 participated in a facilitated return through UNHCR, and of those, 13 returned as part of the UNHCR’s third initiative in February 2019 (one returnee did

⁴⁴ See Source #12.

⁴⁵ See Source #11.

⁴⁶ See Source #12.

⁴⁷ See Source #11.

⁴⁸ The KNU/KNLA PC is an armed group based in the Htoh Kaw Koh village tract area, Hpa-an District. It split from the Karen National Union (KNU) and signed a ceasefire agreement with the Myanmar government in 2007, but refused to transform into a Border Guard Force (BGF) in 2010. It signed the Nationwide Ceasefire Agreement in October 2015.

not specify the date).⁴⁹ It is likely that two other interviewees returned through UNHCR, but they did not specifically state that. For most UNHCR returnees, they were told while in the camps that they could return to Myanmar. In 2016, UNHCR established Voluntary Repatriation Centres (VRCs) in the Thai–Myanmar border camps in order to provide information about repatriation, and to assist refugees interested in repatriation and facilitate their return.

KHRG interviews with returnees, however, revealed little about their experience of the initial registration process (or about the information they were provided through the VRCs).⁵⁰ Naw A---, who repatriated to Mae La Ta Law Thaw repatriation site from Mae La camp in February 2019, states: *“I do not know. I just got information that we could apply for the return so I did it. Next, they called us for interviews around four times and then we could return.”*⁵¹

Saw P---, who had been in Ban Don Yang camp before repatriating to Lay Hpa Htaw in February 2019, told KHRG that: *“The VRCs were formed and announced that people who want to come back to Myanmar can apply for it by their own decision. Later they interviewed us and processed it step by step. [A representative from] the Myanmar Embassy also met with us. We had to wait over 10 months and almost a year for the process to be confirmed.”*⁵²

Although a “vetting” process is common in situations of repatriation, UNHCR recommends that the initial verification of possible returnees be handled by UNHCR staff along with host country officials, particularly if an extensive refugee registration process already exists in the camps. According to UNHCR, “it is suggested that there be a ‘presumption’ that if the individual is Registered and/or Verified by RTG [the Royal Thai Government] and UNHCR, they are entitled to return home, whereupon they can further document themselves through the usual identity document processes upon arrival at their return destination.”⁵³ But it would seem that Myanmar government officials insisted on conducting nationality interviews themselves at the VRCs in order to verify the identity of the applicants and issue Certificates of Identity (COIs) to them. In its initial assessment of the repatriation process, UNHCR noted that these interviews often made potential returnees feel as though they were being interrogated.⁵⁴ The Myanmar government has continued to conduct the interviews despite the UNHCR’s recommendation to stop.⁵⁵

Interviewees also noted that they received risk awareness training regarding landmines and UXO (unexploded ordnance) prior to their departure. This kind of training for returnees is a key component of repatriation operations, and is linked to UNHCR’s mandate for voluntary repatriation and reintegration in ensuring the physical safety of returnees.

⁴⁹ To date, the UNHCR has organised 4 voluntary facilitated repatriation initiatives for Myanmar refugees living the Thai–Myanmar border refugee camps. The first, in October 2016, the second, in May 2018, the third, in February 2019, and the most recent, in July 2019. Not all returnees were Karen (and none were Karen in the most recent facilitated return). See “UNHCR Organizes Repatriation of 161 Refugees from Thai Camps”, *Karen News*, May 2016.

⁵⁰ UNHCR produced an instructional video detailing the repatriation process. The information is presented as an explanation for refugees. It was posted to the UNHCR-sponsored Thailand–Myanmar Cross Border Operational Portal Facebook page on May 24th 2019. See UNHCR, *Facilitated Voluntary Repatriation Process*, n.d.

⁵¹ See Source #1.

⁵² See Source #13.

⁵³ UNHCR, “Facilitated voluntary repatriation from Thailand to Myanmar: A “Win-Win” in actualizing the New York Declaration”, n.d.

⁵⁴ UNHCR, “Voluntary Repatriation to Myanmar: verified refugees residing in the nine Temporary Shelters. Aide Memoire”, September 2017.

⁵⁵ See UNHCR informational video: UNHCR, *Facilitated Voluntary Repatriation Process*, n.d.

a. Return travel conditions

If returnees had little to say about the registration process, they often had much to say about their return travel experiences.⁵⁶ All of the respondents said that they had no problem on the Thai side — the travel arrangements in Thailand were well-organised and comfortable. Their main issue was with the travel arrangements on the Myanmar side, that is, after arriving in Myawaddy. All of the UNHCR returnees interviewed by KHRG passed through Myawaddy, which is the only border checkpoint that is authorised to process the repatriation of refugees heading back to Southeast Myanmar.⁵⁷ Because of that, the organisation of transportation to Myawaddy seemed to be quite straightforward (and more centrally organised through the Thai government and International Organization for Migration [IOM]). Transportation on the Myanmar side was more complicated because UNHCR was working with the Myanmar government as well as local authorities and agencies. Refugees were also being brought to a variety of locations across the different Karen State districts (as well as elsewhere in Myanmar for other ethnic refugees).⁵⁸

Although the majority of returnees said that the trip from Myawaddy back to their village was difficult, it proved more difficult for some than for others. One returnee interviewed by KHRG recounts at length the conditions she encountered during her return to Myanmar. Naw B--- returned from Noh Poe camp to C--- village, Kya In village tract, Noh T’Kaw (Kyainseikgyi) Township, Dooplaya District in February 2019 through UNHCR’s third and largest facilitated repatriation initiative (which included 535 refugees total). According to Naw B---, about 10 other households from Noh Poe camp came back with her (see insert next page).

Different travel arrangements were made for returnees once they arrived in Myawaddy. Much depended on coordination between the Myanmar government and local (township and village) authorities — which broke down in some cases. Saw J---, going to Lay Hpa Hta repatriation site from Ban Don Yang camp, confirms: *“We could see that the Myanmar government did not organise the transportation for us well. It seemed like the communication was not good so we could not ride the car on time.”*⁵⁹

⁵⁶ Further discussions of returnee travel conditions can be found in a previously published KHRG news bulletin. See KHRG, [“If I had known, I wouldn’t have returned to Myanmar: Shortcoming in Refugee Repatriation and Reintegration”](#), June 2019.

⁵⁷ Other border checkpoints exist for repatriation areas in northern Myanmar.

⁵⁸ Note, however, that in KHRG interviews, refugees returning through UNHCR were concentrated in Dooplaya and Hpa-an Districts.

⁵⁹ See Source #7.

“During the trip in Burma [Myanmar], nobody looked after us. There was no protection for us.” – Naw B---

“Everything was going well when we travelled from Noh Poe refugee camp to Myawaddy. They [UNHCR and the Thai government] took all the necessary measures to protect us during the trip. It was 3 pm when we arrived in Myawaddy. [...] There was a checkpoint in Myawaddy. They questioned us a lot. It took a long time. The [Myanmar government] officers at the checkpoint scolded us because they said that we were not giving them information. They scolded us for a long time.”

“[Myanmar government authorities] provided us rice and egg to eat. However, I knew that things were not going well with the food service. I got a letter card [coupon] so I could go eat in the dining room. If we do not get a letter card, we cannot go to eat. [...] Some of my friends did not know what was going on so they did not get a letter card for food. I told authorities that some of my friends did not get letter cards. Even though we received letter cards, not everyone had a chance to go to eat in the dining room. There was a couple: [...] [t]he husband got a letter card and he went to eat but his wife could not go because all the letter cards were already gone. If I did not go to inform the food providers, she would not have gotten any food. Some people [refugees] felt uncomfortable to tell the food providers.”

“[W]e ate rice and we took a rest. They [the Myanmar government] took photos of us during the welcome ceremony they held for us. Then, we were told that there is no car for us [to go back to the return site]. For the refugees returning to other places in Karen State, cars were already arranged to bring them to their return places. For us, who returned to Kyainseikgyi Township, there was no car for us.”

At first, Naw B--- was told that she and the others would have to spend the night in Myawaddy because the Kyainseikgyi town administrator had not come for them. But that plan changed because the Kyeikdon town administrator came instead and arranged their transportation. To bring them home, he rented 2 large trucks — not intended for passenger travel.

“We got dirty all over our bodies when we got in the big truck because there was the powder of charcoal and cement. We could not wash our clothes when we got to the village because they were so dirty. Anyway, we were dropped off at the big office in Kyainseikgyi town. We arrived in Kyainseikgyi town at 3 am. Even though Myawaddy and Kyainseikgyi are near, it took a long time.”

Her ordeal did not end there because the local authorities in her village needed to sign off on her arrival. Because Naw B--- had not been informed ahead of time, she was not able to make those arrangements.

“In the morning, nobody came to take us. As my village is near Kyainseikgyi town, I informed them that I would like to take a taxi and I would go back to my village on my own. However, they did not let me go. [...] They said that we can only go if other people [local authorities] come to sign the [reception] letter. I did not have time to contact my village head when I came back. Therefore, my village head did not know the situation in advance. In the afternoon, my village head came to take us. Many children were crying as they were hungry. They had not eaten anything yet. Even though I know how to go back to my village, they would not let me go. Many refugees were angry at them and they complained because it was already time to go back. When my village head came to sign the letter for me, I still had to take a taxi on my own. Nobody gave me a ride.”⁶⁰

⁶⁰ See Source #2.

Most complained about the length of the trip (sometimes with long wait times), not being provided information about what was happening, cramped and unclean transportation, and especially, not getting enough food (and not being told when they would be able to get food). One returnee even mentioned being provided rotten food.⁶¹

Naw Q--- describes the trip from Mae La camp to Mae La Ta Law Thaw repatriation site: *“We just received a plate of fried rice, egg and a cup of tea for breakfast. It is not the meal that we usually have for breakfast so we were hungry at noon. However, the people who sent us did not stop for us to have lunch so we could not even buy food and snacks for the children. They passed all the rice shops. Fortunately, when they stopped for petrol at Htee Wa Klay, we were [able] to buy food. When we went to eat, they told us that they would leave so we could not eat, we had to bring the food with us, including the shopkeepers’ spoons to the trucks, [... and] continue eating in the back of the trucks. [...] When we arrived at Meh T’Way Klo rice shop we said to them, ‘Aren’t you going to allow us to have rice? It is the only shop on our way left.’ And then, we [jumped from the trucks] to get rice by ourselves.”*⁶²

Naw D---, who also travelled from Mae La camp to Mae La Ta Law Thaw (date of UNHCR return was not specified), describes a lack of food during the trip and an inability to tell anyone because of the presence of Tatmadaw⁶³ soldiers: *“We got to eat enough food in Mae La refugee camp before we left and we also got rice packs at the Thai immigration office and we ate in Myawaddy. However, we did not get to eat anything after we left Myawaddy until we reached here to the village. [...] We were hungry. [...] [But] we were afraid to tell them because there were a lot of Tatmadaw soldiers — [...] three Tatmadaw soldiers including the driver. I thought one of them was the commander.”*⁶⁴

UNHCR voluntary repatriation guidelines (from 1996) are explicit about ensuring the safety and dignity of returnees, not simply upon their return but also en route and at reception points during travel back to their chosen settlement.⁶⁵ Part of that measure includes making arrangements for food, water and medical care during the movement. As KHRG interviewees point out, there were a number of issues regarding access to food and water, and often little attention to their needs, even when they attempted to voice them. And although most returnees did receive a medical exam prior to leaving the camps, only one said that there was medical accompaniment during their travel.⁶⁶ Others who repatriated at the same time said there was no medical accompaniment. It is possible that only certain groups had medical accompaniment, or it was not made clear to all of the returnees that someone was there to assist in case of need.

Naw B---, whose return travel experience was described above (see insert), says that she was initially sent a letter explaining the conditions of repatriation: *“I received the information letter about the return programme. According to the letter, the Myanmar government is willing to welcome refugees warmly and they will support the refugees fully in terms of education, healthcare, livelihood and housing.”*⁶⁷ Although promised a “warm welcome” by the Myanmar government in the repatriation letter, the overall sentiment among refugees was that they were not properly taken care of once they arrived back in Myanmar. This inattention to their dignity started with their return trip back, and a lack of support continued after their initial return.

⁶¹ See Source #43.

⁶² See Source #14.

⁶³ Tatmadaw refers to the Myanmar military.

⁶⁴ See Source #3.

⁶⁵ UNHCR, *Handbook. Voluntary Repatriation: International Protection*, 1996.

⁶⁶ See Source #15.

⁶⁷ See Source #2.

b. UNHCR return assistance

Regarding facilitated repatriation, there are multiple types of assistance that may be provided to returnees, including monetary, material, transportation, support services, etc. In its strategic plan, the UNHCR specified that it would provide transportation (or transportation costs) and monetary aid to help cover initial reinstallation costs.⁶⁸ It would also make arrangements with partners to ensure access to food for one year, but that amount was reduced to 6 months when the programme actually began. According to TBC, UNHCR continues to advocate for one year of support even though they have not been able to secure the funds to do so.⁶⁹

Refugees consistently noted that they received 9,300 baht [USD 300.48] per adult and 7,500 baht [USD 242.33] per child from UNHCR as part of the repatriation agreement. Although the Myanmar government also provided monetary assistance, the amount seemed to be less consistent. KHRG interviewees cited different amounts: 100,000 kyats [USD 72.50] to 400,000 kyats [USD 290.00] per person; 160,000 kyats [USD 116.00] to 400,000 kyats per family.⁷⁰ Returnees were well aware of this variation in amounts from the Myanmar government. One interviewee said that she thought that they were supposed to receive between 500,000 kyats [USD 362.50] to 1 million kyats [USD 725.00] (per family).⁷¹ Others talked about prior returnees who had received much more assistance. It is difficult to determine why per person amounts varied so greatly. TBC has noted that the extent of support offered by the Myanmar government remains undefined.⁷²

Most interviewees who returned through UNHCR noted that their biggest disappointment and/or frustration came from being promised continued support after their return, yet receiving none. Returnees said that they were told they would receive support for 6 months (some said three) following their return. According to UNHCR, the original sum of 9,300/7,500 baht (per adult/child) was actually supposed to represent 6 months of support. The exact breakdown is as follows: 1,800 baht [USD 58.16] per person to cover return transportation costs; 5,400 baht [USD 174.48] per adult or 3,600 baht [USD 116.32] per child as general reintegration assistance; and 2,100 baht [USD 67.85] (from the World Food Programme) as the equivalent of 6 months of rations.⁷³ This breakdown seemed to be unclear to some returnees, who then wondered why there was no further support after their initial return. Part of the problem stemmed from the fact that the funds received were insufficient to sustain returnees for 6 months. Most said that the amount (including that provided by the Myanmar government) only covered their needs for the first few months, at best.

Naw B---, who resettled in C--- village, Kya In village tract, Noh T’Kaw (Kyainseikgyi) Township, Doolaya District in February 2019, said: *“When we first came back to Burma [Myanmar], they supported us and they gave us aid but it was just enough for one month. We received rice, oil and other food [from the Myanmar government] but it was just enough for a month. The Myanmar government provided 93,000 kyats [USD 67.43] [per person]. The Red Cross, Ministry of Social Welfare, Relief and Resettlement also gave a small donation to us such as clothes and some financial help. If I combine all the money I received from the Red Cross, Ministry of Social*

⁶⁸ UNHCR, “Strategic Roadmap for Voluntary Repatriation: Refugees from Myanmar and Thailand, 2015–2017”, March 2015.

⁶⁹ The Border Consortium, *2018 Annual Report*, 2019.

⁷⁰ See Source #3; and Source #1.

⁷¹ See Source #40.

⁷² The Border Consortium, *2018 Annual Report*, 2019.

⁷³ UNHCR, “Assistance for Verified Refugees Returning to Myanmar through Facilitated Voluntary Repatriation”, April 2018.

*Welfare, Relief and Resettlement and the Myanmar government, I got 470,000 kyats [USD 340.75] in total. I received 93,000 kyats and food such as rice from the Myanmar government but it was just enough for a month.*⁷⁴ She would have also received the standard 9,300 baht [USD 300.48] from UNHCR.

Daw S---, a widow who is now living in Htee Th'Bluh Hkee repatriation site, received the standard UNHCR amount plus 150,000 kyats [USD 108.75] from the Myanmar government. In addition, she received one sack of rice, 2 litres of oil, and a pack of ramen noodles. She states: *"No one supports us with food and [no one] takes care of us. They just gave us food and money in the first month when we came back. [...] When we arrived at Kyeikdon, the Myanmar government told us that they would take care of us for 3 months. They would come and check the situation whether we are doing well. They just came once after we returned 1 or 2 months. They let their workers come and check the situation."*⁷⁵

Returnees in other villages and districts reported no visits at all. Although some understood that donor organisations had intended the assistance to last longer than it actually did, returnees seemed particularly frustrated by the fact that no one had followed up with them. Because of that, they couldn't even let UNHCR or the Myanmar government know about their situation. Naw D---, who lives in Mae La Ta Law Thaw mentions: *"They said they would look after us once in 6 months. But since we came back we have not seen them. I think they should visit us sometime. We would be happy if they come to us. They told us to contact them if we have any problem. They gave us their phone number. [...] So we tried to call them on the phone but we cannot call it. We don't know why we could not call them on the phone. [...] They said that we can call them if we have any problem. When we have a problem, we cannot call them."*⁷⁶

Within the UNHCR's strategic plan, one of the core requirements for facilitating voluntary repatriation is "full UNHCR access to the return location for follow-up support and monitoring."⁷⁷ The annual reports from UNHCR Myanmar also note regular monitoring activity of repatriated refugees. And yet, only one of our interviewees could recall receiving a follow-up visit from UNHCR.

For the first group of returnees, UNHCR arranged for the transportation, but found that many returnees were displeased with the constraints of having to return through the UNHCR (and their timeline) and the large group transportation that often added to travel time.⁷⁸ For subsequent groups, returnees paid for the transportation themselves out of the funds provided to them by UNHCR and the Myanmar government. The transportation was still arranged by third parties (through coordinated efforts between the Myanmar government and local authorities), but returnees paid the transportation costs directly to the driver or agent. In KHRG interviews with returnees, they were quick to note the cost of transportation during their trip, even though they acknowledged that part of the monetary assistance from UNHCR and the Myanmar government was specifically designated to cover transportation. Naw U---, who returned to Mae La Ta Law Thaw through UNHCR in February 2019, even remarked that: *"We just had to pay the transportation fee by ourselves. However, the first repatriated group did not have to pay the transportation fee like us."*⁷⁹ Although UNHCR believed that the new arrangement was meant

⁷⁴ See Source #2.

⁷⁵ See Source #15.

⁷⁶ See Source #3.

⁷⁷ UNHCR, "Strategic Roadmap for Voluntary Repatriation: Refugees from Myanmar and Thailand, 2015–2017", 2015.

⁷⁸ UNHCR, "Voluntary Repatriation to Myanmar: verified refugees residing in the nine Temporary Shelters. Aide Memoire", September 2017.

⁷⁹ See Source #16.

to better serve those repatriating, the returnees KHRG spoke with seemed to interpret it as an expense (financial burden) that has now been transferred to them.

Some returnees also mentioned that they had the additional cost of national ID cards and household registration even though these documents are supposed to be issued free of charge. Although this was part of the repatriation processing that they had to go through in Myawaddy, additional steps were required once back in their village, which then opened the door for the charging of unofficial fees by local administrators. All of these payments during and after the return voyage, not only reduced their actual monetary support, but added to the sense that UNHCR and the Myanmar government were not providing sufficient support to cover their basic repatriation and resettlement needs.

c. UNHCR partnerships

In setting up the tripartite agreement with the Myanmar and Thai governments, UNHCR defined its primary role as that of facilitation and monitoring. The tripartite agreement was not only intended to “positively influence refugees’ confidence in return” but also “induce a stronger engagement by other actors including concerned ethnic groups, humanitarian NGOs, CSOs, development agencies and donors.”⁸⁰ According to UNHCR, in order to facilitate a repatriation that would be both safe and sustainable, the Myanmar government, national organisations, and local communities needed to be involved in the repatriation process from the ground up. We see that most clearly in Hpa-an District, where the KNU/KNLA Peace Council seems to have taken on a very active role.

Interviews with two KNU/KNLA-PC commanders in Mae La Way Ler Moo reveal that the group was actually involved in identifying villages as potential settlement sites for repatriated refugees and in arranging transportation back to the village as well as housing.⁸¹ KNU/KNLA-PC members would meet with UNHCR officials and other donors, they would go to villages to assess the land situation, and make reports.

The KNU/KNLA-PC commanders interviewed by KHRG explain that these partnerships did not unfold the way they expected. They found themselves fully responsible for providing for the needs of the returnees. One of the commanders states: *“They asked us whether we can accept the returnees or not. We [said that we will] accept and welcome them if they would like to come back here but we will not force them to come back. [KNU/KNLA-PC General] Bo Yay Nu met with the UN [UNHCR] and had a conversation about that. The UN said that they will take care of the returnees until they can stand on their own.”*⁸² He adds, however, that they did not fulfil their promise.

His colleague further explains: *“Actually, we do not understand the UN [UNHCR]. After we agreed to welcome and accept the repatriated refugee households in the first group which was around 30 households, they never provided any services or support. It is like they gave us full responsibility to take care of the returnees. We thought that the organisations would support us and work together with us but it turned out like this so we cannot do anything.”*⁸³

⁸⁰ UNHCR, “Voluntary Repatriation to Myanmar: verified refugees residing in the nine Temporary Shelters. Aide Memoire”, September 2017.

⁸¹ See Source #17; and Source #18.

⁸² See Source #17.

⁸³ See Source #18.

Returnees to Mae La Way Ler Moo all talk about the UNHCR and Myanmar government support as being insufficient. Since the original support ran out, they now find themselves reliant on the on-going assistance offered by the KNU/KNLA-PC (primarily General Bo Yay Nu) in the form of rice for those in need. And KNU/KNLA-PC members now feel they have no choice but to continue providing support since it is not coming from elsewhere.

Their current fear is that the UNHCR will continue to send refugees without consulting with them, and without following up to see if they need assistance: “[I]f they have plans to send more returnees here, they should contact us and give enough support for those people. If we can stand [together] and also support the returnees together, it will be enough for us. We would like them to meet with us and discuss the plan. The important thing is to make sure the service providers will offer their support. [...] We cannot look at our people suffering like that. [...] For us, the returnees are our people.”⁸⁴

The problem however is not simply with the UNHCR, which should be verifying that its partnerships are functioning properly. The problem is also that the Myanmar government does not seem to be honouring its part in the tripartite agreement. Although local partners are essential to the provision of support and services, if local partners are the only actors in the supply chain, the burden becomes too heavy on the local community, as in the case of Mae La Way Ler Moo. This problem may eventually produce even greater impacts where the whole community becomes more vulnerable.

Photos: UNHCR’s facilitated voluntary repatriation process



These photos were taken on May 8th 2018 at Noh Poe temporary shelter. This marks the second repatriation initiative by UNHCR and the Myanmar and Thai governments. 93 refugees returned at this time. [Photos: KHRG]



This photo was taken on October 26th 2016 at Noh Poe temporary shelter in Thailand. These refugees, 71 in total, are the first group to have returned to Southeast Myanmar through the UNHCR tripartite agreement with the Myanmar and Thai governments. This photo shows the refugees leaving Noh Poe camp in the transportation arranged by IOM, the Thai government, and UNHCR. [Photo: KHRG]

⁸⁴ See Source #18.

ii. Spontaneous returns (refugees)

KHRG interviewed 8 refugees who returned on their own, five of whom returned prior to the creation of UNHCR's facilitated repatriation programme. As for the other three, we have no return date for one returnee, and the other two chose to return on their own even though the facilitated repatriation programme was already in effect.

An additional four individuals (not included in this tally) also returned spontaneously prior to the UNHCR programme, but then later returned to the temporary shelters along the Thai–Myanmar border specifically to register for the facilitated repatriation.⁸⁵ Of course, not all early returnees would have had this option. To be eligible for a facilitated repatriation, refugees needed to still be registered in the temporary shelters. And in order to stay registered, refugees needed to consciously make that effort and return for the periodic check-ins. TBC conducts a population verification exercise once a year in the camps, at which time all household members must be present and have their identity verified. Monthly ration distributions also require physical presence of residents (or a letter of exemption) and thus serve as an additional monitor.⁸⁶

Most of the refugees that KHRG interviewed had been living in the camps prior to repatriation. Naw V--- is the exception in that she had been living in a rented house and working in Thailand prior to returning to Myanmar on her own in 2014 because of the difficulties of managing her livelihood.⁸⁷ At that time, spontaneous return would have been her only option. She does not mention being registered with any of the temporary shelters, so it is likely that she would not have been eligible for a UNHCR-facilitated repatriation later on either. Naw V---'s situation touches on another problem — that of urban refugees and asylum seekers in Thailand, who have yet to be included in UNHCR-facilitated repatriation initiatives. In addition to their overall lack of protection and vulnerability to arrest and detention, if they do choose to return to Myanmar, they must either do so through their own means or try to get registered in one of the temporary shelters.⁸⁸

U E--- had been living in Mae La camp from 2010 to 2018, and had heard about the facilitated repatriation programme. He was eligible, but chose not to participate. According to him: *“I did not tell anything to anyone [responsible authorities] and just came back. [...] If I let the authorities know, I might have gotten the [repatriation] support from them.”* He had heard however that many refugees from Noh Poe camp had been taken to Yangon and told they need to pay 3 million kyats [USD 2,175] to have a place to live. They now have nowhere to live and seem to be wandering the streets. He adds, *“I was afraid of that so I did not let anyone know about it [returning] and just came back quietly. If I let them know, they might take me somewhere else. I was worried that I could not come back to my family in my village.”*⁸⁹

U E--- is the only Muslim returnee among KHRG interviewees. It is unclear if these kinds of concerns about placement were more prevalent among Muslim refugees. Most of the other returnees interviewed emphasised that they were allowed to choose the location for their return (although some did fear that their choice would not be honoured). It is possible that placement options were much more limited for Muslims. U E--- also notes that he had to be careful on the

⁸⁵ See Source #24; Source #31; Source #14; and Source #3.

⁸⁶ The Border Consortium, *Programme Report*, January–June 2013.

⁸⁷ See Source #19.

⁸⁸ Caleb QUINLEY, “Life in the Shadows: Thailand’s Urban Refugees”, *The New Humanitarian*, September 2019.

⁸⁹ See Source #4.

journey back to his village Ar--- because he had heard that the police would stop and check Muslims in certain areas. He thus tailored his route to avoid any problems.

Naw X--- returned on her own, but would likely have been eligible for a UNHCR-facilitated return. She lived in Mae Ra Moe camp from 2006 to 2016. But her husband had already left the camp to start setting up a place for them in Hkler Muh Khah, Daw Hpa Hkoh (Thandaunggyi) Township, Taw Oo District. She came back with others, but added that her daughter had special needs, which made traveling difficult.⁹⁰

Travel conditions for those repatriating on their own could be difficult, both on the Thai side of the border and the Myanmar side. Naw G---, who repatriated on her own in April 2014 after living in Ban Don Yang camp for 15 years, recounts: *“At first we thought it would be safer to travel on the Thai side because we had a UN refugee ID card. We thought the Thai authorities would recognize the UN [UNHCR] ID card. Nonetheless, it was not useful at all. We could not come back by car on the Thai side so could only send our belongings. We had to communicate with the driver to leave our belongings in a place we could go to pick it up. If we did not do it this way, we would be like beggars [have nothing] when we reached Myanmar.”*⁹¹ Naw G--- mentions that they were also stopped by [Tatmadaw] soldiers at checkpoints in Myanmar and questioned, but were not threatened.

Travel arrangements were often complex undertakings that required negotiation and reliance on personal networks, particularly for long-distance returns. For those returning to villages not far from the border (such as designated resettlement sites like Kaw Lah, Mae La Ta Law Thaw, or Mae La Way Ler Moo), they could often make multiple trips, and even go on foot. For Naw G---, who returned to Tanintharyi Township in the far south of Myanmar, the trip was long and the transportation costs were high: *“I had to pay many 1,000 of Thai baht to get it done. I paid 1,000 [USD 32.31] to one driver and 3,000 [USD 96.93] to the other. We had to negotiate the transportation fees with the driver. I asked him to leave my belongings in Sangkhlaburi [Thailand] and then I asked my nephew to pick me up. He did not charge high fees because he understood my situation of being a refugee. He only took petrol fees. He drove me across five townships to reach the destination M’Naw Roh village. [...] It took 2 weeks. We still had to rent a motorbike to reach here [Thoo Lei Plaw]. We were asked to pay 70,000 kyats [USD 50.75] but I begged the driver to reduce the cost because I didn’t have that amount of money.”*⁹²

These types of issues in return travel do seem to have been reduced for UNHCR-facilitated returnees. Even though there were numerous complaints of poor and objectionable travel conditions, UNHCR returnees did not speak of having to leave their belongings behind or negotiate transportation costs since that had already been done by UNHCR. Returnees through UNHCR-facilitated repatriation were also provided with travel documents (in the form of Certificates of Identity) in order to guarantee their safety when arriving back in Myanmar. Because none of the other interviewees who returned on their own indicated safety issues during their return travel, it is difficult to fully assess travel safety for spontaneous returns during that early period. But it is clear that return travel, whether through the UNHCR or on their own, presents a variety of challenges that increase the vulnerability of returnees.

Even though Naw G--- returned in April 2014 without receiving any assistance from UNHCR or any other organisation, she said that information about repatriation had been provided to her while in the camp: *“[T]hey gave us awareness through video clips, about how to resettle back*

⁹⁰ See Source #20.

⁹¹ See Source #5.

⁹² See Source #5.

in Myanmar. They showed us a video clip in a foreign language and they interpreted for us in Karen. They gave this training because they believed that there was no more fighting in Myanmar and expected us to go back to our village. When we saw that video, we immediately knew that we were supposed to go back."⁹³ She does not state who provided the information.

According to UNHCR, it was still too early to consider voluntary repatriation of refugees in 2015, at the time of the signing of the NCA.⁹⁴ It did, however, commission a Thai NGO to undertake a profiling survey to understand the "demographics and livelihood preferences of the displaced people within the shelters in order to serve as a basis in helping plan their futures beyond temporary shelter life."⁹⁵ Burma Link notes that the survey, which took place from December 2013 to June 2014, and was accompanied by an extensive information campaign, "solicited answers that favour repatriation," and sent a message that voluntarily returning to Myanmar was the best option for refugees in the camps.⁹⁶ Because of memories of earlier repatriation operations (in 1995 and 1996) undertaken by UNHCR and the Thai government that failed to protect the returnees, the survey also fuelled fears of premature repatriation and led refugees to protest against the survey and the message it carried.

The high numbers of spontaneous returns by refugees since the signing of the NCA may be tied to distrust and/or lack of faith in the key organisations and actors organising "voluntary" returns. One returnee who returned through UNHCR after initially returning spontaneously mentioned that, initially, she had reservations about applying for repatriation because there were rumours back in her village that taking support (money) from the Myanmar government for repatriation might put them in danger.⁹⁷ It is particularly disconcerting when the actors aimed at protecting refugees become the source of refugee distrust, and when spontaneous returns are considered preferable over assisted returns despite promises of a safe and dignified return and the means to sustainable reintegration.

iii. IDP resettlement (and assistance)

TBC estimates that approximately 162,000 displaced persons in Southeast Myanmar returned or resettled from 2013 to 2018.⁹⁸ The vast majority are IDPs. Refugee returnees, although just a small percentage, were included in TBC's figures because refugees who repatriate risk becoming IDPs due to on-going conflict and difficulties rebuilding their lives. IDPs generally undertake spontaneous returns, in large part because their status as IDPs prevents them from benefitting from facilitated repatriation initiatives under the jurisdiction of international protection organisations. Some IDP returns have, however, been facilitated by the KNU.

Even though IDPs and refugees can experience similar challenges in resettlement and reintegration, there are some notable differences regarding return experiences for IDPs compared to that of refugees. In some cases, informal IDP displacement sites have evolved into more permanent or durable settlement sites, as in Ap--- IDP site in the T'Keh area, Mergui-Tavoy District.⁹⁹ IDP assistance has also tended to take on a different structural format, and has involved

⁹³ See Source #5.

⁹⁴ UNHCR, "Strategic Roadmap for Voluntary Repatriation: Refugees from Myanmar and Thailand, 2015–2017", March 2015.

⁹⁵ UNHCR, "Displaced Persons in the Temporary Shelters Along the Thai-Myanmar Border, 2014", 2014.

⁹⁶ "Recent Developments: Repatriation of Refugees", *Burma Link*, Updated February 2015; "I Believe this Survey is Designed to Reflect What They Want", *Burma Link*, June 2013.

⁹⁷ See Source #3.

⁹⁸ The Border Consortium, *Human Security in South Eastern Myanmar*, November 2018.

⁹⁹ See Source #29.

different donors and aid organisations than refugee assistance. For instance, IDP returnees are often more limited to assistance provided at the village level as part of development and support projects for the local populations.

Although IDP returns have been more spontaneous in nature, in a few KHRG interviews, IDPs noted that they were “encouraged” to return by village administrators and other local authorities. Saw Y---, who returned to his original village Htee Hsee Baw Hkee, from Lay Poe Hta in 2018, says that there were recruitments: *“[S]ince there are recruitments, we just moved here. [...] I talked to one of the authorities and told him that I would like to return. Then he told me to put my name on the list of people who will go back so I put my name there and came back here.”*¹⁰⁰ However, neither he nor any of the other returnees from Lay Poe Hta received assistance for the return travel.

Saw N---, currently living in Koh Nee, his village of origin, states *“We came back to live here after the NCA was signed between KNU and the Myanmar government. The [Moo] township leader invited us to visit him. He explained to us the NCA code of conduct [saying] it also stipulated that every displaced villager has to return.”*¹⁰¹ Subsequently, 43 households (about one-third of the original villagers) decided to return.

Many IDPs mentioned receiving small amounts of periodic material support from the KNU, as well as other organisations (particularly the CIDKP, KWO, and a few international NGOs). This ranged from food items to accessing water, but also included assistance with purchasing livestock and undertaking animal husbandry and agriculture.¹⁰² These forms of support were not specifically return related.

For those living in IDP camps, the return process had some resemblance to the facilitated returns of refugees, but the level of support and organisation was significantly lower. Naw Z---, who had been displaced to Ei Tu Hta camp in 2006, returned to her village Klay Hkee, along with four other families, through the assistance of the KNU. The KNU (in conjunction with KWO and Karen Office of Relief and Development [KORD]) arranged transportation for them: *“[O]ur leaders sent us to Yeh Mee La and then we each received around 110,000 kyats [USD 79.75] for our additional transportation. We rented a car from Yeh Mee La to Kaw Thay Der with all of the money we received. That was all we received without any other support.”*¹⁰³

Naw Theh Nay, the KWO chairwoman in Ei Tu Hta camp, mentions as well that IDPs who return to settle in their village are often assisted in their transportation and food costs through various CBOs like Karen Environmental and Social Action Network (KESAN), KWO, and KORD. As with refugees who returned through UNHCR, IDPs returning from IDP camps were also concerned about the lack of continued support and follow-up that they received from the organisations that assisted with their return. Naw Z--- explains that the money they were given to help cover costs for the first 3 months was used entirely for return transportation: *“There were three organisations in cooperation who provided us around 110,000 kyats [USD 79.75] for my family. They were Karen Youth Organisation (KYO), Karen Women’s Organisation (KWO) and I do not remember the other organisation’s name. We were told that this 110,000 kyats was for us to use over 3 months, however, they sent us to Yeh Mee La area and they told us to manage our additional*

¹⁰⁰ See Source #21.

¹⁰¹ See Source #12; The NCA Code of Conduct does not actually make this stipulation.

¹⁰² See Source #22; and Source #12.

¹⁰³ See Source #23.

*transportation by ourselves. We had to pay around 100,000 kyats [USD 72.50] for the car so all of the money was gone [on the way].*¹⁰⁴

She adds that the follow-up monitoring they were promised never took place: *“[O]rganisations such as the KNU, Karen Refugee Committee (KRC) and others should support us as they promised us [before we returned]. [They promised to support us] for 3 years so that we would be able to rebuild our lives. They also said they would do monitoring every 3 months [about the returnees’ situations as well]. We returned 3 years ago already, however, we have not seen any of them visit us yet. I just would like to highlight that their actions do not match their words [no implementation]. They told us in vain without action. We were hopeful [to receive support from those organisations]. Later on, we had to accept that it might only be words because there has been no follow-up action for us.*”¹⁰⁵

iv. Combined strategies

Although returns are typically categorised as either spontaneous or facilitated, the strategies actually employed by refugees and IDPs often combine a variety of elements. These strategies highlight both the agency of displaced populations in creating choice for themselves as well as certain weaknesses in the structure of current return facilitation programmes and their failure to fully address the essential needs of returnees.

In KHRG interviews, a few returnees spoke of returning to their village on their own, and then later repatriating “officially” through the UNHCR-facilitated programme. Naw Aa--- returned to her village Mae La Way Ler Moo 5 years ago. She clarifies, however: *“That was not an arrangement by the authorities. At that time, I was staying in the farm. Actually, this is our new return which was arranged by the authorities [UN, IOM, Thai and Myanmar governments].*”¹⁰⁶ Her UNHCR repatriation took place in February 2019. She mentions that while in Mae La camp, because of decreasing rations, she often left the camp for work, which then resulted in her arrest. It is not clear if that is what originally pushed her to return to her village 5 years ago. By returning to the camp to take part in the facilitated repatriation, she says that she was able to secure one of the houses allocated for refugee returnees.

According to UNHCR, refugees are allowed to choose the village where they would like to repatriate. Some of the interviewees, however, expressed that the placement process felt much more arbitrary, and not necessarily in line with returnee preferences. They also talked about the strategies they use to secure more choice or ensure that they are placed in the village of their choosing. Naw D---, originally from K’Ma Moh, left Mae La camp 7 years ago. Frustrated by the restrictions on traveling outside of the camp for work, she and her husband decided to return to Myanmar. But rather than return to their village of origin, they went to Mae La Ta Law Thaw repatriation/resettlement site, in Hpa-an District, which is much closer to the Thai–Myanmar border and to Mae La camp. This allowed them to assess the situation while moving back and forth between Mae La Ta Law Thaw and Mae La camp, which they did for a number of years before eventually deciding to settle there. She explains: *“[W]e thought the situation might be better here [Mae La Ta Law Thaw] and we decided to return here. In the beginning, we just visited this area. I was teaching in the camp and my husband worked as a day labourer. Then we returned here and built a hut to live in.*”¹⁰⁷

¹⁰⁴ See Source #23.

¹⁰⁵ See Source #23.

¹⁰⁶ See Source #24.

¹⁰⁷ See Source #3.

Despite the proximity, she had difficulty returning for the ration checks: *“Sometimes when I could not go for the ration check, they cut our rations. So we had nothing left to eat and we did not have money to buy food as well.”*¹⁰⁸ This eventually led to the decision to return permanently to Myanmar. Concerned that they might be sent to Three Pagodas area or Nay Pyi Taw, when Naw D--- was asked about where she would like to go, she made sure that UNHCR knew that she and her husband already had a house in Mae La Ta Law Thaw. But as an added safety measure, she notes: *“[I figured that] we could also ask about the direction that they take on the way back to make sure where they are going [sending us].”*¹⁰⁹

Naw U---, who also returned to Mae La Ta Law Thaw from Mae La camp, had a similar fear because rumours circulated that those without land would be sent to Khoh Ther Pler (Payathonzu) [Three Pagodas town]: *“We also heard [gossip] about P’Yaw [Myanmar government or Tatmadaw] calling us to return to them and if we did not have land, they would send us to Payathonzu [Khoh Ther Pler] so we told the committee that we would return here because we have land here, in [Mae La] Way Ler Moo.”*¹¹⁰ Placement of returnees through UNHCR tends to favour sending people back to their original village or area if the situation permits. Ownership of housing, land or property in a particular location is also a consideration in placement. Understanding these operational procedures has allowed some returnees to better protect their needs in the repatriation process.

Having the option to return to the camps has been important to returnees. For many, staying registered in the temporary shelters allows them to continue to access rations while trying to set up their life back in Myanmar. According to village administrators in Lay Hpa Hta repatriation site, returnees commonly return (temporarily) to the camps because they are unable to access work or land in their new village.¹¹¹ But traveling back and forth to access dwindling camp rations can become unviable and create additional complications for them back in their new resettlement site. Moreover, returning for ration checks is really only possible if the return village is not far from the border. Naw Aa--- was fortunate in that her village of origin was actually Mae La Way Ler Moo. But for Naw D---, whose village of origin was further away in Mu Traw (Hpapun) District, she had to settle closer by in Mae La Ta Law Thaw. Returning to the camp for the regular checkins, however, often proves difficult, which leads some to opt for the facilitated return, even though it means no longer having the option to return to the camps.

Although returnees may be adopting different strategies to try to overcome some of the challenges of resettlement, the options they have are still poor and the support available is both insufficient and unreliable.

¹⁰⁸ See Source #3.

¹⁰⁹ See Source #3; It is unclear why there was concern about being sent to places like Khoh Ther Pler (Three Pagodas) and Nay Pyi Taw. Naw D--- mentions that two other families cancelled their repatriation request for fear of being sent to these places. Nay Pyi Ta is the new capital of Myanmar and is not located in Karen State. Koho Ther Pler is in the southernmost part of Karen State and Myanmar, and likely far from the original area of these returnees.

¹¹⁰ See Source #16; Mae La Way Ler Moo is close to Mae La Ta Law Thaw, where the returnee asked to resettle.

¹¹¹ See Source #31; and Source #30.

Photos: IDP returns

IDPs do not benefit from the facilitated repatriation initiatives organized by UNHCR which means that most IDPs return spontaneously. Nevertheless, there have been some initiatives by local actors to try to organize returns and provide some transportation and/or resettlement support.



This photo was taken in Ei Tu Hta IDP camp, Bu Tho Township, Mu Traw (Hpapun) District on June 13th 2017. Ei Tu Hta camp committees, IDPs, journalists, and several CBO members (from KORD, KWO and KSNG) held a meeting in the camp hall to discuss how IDPs would return to Kler Lwee Htoo (Nyaunglebin) and Taw Oo (Toungoo) Districts. The purpose of the meeting was to come to common agreements on such issues as: how to provide support, food, and medical treatment for returning IDPs, and how older people, children, and women would return. *[Photo: KHRG]*



This photo was taken on June 20th 2017 in Thandaunggyi Town, Daw Hpa Hkoh (Thandaunggyi) Township, Taw Oo (Toungoo) District. The KNU and local CSOs took responsibility for organising and arranging transportation for IDPs from Ei Tu Hta camp who were returning to their home village. *[Photo: KHRG]*



These photos were taken in Ei Tu Hta IDP camp and on a small path just outside of Ei Tu Hta IDP camp, Bu Tho Township, Mu Traw (Hpapun) District on June 15th 2017. The photos show IDP families who decided to return on their own to Ma Yah Hpin return site, Moon (Mone) Township, Kler Lwee Htoo (Nyaunglebin) District. *[Photos: KHRG]*

C. “A voluntary return in safety and with dignity?”

One of UNHCR’s primary mandates is to promote conditions that are conducive to voluntary return in safety and with dignity. It is therefore important to evaluate the extent to which these conditions are being honoured.

i. Voluntariness

Both the UNHCR and the Karen Refugee Committee (KRC), in their statements regarding repatriation, talk about the importance of return being a voluntary decision.¹¹² The voluntariness of return is critical not simply because it protects against coercion, but also because “[r]epatriation which is voluntary is far more likely to be lasting and sustainable.”¹¹³ When asked “Did anyone force you to return?” those interviewed by KHRG answered “No, no one forced me to return.” But voluntary repatriation, from a legal standpoint, is more complicated than the above statement conveys, particularly for people who were displaced due to conflict and who have often been subject to force by armed actors.

The UNHCR itself has called attention to the difficulty of determining voluntariness: “The issue of ‘voluntariness’ as implying an absence of any physical, psychological, or material pressure is, however, often clouded by the fact that for many refugees a decision to return is dictated by a combination of pressures due to political factors, security problems or material needs.”¹¹⁴ As discussed earlier, the return decision for refugees living in the camps was often dictated by decreasing rations, restrictions on movement, and an inability to meet their livelihood needs. The decision to return for many was ultimately one of choosing to leave a situation that for them was no longer tenable (also the case for IDPs). As many pointed out, they could not even plan a future for themselves. They knew that there was no possibility of improving their situation in their current location, and so decided to return to Myanmar because the possibility of access to land offered hope of being able to provide for themselves and their family.

Talk of eventual camp closures only increased the pressure for refugees to consider the option of repatriation. KHRG previously reported that Dooplaya District refugees in Noh Poe camp heard informally that the camp would be closing in 2019. As a result, the number of refugees applying for repatriation and/or making plans to return increased, despite on-going concerns about the safety of such a return.¹¹⁵ Refugees interviewed by KHRG also noted that they were no longer eligible for resettlement in a third country, so their only option was to repatriate to Myanmar. The on-going reduction in camp support and the current efforts to reduce the number of residents living in the camps will only add to the existing pressure to repatriate in the future.

UNHCR also talks about the “dissemination of wrong information or false promises of continued assistance”¹¹⁶ as compromising voluntariness. Although it specifically refers to wrong information and false promises used to prevent refugees from repatriating, there is no reason that this principle should not be applied to repatriation initiatives. As this report shows, resettlement and

¹¹² For KRC’s 10-point Refugee Repatriation Statement, which was adopted by the KNU, see: “[Karen Refugee Committee’s 10 Points to Repatriation](#)”, *Karen News*, March 2013; and Sai Wansai, “[UNHCR’s Refugee Repatriation: A Timely Undertaking or Just a Trial and Error Pilot Project?](#)”, *Burma News International*, November 2016.

¹¹³ UNHCR, *Handbook. Voluntary Repatriation: International Protection*, 1996.

¹¹⁴ UNHCR, *Handbook. Voluntary Repatriation: International Protection*, 1996.

¹¹⁵ KHRG, “[Dooplaya Situation Update: Kawkareik Township and Kyainseikgyi Township, June to July 2017](#)”, March 2018.

¹¹⁶ UNHCR, *Handbook. Voluntary Repatriation: International Protection*, 1996.

reintegration assistance has been largely insufficient to allow returnees to create the durable integration intended for them. Refugees often chose repatriation because they thought they would be able to access land in order to create sustainable livelihoods. But for most, this continues to be a struggle — some have no access at all, while others do not have a sustainable situation because they can only rent or work other people's land.

Repatriated refugees (including some IDPs) had also been promised follow-up and monitoring to ensure their proper reintegration. Returnees interviewed by KHRG consistently noted that they have received no follow-up. UNHCR has stipulated in some of its documentation that individual follow-ups are prioritised for those who have “specific protection concerns.”¹¹⁷ Presumably, in all other cases, monitoring is more generalised and takes place at the regional level. But how are returnees to know that they are not among those considered “priority”? And if individual follow-up is not systematic, how do UNHCR and other protection actors assess whether “specific protection concerns” exist for an individual or household? It would seem that assessments about protection concerns are actually made back in Thailand at the time of registration for repatriation. If so, how are protection concerns that arise subsequent to return identified if there is no individual follow-up? From KHRG interviews, it is clear that returnees have problems and concerns they would like to address with the organisations and actors responsible for their return. Although following up with each returnee is most certainly an immense undertaking, given the low numbers of facilitated returns thus far, and the concentration of facilitated returns to specific areas and settlements, more individual follow-up should have been possible.

UNHCR also discusses voluntariness in relation to the legal status of refugees in the host country: “The difficulty of identifying true ‘voluntariness’ enhances the need for UNHCR to scrutinize objectively the refugees’ situation. One of the most important elements in the verification of voluntariness is the legal status of the refugees in the country of asylum. If refugees are legally recognized as such, their rights are protected and if they are allowed to settle, their choice to repatriate is likely to be truly free and voluntary. If, however, their rights are not recognized, if they are subjected to pressures and restrictions and confined to closed camps, they may choose to return, but this is not an act of free will.”¹¹⁸

As mentioned previously, there are a number of restrictions placed on refugees who have settled in the Thai–Myanmar border camps. This is due in large part to their complicated legal status. Although registered as refugees by UNHCR, their legal status as refugees is only fully recognised within the limits of these temporary shelters because Thailand is not party to the 1951 Refugee Convention. Lack of freedom of movement in the camps and an inability to work were cited as the primary reasons for return to Myanmar. These same issues came up when returnees were asked whether they experienced any human rights violations in the camps. The gravity of the situation is, of course, well known by the protection and aid organisations serving the refugee community and operating in the temporary shelters. Many have been fighting to secure greater rights for refugees in Thailand with relatively minor success. Despite some changes in legislation, there are still few opportunities for refugees to legally reside in Thailand outside the camps. As UNHCR and the Thai government move forward to reduce the number of refugees in the camps, what will be the fate of those who have no desire at all to return to Myanmar?

According to the UNHCR voluntary repatriation video that explains the repatriation in-take and assistance process available in the Thai–Myanmar border camps, those who come to the VRC to register for a facilitated repatriation are asked (multiple times at different stages of the process)

¹¹⁷ UNHCR, *Facilitated Voluntary Repatriation Process*, n.d.

¹¹⁸ UNHCR, *Handbook. Voluntary Repatriation: International Protection*, 1996.

if they are returning voluntarily.¹¹⁹ But given the difficulty of determining voluntariness, it is hard to understand how such a question (even if repeated at different stages) is supposed to aid protection counsellors establish that these other push factors are not driving the decision to return and compromising the voluntariness of the return.

Although UNHCR and other protection agencies consistently appeal to the Thai government to create greater possibilities for refugees to obtain a legal status in Thailand that will permit them access to lawful employment and residence if they so choose, further advancement on this front seems necessary as voluntary repatriation initiatives increase in vigour. More realistic representations of the available resettlement assistance and support should be provided, as should more accurate assessments and information about livelihood opportunities — in particular, for returnees to rural agricultural areas — if repatriation is to uphold its voluntary nature.

ii. In safety and with dignity

According to UNHCR, no return can be voluntary if not also in safety and with dignity. Despite efforts on the part of UNHCR to improve the conditions of facilitated returns, the organisation of return travel in Myanmar continues to present a number of problems: disorganisation, unclean transportation, difficulty accessing food and water, and poor communication with the returnees, often leaving them feeling mistreated and uncared for, which can be particularly traumatic for people who have previously experienced conflict-related displacement. This stood in marked contrast to what returnees reported regarding travel on the Thai side of the border. Although transportation on the Myanmar side may have been more complicated logistically because refugees were returning to different locations and a wider network of coordination was necessary, these complications need to be addressed so that returnees are still able to access food, water, shelter, and medical attention despite long delays and difficult travel conditions. Stipulations should also be put in place to ensure that vehicles meet standards that do not pose health risks to the returnees. Because the vast majority of returns are spontaneous, most returnees risk returning to Myanmar (or, simply their village, for IDPs) without the necessary travel and identity documents and accompaniment that ensure their safety and dignity once back in Myanmar. UNHCR drew attention to this in its 1996 guidelines. Because spontaneous returns do not seem to be relenting, it may be necessary to continue seeking solutions to this problem.

¹¹⁹ UNHCR, *Facilitated Voluntary Repatriation Process*, n.d.

Chapter 2: Citizenship rights and public participation

According to UNHCR, critical to voluntary repatriation is the restoration of national protection and the re-acquisition of nationality.¹²⁰ Because voluntary repatriation also brings about the cessation of refugee status and the international protection it provides, ensuring the rights of citizenship has been central to return efforts.

A. Legal documentation

According to the UNHCR's *Handbook for Repatriation and Reintegration Activities* "technical and advisory services to elaborate legal safeguards in such areas as amnesty, property, citizenship, documentation and return must be provided."¹²¹ This means refugees and IDPs should be provided with the necessary facilities to be able to access legal documentation. For the purpose of this report, KHRG sought to establish whether refugees were provided with the necessary accommodations to access legal documentation and what impact, if any, the absence of legal documents may have on the lives of returnees.

Those who returned with the facilitation of UNHCR were guaranteed assistance in obtaining national ID cards, household registrations and birth certificates. Returnees interviewed by KHRG informed us that they were provided with temporary documents when they passed through Myawaddy and were then required to renew or finalize these documents when they arrived at their village in order to receive permanent documents. Naw B---, who returned to her village in Noh T'Kaw (Kyainseikgyi) Township with the facilitation of UNHCR in February 2019, elaborated on this process: "When we arrived in Myawaddy, we were registered for temporary household registration. We came back to the village. Then, officers from the immigration office [Myanmar government] sent our temporary household registration and our name list to the village head. The next day, we followed the village head [to the immigration office] and we got the ID card and permanent household registration."¹²² She adds, however, that she was led to believe that they would receive their documents while in Myawaddy: "When I arrived in Myawaddy, we were told that we could apply for our household registration and ID card but [in the end] they [the Myanmar government] did not make it for us. They just gave us a temporary household registration letter."¹²³

While it may not seem significant that returnees were not immediately provided their civil documents upon their arrival in Myanmar, without these documents, returnees can encounter a variety of problems. The (pink) national ID card, which for full citizens is officially named the Citizenship Scrutiny Card (CSC), but more familiarly known as the National Identification Card (NIC), allows citizens to move freely within Myanmar.¹²⁴ Without it, they could be subject to arrest. The Certificate of Identity (COI) that was issued to returnees prior to leaving the camps only served as a temporary travel document to get them back to Myanmar. It is valid for 2 months from the date of issue and is issued by the Myanmar government quite early in the registration process (i.e., at the time of the nationality verification interview back in the camps).¹²⁵ Because the authorisation process can take time, the expiration date of the COI can end up coinciding

¹²⁰ UNHCR, *Handbook. Voluntary Repatriation: International Protection*, 1996.

¹²¹ UNHCR, *Handbook for Repatriation and Reintegration Activities*, 2004.

¹²² See Source #2.

¹²³ See Source #2.

¹²⁴ There are many different national ID cards in Myanmar depending on citizenship status and residence status.

¹²⁵ Information obtained from UNHCR informational video. See UNHCR, *Facilitated Voluntary Repatriation Process*, n.d.

very closely with the repatriation date. And the temporary household registration returnees receive in Myawaddy is not a travel document. It is therefore essential that returnees be able to obtain their legal ID soon after their return.

When KHRG conducted its first set of interviews in March and April 2019 with UNHCR returnees who repatriated in February 2019, many had not yet received their new documents. One returnee points out that they were told not to travel until they received their new ID card. Naw At---, who returned to Lay Hpa Htaw through UNHCR, explains the dilemma: *“We got the news that they will come here so we are not allowed to go anywhere yet. They will come to do the household registration documents, ID cards and census documents. But we have not seen them come yet. We came back here many days ago already.”*¹²⁶ Returnees to Mae La Way Ler Moo were also told in Myawaddy that they *“would get [their] Myanmar ID card when Myanmar government agencies process IDs in the villages.”*¹²⁷ They as well are still waiting for the Myanmar government to come to their village for ID processing.

Others who returned with the facilitation of UNHCR shared similar accounts of obtaining legal documents. In cases where villagers received assistance from village leaders, the process of receiving civil documentation was much easier. Despite the earlier misinformation about receiving the documents in Myawaddy, Naw B--- states: *“[W]e just made it with the help of local authorities in the village. It was easy to apply for because they gave us a recommendation letter, so we did not have to pay any fee.”*¹²⁸ However, this was not the case for everyone. Many returnees did not receive assistance from local authorities and stated that they were either unsure of the process, or have had to pay bribes. Naw D---, who returned to Mae La Ta Law Thaw repatriation site through the UNHCR, experienced exploitation by village leaders themselves when she was trying to renew her temporary household documents: *“In the beginning, they said we have to pay 1,000 baht [USD 32.31] to redeem the household registration document. Then I said I won’t do it because I don’t have any money. Later they said [just] 200 baht [USD 6.46].”*¹²⁹ Naw Q---, who also returned to Mae La Ta Law Thaw repatriation site in February 2019, voiced her uncertainty surrounding the process: *“We did not know the process well so only my husband got it [national ID card]. The next time [we went], I was still unable to complete the process because it was so complicated, so I did not get it [national ID card].”*¹³⁰

In order to obtain a national ID card (the CSC), citizens are required to present their original household registration, a completed family tree/genealogy form, their original birth certificate (or a letter from their child’s school confirming the age of the applicant), the applicant’s parents’ original identity documents, a letter of recommendation from the ward or village administrator (as proof of residence), a document listing their blood type, and three passport-size photos.¹³¹ If refugees repatriated through UNHCR, part of the registration process involved ensuring that refugees have the necessary documents to apply for their national ID card once back in Myanmar.

Returnees who repatriated on their own did not receive that kind of counselling and assistance, and thus experienced varying levels of success in relation to obtaining their legal documents. As with UNHCR returnees who did not receive further assistance once back in their village,

¹²⁶ See Source #25.

¹²⁷ See Source #24.

¹²⁸ See Source #2.

¹²⁹ See Source #3.

¹³⁰ See Source #14.

¹³¹ Norwegian Refugee Council, Myanmar Office of Immigration, UNHCR, *Applying [for] Citizenship Scrutiny Card Infographic Short Film*, 2018, video posted on the UNHCR sponsored Thailand–Myanmar Cross Border Operational Portal Facebook page on May 31st 2019.

spontaneous returnees encountered a number of difficulties trying to obtain the documents on their own, from long wait times to an inability to meet the complicated requirements. In some cases, interviewees stated that they were only able to obtain their civil documents (ID and household registration) once they paid for them (even though these documents are supposed to be issued free of charge). This was stated by Naw Ac--- who has settled in Kaw Lah repatriation site, Kaw T'Ree (Kawkareik) Township, Dooplaya District: “[Y]es, I had to pay money. It was around 30,000 kyats [USD 21.75] for each [in order to get the documents].”¹³² Navigating the administrative process can also be particularly difficult for those who do not speak Burmese. Because of the cost and the complicated administrative process, many are simply unable to obtain their legal documents.

Returnees to Myanmar government-controlled areas and mixed-control areas sometimes face additional challenges tied to identity and politics. Naw X---, who lived in Mae Ra Moe refugee camp and then returned by her own means to Hkler Muh Khah village, a Myanmar government-controlled area, shared her experience. The processing of her household documents was delayed because her husband works for the KNU: “It has been 3 years that I returned here but I still do not have my household number. I applied for my household registration document since I came back here but I just got it recently. [KHRG: Why do you think you did not get your household registration document easily?] They see us as the people from the rebel group KNU, so they do not want to take responsibility. [...] They did not dare to do it for us because they are afraid that something will happen to them in the future. For 3 years, I kept chasing after it to try to get it, and going according to the law [following standard procedures]. Finally, I went to the township leader from the KNU side and he accompanied me so I got it. When I applied for it myself, they directed me here and there and it was so complicated. [...] I had all the required documents to process it but she [the administrative clerk] did not want to do it because she was afraid of something I guess.”¹³³

Obtaining Myanmar legal documents can be especially difficult for IDPs, whether returning to their original village or to a different place. Reports indicate that there was a government-led effort in the first half of 2019 to provide national registration cards to all displaced persons living in the IDP camps.¹³⁴ The effort was launched in recognition that IDPs face particular challenges in trying to obtain their legal documents. IDPs often lack (and cannot obtain) the documents required in order to apply for their national registration.¹³⁵ For some, their name differs from what is listed on their household registration document, which can serve as an obstacle to obtaining their national ID card.¹³⁶ It should be noted that these challenges also apply to other returnees as well as villagers who were not displaced. And like other returnees, some speak little or no Burmese, which becomes a further barrier in dealing with government services.

IDPs living in more informal displacement sites and those who have returned to or resettled in other villages were not included in the government-led initiative. Thus, they have not been provided assistance and struggle to obtain legal documents on their own. Because legal documents are required to obtain other legal documents (like a birth certificate and household registration to obtain a national ID card, and a national ID card to obtain a passport), IDPs and returnees in general can find themselves in an administrative spiral. Saw K---, an IDP who has

¹³² See Source #26.

¹³³ See Source #20.

¹³⁴ Kyaw Myo, “Parliament Pushes for Identity Cards to be Issued to IDPs”, *The Irawaddy*, May 2019.

¹³⁵ Refugees who lived in the Thai–Myanmar border camps often had been provided some sort of identity document (either certificates of identity or passports). See “Myanmar to Issue Pink Cardholders Passports, ID Cards”, *Bangkok Post*, February 2017.

¹³⁶ This is also the case for some refugees.

resettled to Noh Shel village, explains the hassles they have to go through: *“It takes days to process any legal documents such as birth certificates. We cannot apply for legal documents directly from the immigration office; first we have to ask for a recommendation letter from the police. It also costs us for the service. [Then], if we want to cross the border and go to Bangkok, we have to pay 100,000 kyats [USD 72.50] to apply for a [passport]. It costs us more when we want a quicker process. If we do not offer a bribe, they take days on end to provide us the legal documents that we applied for. There are also other food and travel costs when we go there every day until the process has finished.”*¹³⁷

These difficulties were further emphasised by Saw M---, an IDP who has resettled to Koh Nee village. He also finds that bribery is often necessary in order to obtain one’s legal documents: *“In the past, it was easy to get those documents. But now you have to apply to get those documents in the main [township] office. If they would like to do it for you, it will be easy for you. But when they do not want to do it, they ask you to make many appointments to meet them again and again. There are some people who can get them easily when they give lion heads or elephant heads [money/bribe].”*¹³⁸ He also added that some people will pay a large amount of money to acquire their legal documents: *“Those who apply illegally have to pay almost 100,000 kyats [USD 72.50].”*¹³⁹

The repatriation and reintegration process has clearly not fully met the standards set out in the UNHCR’s *Handbook for Repatriation and Reintegration Activities* given the number of returnees who have been unable to access legal documentation. Legal documents are essential for returnees when trying to resettle; the absence of these documents can have a detrimental effect on all aspects of their lives. Without an ID card, returnees face difficulty with normal tasks such as finding employment or travelling domestically. A national ID card is necessary to buy or register land and property, and without land registration or titles, returnees could have their land confiscated. Saw K---, an IDP from Noh Shel village, Moo (Mone) Township, Kler Lwee Htoo (Nyaunglebin) District, spoke about some of the difficulties returnees face when they don’t have documentation: *“It is very difficult when we don’t have any documents. We have lost all household documents and ID cards in the conflict. Therefore, we cannot apply for a land ownership document when we return.”*¹⁴⁰ There are also new documents, as Saw K--- points out: *“There were no birth certificates in the past, only now in the post-conflict period.”*¹⁴¹

Villagers are now required to have these documents in order to establish their identity for other administrative matters and to claim their citizenship rights. According to the 1982 Citizenship Law, every citizen is entitled to hold a national ID card, and every citizen should hold one, because it is the “document that represents who you are.”¹⁴² It is also necessary in order to assume one’s rights as a citizen like voting in elections, and running for office. In Lay Hpa Htao repatriation site, where many returnees are still waiting (almost one year now) to obtain their national IDs, a local leader voiced concern that they could not assert their human rights without certain legal documents: *“It is time to claim our rights now. If we do not claim it, when are we going to claim it? It is important to be a citizen. If we do not have ID cards, we will be stateless people.”*¹⁴³

¹³⁷ See Source #8.

¹³⁸ See Source #8.

¹³⁹ See Source #11.

¹⁴⁰ See Source #8.

¹⁴¹ See Source #8.

¹⁴² Norwegian Refugee Council, Myanmar Office of Immigration, UNHCR, *Applying [for] Citizenship Scrutiny Card Infographic Short Film*, 2018, video posted on the UNHCR sponsored Thailand–Myanmar Cross Border Operational Portal Facebook page on May 31st 2019.

¹⁴³ See Source #31.

B. Access to justice

UNHCR repatriation guidelines list the “existence of mechanisms to redress human rights abuses, including independent judiciary” as a core component for voluntary repatriation and reintegration to take place.¹⁴⁴ KHRG asked interviewees about their access to justice for human rights violations that occurred while in the temporary shelters, as well as for any human rights violations that might have taken place since their return to Southeast Myanmar. Although KHRG interviewees do talk about rights violations, they struggle even understanding how they might access justice.

Many KHRG interviewees talked about a lack of freedom of movement while in the Thai–Myanmar border camps, with some even referring to that as a violation of their rights. When Naw U---, who was in Mae La camp from around 2011 to 2019, was asked about human rights violations in the camp, she recounted that: *“Every morning, the announcement said, ‘Don’t go outside of the camp, you are prohibited to go outside of the camp!!! The [Thai authorities] take action constantly so if you are arrested, camp leaders will not take responsibility for you!!!’.”*¹⁴⁵

Another refugee from Mae La camp added: *“The refugees are not allowed to go out of the camp. [...] If you go out without permission, you would be arrested and you would be fined or they would cut your ration for 2 months and you have to do volunteer [unpaid labour] for 2 weeks.”*¹⁴⁶ Yet none of KHRG interviewees talked about trying to access legal remedies for human rights violations they experienced while in the camps.

Likewise, refugees and other returnees interviewed by KHRG had little to say about whether they could access justice for rights violations that might be taking place now in their current resettlement area. As recent returnees, and/or returnees to new areas governed in different ways from what they would have experienced prior to displacement, many may not be familiar with existing legal mechanisms. This may be why so few of the interviewees felt they could respond to KHRG’s question about access to justice. It is unclear from the interviews whether sufficient structures have been set up to assist returnees in understanding the legal system in their area of return. One returnee points out: *“We have our leaders [KNU] here and this is the only close organisation that we know. But we do not know where to report and ask for help.”*¹⁴⁷ There may also be poor knowledge of human rights issues in general. To the question of whether they had even experienced any human rights violations, one IDP returnee responded: *“We are not sure because we do not know the meaning of it.”*¹⁴⁸

Even when returnees understand human rights issues and the legal system in their area, there may be some mistrust of the system due to problems of corruption and bribery, the impacts of which generally fall most heavily on already vulnerable populations. Naw X--- from Daw Hpa Hkoh (Thandaunggyi) Township, Taw Oo (Toungoo) District shared her feelings on the justice system in Myanmar with KHRG: *“I do not think people will be able to access justice to solve the problems in Myanmar because there is no justice. [...] [T]he more you have money, the more you are [able] to win [get justice]. So there is no way for us to win as we are poor.”*¹⁴⁹

¹⁴⁴ UNHCR, *Handbook for Repatriation and Reintegration Activities*, 2004.

¹⁴⁵ See Source #16.

¹⁴⁶ See Source #4.

¹⁴⁷ See Source #27.

¹⁴⁸ See Source #37.

¹⁴⁹ See Source #20.

It is important to note that refugees and IDPs have returned to areas where different actors are now in control such as the Myanmar government, KNU and KNU/KNLA-PC, and where political authority has still not been clearly defined because of on-going tensions. One returnee to Taw Oo District indicated that access to justice may be challenging in mixed-control areas where the KNU and the Myanmar government practice different justice systems. When asked if she has access to justice or any other grievance mechanisms, she responded: *“No, I do not think so. I think that it will be difficult since it is a mixed-control area. They cannot easily come to agreements between themselves so it is difficult.”*¹⁵⁰ KHRG has previously reported that, in mixed-control areas like Taw Oo, the parallel justice systems mean that villagers themselves often have to approach each system, sometimes appealing to both at the same time, in the hopes that one will actually take action.¹⁵¹

In discussions of access to justice, it is also worth considering the challenges returnees currently face in securing their livelihood. The majority of interviewees cited a lack of resettlement support, as well as problems in accessing work and land since their return. In recounting these difficulties to KHRG researchers, they stated that they do not even have ways of reporting their situation to those who assisted in their repatriation/resettlement. And in some cases, reporting these problems to their leaders has also been ineffective. The person who assists new returnees in Lay Hpa Hta notes: *“Yes, we always report about it [to our leaders]. We report [that they should] build a hospital, nursery school and school in this area in any meeting held here. I think leaders should investigate the local situation [but they do not].”*¹⁵² Their right to basic needs of food, work, healthcare, and education are still not being met, and they struggle to be heard even in that domain.

C. Elections

The right to vote and participate in elections is one of the key elements of citizenship that UNHCR states should be safeguarded through repatriation and reintegration initiatives.¹⁵³ Central to the peace process is the idea that the rights of returnees in their country of origin will and can only be protected if they also have the right to vote. Monitoring is therefore necessary in order to ensure equal access of returnees to voter registration and voting procedures. UNHCR’s 2004 *Voluntary Repatriation and Reintegration Handbook* also specifies that “[i]n facilitating voluntary repatriation, preparatory activities should include the formulation of structured information dissemination to help refugees decide when and how to return to their country of origin [with special consideration for the timing of elections]. Information dissemination should take into consideration the needs of different groups (e.g. children, youth and women). The information should be about: The peace process and its implications (e.g. security conditions, elections and whether or not judicial institutions are functioning).”¹⁵⁴

Myanmar is due to hold national parliamentary elections in late 2020, yet KHRG interviews show that returnees’ access to information about elections and voting is extremely low. In fact, the majority of returnees that KHRG interviewed did not know anything about the elections or the voting process. Several IDPs in Kler Lwee Htoo District had heard about the elections because of announcements in their village and campaigning by political parties but otherwise,

¹⁵⁰ See Source #20.

¹⁵¹ KHRG, *“‘Beyond the Horizon’: Local perspectives on Peace, Justice and Accountability in Southeast Myanmar”*, November 2019.

¹⁵² See Source #28.

¹⁵³ UNHCR, *Handbook. Voluntary Repatriation: International Protection*, 1996.

¹⁵⁴ UNHCR, *Handbook for Repatriation and Reintegration Activities*, 2004.

returnees, even those who had repatriated through UNHCR, stated that they knew nothing. One interviewee even asked the KHRG researcher interviewing him if *she* could provide him with information: *"I don't know which party to vote [for]. Can you please tell me about it? I don't understand it all."*¹⁵⁵ Another KHRG researcher was asked: *"I don't know where to register. Is it in the town?"*¹⁵⁶

Due to the lack of information available to them, many returnees are even unsure of their eligibility to vote and the recognition of their voice as citizens. Naw Z---, who lived in Ei Tu Hta IDP camp and returned to Klay Hkee village, Taw Oo District, stated: *"I think it is not easy because we are just ordinary villagers and even though we dream to go, we will not have rights to access to it."*¹⁵⁷ When asked "why?" she added: *"[B]ecause we are just simple and ordinary villagers so they [the Myanmar government] might not recognize and value us."*¹⁵⁸ Naw X---, who returned to Hkler Muh Khah village from Mae Ra Moe camp, echoed that sentiment: *"Even if we plan to vote, will they let us vote? I am not sure whether they will invite us or tell us to vote."*¹⁵⁹

Their ability to vote is also contingent on their possession of Myanmar citizenship, including the documentation that attests to that (i.e., a national ID card), which many returnees have struggled to obtain. Several of KHRG interviewees explicitly stated that they will not be able to vote because they do not have Myanmar government ID. Their ability to travel to the voting location (usually in town), can also serve as a barrier: *"I think no. I don't want to go as well as I don't know how to travel in town."*¹⁶⁰ Some cited education and literacy levels as a concern in the voting process. Naw A---, who has returned to Mae La Ta Law Thaw, stated: *"I am not literate so it depends on people who have knowledge [local authorities], if they ask me to register and others do it, then I will do it. If not, I will not do it."*¹⁶¹ The struggle of trying to manage their daily lives was also an issue that prevented an engagement in political matters for some. U E---, who returned to Bu Tho Township, Mu Traw District, explains why he doesn't know about the elections: *"I do not listen and follow any news as I am busy taking care of my child in my house. I do not understand and know the projects that they plan to do as well."*¹⁶²

Many respondents, both eligible and ineligible, as well as those unsure of their eligibility, do not seem to show interest in the elections. Saw O---, whose displacement site, Ap---, T'Naw Th'Ree Township, Mergui-Tavoy District, has now become a resettlement site, stated: *"Not many people voted [the last time]. The Myanmar government workers came and made ID [cards] for us and collected the population number in our community. Actually, everyone who has got an ID card from the Myanmar government can participate [in the election] freely but we didn't [participate]."*¹⁶³ Even when campaigns of political parties reached certain areas, local people are still not always interested in the election. Naw Ac---, who lived in Klaw Htaw for 17 years and has resettled in Kaw Lah village, said: *"[M]any villagers do not seem enthusiastic to cooperate with them [the political parties] even when they come to the community and explain about the election."*¹⁶⁴ One IDP who returned to Koh Nee village remarked that their voting choices are limited by the political structures that continue to exclude ethnic minorities and issues of concern

¹⁵⁵ See Source #11.

¹⁵⁶ See Source #3.

¹⁵⁷ See Source #23.

¹⁵⁸ See Source #23.

¹⁵⁹ See Source #20.

¹⁶⁰ See Source #3.

¹⁶¹ See Source #1.

¹⁶² See Source #4.

¹⁶³ See Source #29.

¹⁶⁴ See Source #26.

to them: *“Who do we have to vote for? We have experienced a lot of bad things from the Tatmadaw/Myanmar government.”* He further emphasizes: *“We will vote only for our ethnic leaders.”*¹⁶⁵

The UNHCR has emphasised the need for not just access to voter registration and voting procedures, but also provisions for voter education. Until that happens, participation in the voting process risks remaining low among returnees, as well as other villagers.

D. Local decision-making

Participation in local decision-making is important to the process of reintegration and is part of the rights of citizenship, like voting, that should be guaranteed for all returnees (whether refugees or IDPs). The idea is to ensure that their voices are included at all levels of society that impact their lives. KHRG did not receive much information regarding local decision-making from the returnees interviewed. The only issue that emerged is that there does seem to be some difference along gender lines.

Among the women who responded to the question, most said that they do not participate in local decision-making, with some citing a lack of education as the reason. One female returnee from Daw Hpa Hkoh Township, Taw Oo District explained, *“I feel that I am not qualified enough to participate because only educated people attend the meetings nowadays. Since we are not educated, I think we cannot participate.”*¹⁶⁶ Although the information that KHRG was able to collect regarding participation in local decision-making was insufficient, only women cited lack of education as a reason for not being able to participate.

There were few responses from men, but it was evident from the interviews that positions of authority, whether at the village level or the township level, were occupied exclusively by men. That said, women’s organisations, like the KWO and the KNU/KNLA-PC Women’s Committee, are present in some villages. It remains to be seen the extent and type of involvement and political influence these organisations will be able to achieve in village decision-making. When asked if there are any women who hold management and leadership roles in her area, one female returnee living in Mae La Ta Law Thaw responded: *“No. There are not,”* adding, *“I do not know whether people will take account of what we raise or not. We are afraid [shy to state] our ideas.”*¹⁶⁷ And yet, as KHRG has previously reported, during the conflict period, women’s participation in both village meetings and roles of leadership increased. Many men had fled or were fighting on the frontlines, and thus women, particularly middle-aged and older women, were able to assume greater positions of authority. Since the ceasefire, however, these roles seem to be returning to men.¹⁶⁸

¹⁶⁵ See Source #11.

¹⁶⁶ See Source #20.

¹⁶⁷ See Source #1.

¹⁶⁸ KHRG, *“Hidden Strengths, Hidden Struggles: Women’s Testimonies from Southeast Myanmar”*, July 2016; KHRG, *“Dignity in the Shadow of Oppression: The Abuse and Agency of Karen Women under Militarisation”*, November 2006.

E. Discrimination against returnees

According to UNHCR's *Handbook for Repatriation and Reintegration Activities*, reconciliation and the "promotion of equity between displaced persons and local residents" should be a core component of repatriation and reintegration activities.¹⁶⁹ Issues of discrimination are important to monitor since they can have a significant impact on reintegration and the enjoyment of full political, civil, economic, social and cultural rights. Repatriation guidelines, when referencing discrimination and co-existence, are generally more concerned with potential ethnic discrimination and violence, which was often the cause of initial displacement, and which, in the post-conflict period, can lead to deep mistrust between the different ethnic groups. In situations of protracted conflict, where displacement might continue for decades, discrimination can also take the form of tensions between returnees and local villagers who were not displaced, and may or may not correspond to ethnic divisions.

Overall, KHRG interviewees did not talk about problems of discrimination, even when asked directly whether they experienced discrimination or were aware of discrimination. Only one IDP in Noh Shel affirmed experiencing discrimination. This discrimination was tied to being a returnee: *"Yes, some people misunderstand us because we returned to the original village already but we did not dismantle our house in the IDP site yet. We are doing this because our situation is not stable yet. We just came back and started setting a new foundation in the village. Some people see us as greedy people and complain about us. Therefore, we want the KNU to stand by us."*¹⁷⁰ A few other remarks emerged in the interview material that suggested there were similar tensions in other areas between local villagers and returnees. One interviewee in Lay Hpa Htaw, in speaking about the village head, noted that *"He tried to make sure that the people from refugee camps do not control the village of Lay Hpa Htaw."*¹⁷¹ KHRG was able to follow up to obtain further details, provided below.¹⁷²

Lay Hpa Htaw is a designated resettlement site for repatriated refugees and IDPs, built in 2017 through support by the Nippon Foundation on land donated by the KNU. The resettlement site consists of 300 houses, and was built adjacent to the old village, where local Karen villagers reside. According to the interviewee, although the majority of returnees in the new settlement site are also Karen, there are seven different ethnic groups who live in the village *"such as Shan, Mon, Burman, Dawei and Rakhine but we only do not have Muslims here."*¹⁷³ Despite the ethnic diversity of the site, the main problem exists between the local villagers in the old village and the "newcomers" (who are primarily repatriated refugees and IDPs) in the 300 Houses area. Only people originally from the area are allowed to live in the old village, and they rarely choose to interact with the returnees, particularly those who are of other ethnicities, but even those who are Karen.

¹⁶⁹ See Source #8.

¹⁷⁰ See Source #8.

¹⁷¹ See Source #31.

¹⁷² Follow-up interview, May 20th 2020.

¹⁷³ See Source #31.



This photo was taken of Lay Hpa Hta resettlement site Noh T’Kaw (Kyainseikgyi) Township, Dooplaya District on February 26th 2017, not long after finishing construction of the 300 houses intended for repatriated refugees. The houses were built through support by the Nippon Foundation on land donated by the KNU. At the time of the photo, no one had begun living in these houses because local authorities had not yet authorized their use. Although not visible in the photo, the old village is adjacent to this area, beyond the houses to the right. [Photo: KHRG]

Most of the tension and discrimination seems to play out with regard to land and housing. The Three Hundred Houses residents are provided with a house, but have difficulty accessing land. Even though they were supposed to be given land for free as part of their resettlement, they are required to pay 500 baht [USD 16.16] to the village security/land committee just to “see” the available lands. Moreover, only lands that are far away and in the hill areas are shown to returnees. Because of that, many returnees turn to other arrangements elsewhere where farming land and housing are within proximity of each other, or end up returning temporarily to the camps to take advantage of the support they can obtain there. These extended absences have led the local villagers to take action against the returnees by way of confiscating their houses, which then further impacts their livelihood capabilities. With these barriers placed on their access to resources by the local villagers, returnees become marginalised within their own communities and are pushed to adopt strategies that further impact their local reintegration.

A local leader from Lay Hpa Hta remarked that villagers and local authorities need to be more patient and understanding of the difficulties faced by returnees, instead of punishing them for adopting these other strategies to figure out their livelihoods: *“I heard that some groups of family members [from Noh Poe refugee camp] will come back to stay. It will take a while to return to Burma [Myanmar]. It is not easy to return immediately because they might not have lands to work on when they go back. [...] Therefore, I would like to request local authorities to be patient*

*because many people and new generations from our country have learned many skills as well as education from Noh Poe refugee camp. So, we should understand this situation and know the benefits of [welcoming people from] Noh Poe refugee camp. Therefore, they should be patient. It is not the right way to do like 'If you do not return [from the camps or other villages] immediately, you cannot stay here. We will confiscate your houses here if you do not come back.' They [local authorities] should not behave like that.'*¹⁷⁴

Given the likelihood of increased returns to Myanmar, and the development of new settlement locations like Lay Hpa Htaw to accommodate new returnees, mechanisms need to be put in place to monitor discriminations. That said, mechanisms that actually protect returnees from this kind of discrimination are likely to be ineffective as long as returnees are not provided the kind of assistance that allows them to build sustainable livelihood situations for themselves.

Being able to access citizenship rights continues to be an issue among returnees. Assistance provided by the UNHCR has been critical in returnees' ability to obtain their legal documents back in Myanmar, but remains insufficient given the complicated requirements. When returnees do not have access to additional assistance from local authorities, they face challenges in obtaining their documents, and thus completing the process that UNHCR worked hard to set up. The difficulty in obtaining civil documents is disquieting, since, without mechanisms that address the factors that impede access, many displaced persons and returnees risk abandoning the effort altogether and encountering further difficulty building a sustainable life back in Myanmar. Equally disquieting is both the lack of information about citizenship rights and civic participation and the general disinterest in such matters. Without their participation as active citizens, returnees (and Karen people in general) risk further marginalisation within the larger national structures. Likewise, the discrimination developing in some resettlement areas against returnees is likely to create further vulnerability if action isn't taken to create more durable solutions for their return. And clearly, greater mechanisms for access to justice are needed given that returnees continue to struggle to understand how they might even access justice in their new localities.

¹⁷⁴ See Source #30.

Chapter 3: Livelihood sustainability

According to the UNHCR's *Handbook for Repatriation and Reintegration Activities*, one of the core components of voluntary repatriation is material safety. Material safety implies the "access to means of survival and basic services in early stages of return (shelter, water, health and education) and access to employment opportunities."¹⁷⁵ This first step is meant to ensure a successful reintegration process, which is defined as the ability to maintain sustainable livelihoods and access basic services.

In this chapter, KHRG assesses whether the refugees who returned as part of the UNHCR voluntary repatriation programme have managed to reintegrate successfully into their new community. This is done through an analysis of their current livelihood and housing situation, as well as their ability to access basic services such as water, healthcare and education. In parallel, the same analysis is then applied to IDPs and refugees who returned spontaneously in order to identify what kind of specific challenges they face.

These distinctions are important because UNHCR returnees were specifically provided resettlement/reintegration support that most other returnees did not receive. They were also more likely to return to designated resettlement sites where, presumably, access to basic services, and housing and livelihood opportunities were verified by repatriation organisations and government authorities. The expectation then is that the material provisions for a successful reintegration should have been more readily available for those who benefitted from a sponsored return. KHRG found that this was not always the case.

A. Livelihoods

According to the UN Food and Agriculture Organisation (FAO), 70% of the population living in the rural areas of Southeast Myanmar largely rely on agriculture and casual employment for their livelihoods.¹⁷⁶ The interviews conducted by KHRG revealed that casual employment opportunities tend to be seasonal or sporadic, and therefore offer no guarantee of stable income. As most returnees are farmers, one of the main priorities of repatriation programmes should be to make sure that they can have access to enough farmland to help them achieve self-sufficiency. However, most of the UNHCR-repatriated refugees were given neither land nor enough money to buy it upon their return. As a result, the overwhelming majority are now facing dire livelihood difficulties.

Although former IDPs who returned to their village seem to have better access to land, they still reported facing hardship. The same goes for spontaneous returnees despite the fact that the KNU tried to offer land and/or support to some of them in the areas under its control. The main problems raised by informal returnees included insufficient farmland and a lack of well-paid job opportunities to earn additional income. In addition, natural disasters such as heat waves and rodent invasions led to a drop in agricultural production in some areas, threatening the livelihoods of the communities affected. The fact that some people are still facing economic difficulties several years after they returned is particularly worrisome, as it shows how difficult it is for displaced persons to rebuild their lives without the appropriate support.

¹⁷⁵ UNHCR, *Handbook for Repatriation and Reintegration Activities*, 2004.

¹⁷⁶ Food and Agriculture Organization of the United Nations, *FAO Country Programming Framework for Myanmar 2017–2022*, 2019.

i. UNHCR-repatriated refugees

In 2017, KHRG documented that the plans for Lay Hpa Htaw, a designated repatriation site for returnees (both refugee and IDP) in Dooplaya District, never included farmland.¹⁷⁷ In March 2019, Saw P---, a newly repatriated refugee from Ban Don Yang refugee camp, told KHRG that he was worried for his future, as he had not been given land and could not afford to buy any: *“We do not have our own lands to work on for our livelihood and we do not have much money to invest either. Therefore, we might face challenges [...] in the future.”*¹⁷⁸ In February 2020, Saw Ae---, a local leader, pointed out that the former refugees and IDPs who are now living in the area are facing economic difficulties, mainly as a result of their inability to access farmland: *“It will not be easy for the villagers in the Three Hundred Houses area if they have to pay taxes because they are refugees and IDPs. They are poor. They do not have lands to work on.”*¹⁷⁹

He explained that most returnees could not afford to buy land close to the village. Some were assigned land in nearby mountainous areas by the resettlement committee, a local body responsible for providing land to returnees, in exchange for a 600 baht [USD 19.39] fee.¹⁸⁰ However, they do not have tenure security and often cannot work on the land due to transportation challenges: *“There are some widows who do not have motorbikes to travel, but the land that was provided to them is in the mountainous areas. How can the widows go and work there? If they cannot work on the land this year, it will be confiscated next year. According to the KNU land policy, the land can be confiscated if people do not work on it for 3 years, but he [the village head] will confiscate the land if we do not work on it this year.”*¹⁸¹ Saw Ae--- even reported that the resettlement committee already took back lands that had been assigned to some returnees. The fact that the UNHCR repatriation programme does not feature ways to guarantee the systematic provision of enough land to repatriated refugees is therefore a major flaw, as it considerably undermines their ability to secure their livelihood.

Saw Ae--- also shared his own experience and the difficulties he faced trying to build a livelihood in Myanmar. He repatriated through the UNHCR in February 2019, but had previously returned on his own. He was not allocated land to support himself upon his return, and is now working on a plot that he bought from one of his friends on February 25th 2019 with the money allocated by the UNHCR. Despite this, he could not grow enough to secure his livelihood this year: *“Although I got land to work on, I did not know much about how to earn money when I came back to live here. This year, I worked on a cassava plantation. I just got six bags of cassava. One kilo of cassava is worth 4 baht [USD 0.13]. I got less than 500 kilos of cassava this year, so I just got [little] more than 1,000 baht [USD 32.31] by selling them. It is difficult to secure our livelihood. Other people face similar difficulties. Actually, there are many challenges for us.”*¹⁸² Therefore, he is now contemplating other options such as casual employment: *“I just think I am going to work as a day labourer to earn money. I will try to solve my problems in many different ways, even though nobody supports me.”*¹⁸³

In Htee Th’Bluh Hkee repatriation site, Dooplaya District, Daw S---, who also returned through the UNHCR in February 2019, said that, although she originally thought that returnees would

¹⁷⁷ KHRG, “Dooplaya Situation Update: Kyainseikgyi Township, February to May 2017”, September 2017.

¹⁷⁸ See Source #13.

¹⁷⁹ See Source #31.

¹⁸⁰ Villagers are required to pay 500 baht [USD 16.16] to see the land, and an extra 100 baht [USD 3.23] for administrative fees.

¹⁸¹ See Source #31.

¹⁸² See Source #31.

¹⁸³ See Source #31.

be given land, they were told by local KNU officials that it would only happen after 50 households come back from the camps in Thailand. The lack of access to land, combined with few job opportunities, puts her in a difficult situation: *“We do not have money because we do not have jobs to get income. We just have to try for our livelihoods; there will not always be someone to help you.”* Some of the returnees even have to go back to Noh Poe camp to get food: *“People who came back with me do nothing [have no jobs] so far. They just travel back and forth between the camp and here. There are some people who came back to get houses, and they are still registered in the camp [to get rations].”*¹⁸⁴ This suggests that people who returned spontaneously are also living in the village and facing the same kind of challenges, as UNHCR-repatriated refugees are usually deregistered from their former camp.

In Mae La Ta Law Thaw repatriation site, Ta Kreh (Paingkyone) Township, Hpa-an District, KHRG interviewed 4 refugees who returned with UNHCR support. They were not given lands either, and had to buy or rent plots of land to farm or live on.¹⁸⁵ They are now engaged in farming and day labour activities, but most of them reported that they do not earn enough income. Some, like Naw Q---, even face dire economic difficulties: *“I would like to talk about my situation because I face a lot of family difficulties, and poverty. My daughter committed suicide so her two children depend on me now, and I have three other younger children, and all of them go to school. However, I do not have a job to secure my livelihoods [...]”*¹⁸⁶

Others like Naw A--- cannot make ends meet as they struggle with debts and rent costs: *“I need land to farm, and livestock in our own garden [...]. Currently, we have to rent the land and the motor machine [farming equipment]. We also have to get loans [for material], such as insecticide, and we have to pay them back by the end of the harvest, so our crops are almost gone.”*¹⁸⁷ Naw D---, a UNHCR-repatriated refugee now working as a teacher, told KHRG that her salary was not enough to cover her daily needs. Although she is also engaged in farming, she pointed out how unsustainable her situation is due to an accumulation of debts: *“We did not get to eat anything from our crops yet because we have to pay our debts. [...] When we work, we do not have money so we have to get a loan. We got more and more indebted because of the interest.”*¹⁸⁸

In Mae La Way Ler Moo repatriation site, Hpa-an District, a KNU/KNLA-PC battalion commander interviewed in March 2019 explained that Bo Yay Nu, a KNU/KNLA-PC general, had to make arrangements to provide lands to the returnees. But he emphasised that most of them were facing livelihood difficulties and relied on food distributions: *“I can see that no one can stand on their own [feet] and secure their livelihood yet. They just came back with the little help they got from organisations before they returned here. They cannot work on their own yet. The support [they received] is not enough for them [...]. The [KNU/KNLA-PC] leaders try their best to provide support, such as giving one sack of rice or less than that, as much as they can.”*¹⁸⁹

Naw Aa---, who came back to Mae La Way Ler Moo with UNHCR support in February 2019 after spontaneously returning 5 years prior to the interview, confirmed that she had been given farmland: *“We were given a house and a plot of land to work on. We did not have to pay for it.”*¹⁹⁰ Nevertheless, she admitted that farming was sometimes not enough to secure her livelihood, which suggests that the UNHCR repatriation did not translate into an improvement in her

¹⁸⁴ See Source #15.

¹⁸⁵ See Source #1.

¹⁸⁶ See Source #14.

¹⁸⁷ See Source #1.

¹⁸⁸ See Source #3.

¹⁸⁹ See Source #17.

¹⁹⁰ See Source #24.

economic situation. Naw Aj---, another UNHCR-repatriated refugee from Mae La camp, told KHRG that not all the returnees had been given lands: *“No, we were not given lands. Some people had to clean lands in the forest and work on them.”*¹⁹¹ The fact that some returnees have to take possession of forest land raises concerns about their long-term prospects, as it usually does not guarantee them any kind of official tenure security.

ii. Non-UNHCR-repatriated refugees

In Kaw Lah repatriation site, Dooplaya District, KHRG interviewed three former refugees who returned spontaneously. Although it was not their original village, two of them indicated that they were given land, including one who received it from the local authorities (presumably KNU, as Kaw Lah is in a KNU-controlled area). However, Naw Ac--- explained that the plot she received was too small and not fit for farming: *“I do not have any property [farmland]. I have only a small [piece of] land for my house.”*¹⁹² She said she could earn enough money to buy food by selling forest vegetables, but noted that it was sometimes difficult. Naw V--- explained that she had no way of earning a stable income despite having been given farmland, mostly due to the seasonal nature of the work opportunities in the area: *“Nobody [in my family] has a job to earn money. [...] We just work as day labourers, but we cannot always work. [...] We work as rice harvesters and corn pickers.”*¹⁹³ This suggests that her plot is either too small or not productive enough to serve as her main source of income. Although her family returned in 2013, they must still rely on their relatives elsewhere: *“Our siblings from abroad send us money, so we can survive with the money they send.”*¹⁹⁴

In Ar--- village, Dwe Lo Township, Mu Traw District, U E---, who returned in 2018 by his own means, told KHRG that he was also facing economic difficulties due to a lack of job opportunities and his inability to access farmland: *“We plant vegetables and raise chickens in our garden. Sometimes, we catch fish in the river to help secure our livelihood. [...] I do not have any other jobs. We just plant vegetables for our family in the garden. We do not have large areas of land either [...].”*¹⁹⁵ He explained that, although this was his area of origin, he was only able to rent a small plot of land to live on from the local Muslim religious authorities (he himself is Muslim). He reported that all the farmland in the village had been confiscated by the Tatmadaw, which is now renting it back to the villagers: *“Most of the local villagers are working on farms, and some are working on hill farms. However, the farms are not theirs. They rent them from the Tatmadaw and do the farming. [...] [T]he Tatmadaw confiscated all the farms in this area. They let the local villagers rent them back and ask for rental fees.”*¹⁹⁶

KHRG’s documentation shows that land confiscation by armed actors and private companies remains a widespread problem in Southeast Myanmar.¹⁹⁷ This situation poses a permanent threat to the livelihoods of the returnees who rely on small-scale farming. In Thoo Lei Plaw, Mergui-Tavoy District, KHRG interviewed Naw G---, a woman who returned spontaneously to Myanmar in April 2014. Although it was not her area of origin, she was able to overcome her initial difficulties with help from the KNU, and can now work on a rice plantation. However, she

¹⁹¹ See Source #32.

¹⁹² See Source #26.

¹⁹³ See Source #19.

¹⁹⁴ See Source #19.

¹⁹⁵ See Source #4.

¹⁹⁶ See Source #4.

¹⁹⁷ See KHRG, *“‘Development without us’: Village Agency and Land Confiscations in Southeast Myanmar”*, August 2018; KHRG, *“‘Do Not Trespass’: Land Confiscation by Armed Actors in Southeast Myanmar”*, May 2019.

pointed out that the activities of two companies in the area could potentially threaten the livelihoods of her entire community: *“A company has palm and rubber plantations, and the other one mines stone to produce cement. They cultivate the lands [with oil palm/rubber] and cut down the trees for their businesses. This can cause livelihood challenges because we are gradually losing [more and more] lands to work on.”*¹⁹⁸

iii. IDPs

In Ler Doh (Kyaukkyi) Township, Kler Lwee Htoo District, Saw Ag---, who returned to the Law Muh Thaw IDP return site (Keh Doh Loo section) in 2013, explained that he had land to farm. He also received vocational agricultural training from CIDKP in the village, and stated that it had been beneficial for him. However, he indicated that he and other villagers were still not able to fully secure their livelihood: *“I can say that it [income] is only enough for the two of us. It is not enough to cover [the needs] of our children. Some of my neighbours do not earn enough [from their farming products] to provide for their whole family. [...] These people work as [seasonal] day labourers. However, it is still not enough to secure their livelihood.”*¹⁹⁹ Saw Ai---, another villager who returned to Law Muh Thaw (Toh Taw Loo section) in January 2018, explained that he got 5 acres of land from the KNU. It was not clear whether he could earn enough income for his livelihood, but he emphasised that most could not: *“There are no specific jobs that can provide enough income in our areas. [...] Most of the people in the village are poor. That is why they are working daily jobs. There are not many lands people can work on. They can only work on the lands granted by the KNU in the rainy season. Not all the lands granted by the KNU are workable in the dry season [they are not irrigated].”*²⁰⁰

In Htee Hsee Baw Hkee, Bilin Township, Doo Tha Htoo (Thaton) District, KHRG interviewed four IDPs who returned to their village of origin 2 to 4 years prior to the interview. They are now engaged in farming, as Saw Y--- confirmed: *“We are doing hill farming. We can only do that. We cannot do other things.”*²⁰¹ He also mentioned that some of his neighbours and relatives were engaged in informal day labour. Overall, the interviewees reported that they could not earn enough income to secure their livelihoods.²⁰² Another local IDP returnee, Naw Ao---, told KHRG about her situation: *“I work alone but now I cannot work very well anymore. However, I have to work as much as I can to survive. [...] I cannot secure our livelihood well.”*²⁰³

In Taw Oo District, the IDPs who returned to their area of origin in Htaw Ta Htoo (Htantabin) Township face similar difficulties. On top of that, they also struggled with the consequences of floods, heat waves and rodent invasions in 2019.²⁰⁴ As a result, the local community was not able to harvest enough agricultural products. When asked whether she could earn enough income to provide for her family, Naw Z---, an IDP who returned to Klay Hkee village in June 2016, stated: *“No, it is not enough yet because we do not have other job opportunities apart from working on farms. Therefore, it was better when we could harvest enough paddy on a yearly basis. However, our paddy was destroyed by mice, and our cardamom plants also died because of the heat. The mice also ate the fruits. Those are the biggest problems in my village and in the whole area.”*²⁰⁵

¹⁹⁸ See Source #5.

¹⁹⁹ See Source #33.

²⁰⁰ See Source #34.

²⁰¹ See Source #21.

²⁰² See Source #35; Source #21; and Source #37.

²⁰³ See Source #35.

²⁰⁴ See Source #9; and Source #23.

²⁰⁵ See Source #23.

Saw Ak---, an IDP who returned to See Kheh Der village 4 years prior to the interview, is facing the same situation. He reported that he struggles to buy enough food for his 7 children: *“We find and sometimes buy fruits or stuff to sell in order to buy rice. We cannot do anything else other than that. There is no other way. It is hard for us to earn money. We just work and eat one day at a time.”*²⁰⁶ According to the FAO, Myanmar ranks among the top three countries most affected by weather related events, which has led to the destruction of livelihoods, crops and other food sources. The local authorities have low capacities to address the increasing exposure and vulnerabilities of rural inhabitants to weather and climate-related disasters.²⁰⁷ Such a situation puts returnees who rely on agriculture in disaster-prone areas at risk, as they are unlikely to receive substantial help from the authorities should their livelihoods be destroyed by natural disasters.

In Kler Lwee Htoo District, Saw K---, an IDP who returned to Noh Shel in early 2016, stated that everyone in his family had to work to secure their livelihood. However, the income from his plantations and his family’s wages were still not enough to cover their needs: *“Our daily wages are just enough for our daily food and needs such as rice, salt, etc. It’s difficult to buy additional materials that we need such as clothes, blankets, shoes and a backpack to use when we travel.”*²⁰⁸ IDPs who returned to Koh Nee have access to lands in the vicinity of the village. However, Saw M--- explained that he was still facing difficulties despite having returned in 2012/3: *“There are few job opportunities here. If we take care of buffaloes, we only have to do that work [use the land for that purpose, which prevents them from planting crops]. When the baby buffaloes are young, we cannot sell them yet. Therefore, we have to get a loan from [rich] people, and we have to pay it back with interest. So we do not have enough income but we just have to secure our livelihoods this way.”*²⁰⁹ Such a situation highlights the need for tailored, long-term assistance programmes to help the returnees achieve self-sufficiency.

Most of the returnees interviewed by KHRG stated that they are struggling with livelihood challenges since their return. One of the key distinctions seems to be regarding access to land. Among those interviewed, most who returned with the support of UNHCR have not been able to obtain lands of their own and are renting or working other people’s lands. The cost of land in relation to the amount of resettlement assistance offered by UNHCR and the Myanmar government as part of the repatriation package serves as the biggest impediment to purchasing their own land. But other issues like discrimination against returnees (only being offered land too far from the actual village to be practical) and promises of land that have yet to be met are also impacting returnees’ ability to create sustainable livelihoods. Some spontaneous returnees have been able to access land through the support of the KNU, and many IDPs returned to areas where they already had lands. Although they also struggle, many of their challenges are similar to those faced by other villagers who may not have faced displacement.

²⁰⁶ See Source #36.

²⁰⁷ Food and Agriculture Organization of the United Nations, *FAO Country Programming Framework for Myanmar 2017–2022*, 2019.

²⁰⁸ See Source #8.

²⁰⁹ See Source #11.

Photos: Livelihoods



This photo was taken on February 26th 2017 in the Lay Hpa Htaw repatriation site, Noh T’Kaw (Kyainseikgyi) Township, Dooplaya District. They show the houses that were built for the repatriated refugees right after their construction. Even at that time, an interviewee from nearby Deh Ther Pler pointed out that the lack of farmland around the site will create problems for future returnees: *“There is [we will get] only one house without land to farm for our livelihood. Therefore, where will we get food if we return to that area?”* [Photo: KHRG]



These photos were taken in March 2017 in Htee Nya Paw village, Noh T’Kaw (Kyainseikgyi) Township, Dooplaya District. They show the farming equipment, seeds and anti-mosquito insecticide provided to returnees by Noh Poe camp’s agricultural department, who also conducted a short agricultural training to help them rebuild their livelihoods in Myanmar. Many of the returnees interviewed by KHRG received similar training. [Photos: KHRG]

B. Housing and living conditions

The interviews conducted by KHRG show that some UNHCR-repatriated refugees were provided with functional houses upon their return. This was often the case for those who settled in designated repatriation sites, often where new housing was built specifically for the returnees, like in Mae La Way Ler Moo, Lay Hpa Htaw, Kaw Lah, and Htee Th'Bluh Hkee. However, some of the new housing is of poor quality, and returnees do not seem to formally own the houses provided to them. Although Mae La Ta Law Thaw is also a designated repatriation site, no new housing development has taken place there, despite some initial discussion of plans to build housing nearby for returnees. Those who did not benefit from this kind of housing support often had to build their own shelters, and some are now living in cramped and unsafe conditions.

Access to water is also a problem in some areas, forcing the returnees living there to dig their own wells or rely on potentially unsafe natural sources. These areas tend to be where IDPs and refugees who returned spontaneously have settled.

i. UNHCR-repatriated refugees

The interviewees currently living in Mae La Ta Law Thaw, Hpa-an District, many of whom repatriated through UNHCR, were not provided with a house upon their return, and had to make their own arrangements to get a shelter. Although three of them seem satisfied with their current housing situation, Naw D--- told KHRG that she was currently living in cramped conditions: *"It is a bit small and crowded but we cannot build a bigger house yet. [...] It is not really strong. We have to be afraid when there is a strong wind."*²¹⁰ She also explained that her shelter was decaying and of poor quality: *"We had to struggle to be able to build a house and [rent] the land. The house is not good and the termites also destroyed our house's posts."* Naw Q--- also faced a similar experience: *"Currently, my house is damaged. It is not strong enough anymore so we cannot live comfortably anymore."*²¹¹

Some reported that they did not have access to enough mats, blankets or mosquito nets, which increases their likelihood of developing respiratory or mosquito-borne diseases during the rainy and cold seasons. Some returnees were provided with solar panels through the KNU/KNLA-PC (the actual donor organisation was not known), and more distributions are expected to take place as not all the repatriated refugees were able to get one. However, two returnees told KHRG that solar panels were not free, and Naw Q--- even highlighted that she could not afford to buy one: *"There are available ones, but we have to pay 300 baht [USD 9.69] and I do not have 300 baht yet, so I cannot get one. [...] I told them [local leaders]: 'If you give me one, I will get one. If you do not want to give me one, I will let it go because [...] I don't have money anymore. So I will just live in the dark like this.'"*²¹² Solar panels are the only means through which most villagers are able to access electricity. Many parts of Karen State are not yet tied to the national electricity grid.²¹³

People in Mae La Ta Law Thaw seem to have access to both running water and wells. However, Naw Q--- had to make her own arrangements to access water, as she is living in a more remote area of the village: *"It does not reach my house because I am far from here. [...] I dug a well*

²¹⁰ See Source #3.

²¹¹ See Source #14.

²¹² See Source #14.

²¹³ See World Bank, "[Electricity to Transform Rural Myanmar](#)", September 2015; "[7 regions, states to get electricity access in Myanmar](#)", *Xinhua Net*, February 2019.

for my family.”²¹⁴ She also explained that she was not given a toilet bowl – unlike the other returnees. There seems to be no waste management system in the whole area, as Naw D--- explained: *“We just burn it. [...]. Some people throw it into the river.”*²¹⁵

In Dooplaya District, the returnees face different living conditions depending on where they are staying. In Htee Th’Bluh Hkee, Daw S--- explained that she was provided with a spacious house, that was presumably built with funding from the Nippon Foundation, and that was equipped with all the amenities: *“It [the house] can accommodate everyone. There are 2 large rooms and one large living room, so it is fine for us. [...] We have toilets. There is one toilet in each house. They built enough for every house: toilet, kitchen and bathroom.”*²¹⁶ She also has access to enough bedding items and running water. However, there is no trash management system and she does not have electricity.

In Lay Hpa Htaw, Saw Ae---, a local leader, reported to KHRG that accessing water was very challenging in his part of the resettlement site: *“In the rainy season, we mostly use rainwater because we cannot get water [from other sources]. In the hot season, we just have to go and carry the water [from a stream] as we do not have enough water in the community. We just have to find water on our own. [...] it is far for those who do not have motorbikes because they have to walk [...] 30 minutes [...]. We cannot carry much water if we walk to get it. [...] However, we cannot use the water if there are many people who are taking a bath there because it is not very deep, so the water can get dirty.”*²¹⁷

He also indicated that the Nippon Foundation had built houses for the returnees. However, he explained that these houses would be confiscated from anyone who chooses to leave the area. This is particularly worrisome, as it means that all the returnees living there, including those who were repatriated with support from the UNHCR, lack housing security and property rights. In addition, Saw Ae--- expressed some disappointment in the quality of the houses, some of which are already infested with termites. He explained that they were not strong enough to resist bad weather: several houses collapsed partially due to strong winds, and leaking roofs are a problem during the rainy season. He also deplored that they did not feature backyard gardens that would allow people to grow enough vegetables for their own sustenance. Such a practice is common in Karen communities who mostly rely on small scale farming, as it can provide additional food supplies at little to no cost. The Burmese proverb *“Build the shop at the back of the house”* suggests that it is actually widespread throughout the country.

ii. Non-UNHCR-repatriated refugees and IDPs

KHRG was not able to obtain many details about the living conditions of the refugees who returned spontaneously. In Kaw Lah, Dooplaya District, Naw Ac--- reported that she had access to running water, but that it could not cover the needs of everyone. She said she had access to a toilet, a solar panel provided by the Nippon Foundation and enough bedding items. Naw V--- explained that she gets water from a nearby stream. Both were satisfied with their shelters, although they had to build them themselves. Although Kaw Lah is a designated resettlement site, the construction of dedicated houses for returnees was not completed until the end of 2018. The refugees interviewed by KHRG returned to the area before that date, and therefore had to make their own housing arrangements.

²¹⁴ See Source #14.

²¹⁵ See Source #3.

²¹⁶ See Source #15.

²¹⁷ See Source #31.

Kaw Lah repatriation site (see photos next page)

The construction of 300 houses for returnees in the Kaw Lah repatriation area was funded by the Nippon Foundation. The project was implemented by the Kabar Shwe Nann and Min Zar Ni companies under the management of two retired Tatmadaw officers: Battalion Commander Maung Shwe Lin and Tactical Operations Commander Ye Tun Lin. The companies received 12,000,000 kyats [USD 8,640] from the Nippon Foundation per house built, for a total of 3,600,000,000 kyats [USD 2,592,000].

KHRG documented several issues and shortcomings in the implementation of this project. The companies started clearing the land in September 2017. Although they were supposed to deliver the houses within 6 months, they did not complete the project before late 2018. In addition, they did not build proper roads in the area, nor did they make provisions to provide access to clean water for future residents. As Kaw Lah is in a remote area, this could create major difficulties for returnees, especially during the rainy season when the dirt alleys will turn into mud fields and make travel difficult.

One local KNLA intelligence officer interviewed by KHRG also pointed out that the houses were poorly built and not likely to last for several years: *“You can see the quality of the house construction. Look at it. This kind of house does not require a lot of effort [not a lot of effort was put into building it]. For the displaced people who come to live here... how many years do you think they can stay in these houses?”*²¹⁸ According to him, at least one third of the houses are of bad quality. He also questioned whether the construction company managers had truly retired from the Tatmadaw.

The KNLA Company Commander in charge of monitoring the project raised this issue with the company managers during the construction process. They promised to conduct an assessment of the building quality of the houses and make improvements where necessary, but did not. They just handed the keys of the houses over to the village head after completion of the project and subsequently left. As of July 17th 2020, the returnees living there still had no access to a clean water source.

The circumstances surrounding the construction of this repatriation site raise serious concerns over the awarding of contracts to build houses for the returnees, as it illustrates the lack of monitoring procedures to ensure that returnees are provided with durable housing and access to basic services. In this particular case, the two companies have likely used cheap materials in order to maximise their profits. The involvement of former Tatmadaw soldiers in this process makes any accountability virtually impossible given the climate of impunity that usually surrounds the actions of former and current military staff.²¹⁹

²¹⁸ This quotation was taken from the transcript of an unpublished video recorded by a KHRG researcher on June 5th 2019 in Kaw Lah, Kaw T’Ree (Kawkareik) Township, Dooplaya District.

²¹⁹ See KHRG, *“‘Development without us’: Village Agency and Land Confiscations in Southeast Myanmar”*, August 2018; KHRG, *“Foundation of Fear: 25 years of villagers’ voices from Southeast Myanmar”*, October 2017.

Photos: Kaw Lah repatriation site



These two photos are from a video taken on June 5th 2019 in Kaw Lah, Kaw T' Ree (Kawkareik) Township, Dooplaya District. The photo on the left shows one of the dirt alleys between the houses built for returnees. The whole area is likely to become a mud field during the rainy season, resulting in travel difficulties for the local villagers. The photo on the right shows one of the solar panels provided by the Nippon Foundation. [Photos: KHRG]



These two photos are from a video taken on June 5th 2019 in Kaw Lah, Kaw T' Ree (Kawkareik) Township, Dooplaya District. They show one local KNLA intelligence officer effortlessly poking a hole in the wall of a house for repatriated refugees with his keys. He then proceeds to dig into the wall with his fingers, causing the mortar to crumble and fall off: “Just look at it here. I can easily break it with my fingers.” [Photos: KHRG]

In Ar--- village, Mu Traw District, U E--- told KHRG that he relies on the Pweh Loh Kloh (Yuzalin) River for water, but also indicated that he routinely uses it to dispose of his trash. Lack of access to water and bad sanitation was also a problem in Hkler Muh Khah, as Naw X--- emphasised: “The most pressing needs in the village are proper toilets, a rubbish bin in each house and enough water. We do not get enough water since we have so many people.”²²⁰

The IDPs who returned to Htee Hsee Baw Hkee, Doo Tha Htoo District rely on the nearby Htee Hsee Baw River for their water. However, Saw Af--- pointed out that it was challenging: “We need water that we can access easily because the water source is very far. We have to climb a mountain to get there.”²²¹ Saw Y--- also deplored the bad quality of the water: “We just get [water] from the muddy stream. The water is not so clean and the current is not too strong either.”²²² He also indicated that there was no shower area in the village, only a decaying toilet facility: “We do not have a shower place but we do have a toilet. The toilet was not properly

²²⁰ See Source #20.

²²¹ See Source #37.

²²² See Source #21.

built. Some parts of wood have been eaten by the termites already."²²³ Rubbish is usually thrown away in nearby bushes or beside the road.

These shortcomings when it comes to sanitation are particularly worrisome given the overcrowded living conditions in Htee Hsee Baw Hkee described by Saw Y---: *"[Our house] is a bit compressed but we can manage to fit in the best we can. As you can see, our stuff is everywhere. [...] If possible, I would like to build a bigger house. But if I widen it, it will hit other houses or stuff since the space [between the houses] is a bit narrow."*²²⁴ Naw Ah--- confirmed: *"It is very compressed for us. We just live like that. We cannot afford to make [our house] bigger."*²²⁵ Most of the people in the village also reported that they did not have enough bedding items.

Similarly, Naw Z---, an IDP who returned to Klay Hkee, Taw Oo District reported that she relies on a nearby river to get water. There are only 2 toilets in her community, and rubbish is thrown away outside the village. In addition, they do not have access to electricity. Access to water and lack of sanitation also seem to be the main difficulties faced by former IDPs currently living in Kler Lwee Htoo District. Saw N---, an IDP who returned to Koh Nee, explained that there are not enough toilets for everyone: *"No toilets are being built even though we returned to live in the village. [...] Last year, we were provided with four squat toilet bowls [...]. [They] were not enough, as it is only for 4 houses."*²²⁶ He explained that there was no waste disposal system in the community, and that he did not have access to electricity either.

In Law Muh Thaw (Keh Doh Loo section), Saw Ag--- told KHRG that there were not enough wells to meet the needs of his community: *"The only difficulty is accessing water. This is our current difficulty. People who live next to the motorway have wells. People who live on the hill do not."*²²⁷ Saw Ai---, another IDP who returned to Law Muh Thaw (Toh Taw Loo section), reported that some wells were getting dry, and expressed concern over the lack of support the village was receiving to help address this situation: *"Living here in the village, we can still survive even though we are facing water scarcity. [...] In the past, CIDKP came and supported us to solve these kinds of difficulties. Since I returned to the village [in January 2018], the support has decreased."*²²⁸

The IDPs who returned to Noh Shel face a similar situation, as Saw K--- explained: *"We have a well, constructed by CIDKP. However, the well is not enough for every household in the village. We have more than 120 persons and 32 households. [...] The well was all dried out in April, which is the hottest period. [...] We tried to dig it deeper so that we could get some more water."*²²⁹ As they could not manage to obtain more water from the well, the villagers had to get it from a lake. However, he reported that this water source had been contaminated as a result of gold mining activities: *"When it did not work, we just went to the lake by cart to get water, even though it is far away. However, the water from the lake is not clean at all. The water in the river [that feeds into the lake] was contaminated by the gold mining factory, and fish also died."*²³⁰

Saw K--- also said that his house was not solid enough and too small for his family to fit in: *"Some of us stay in a hut, and some stay in the house. [...] [My house] is not solid enough to*

²²³ See Source #21.

²²⁴ See Source #21.

²²⁵ See Source #38.

²²⁶ See Source #12.

²²⁷ See Source #33.

²²⁸ See Source #34.

²²⁹ See Source #8.

²³⁰ See Source #8.

*endure the strong wind. It is only a temporary building. We really worry about that during the rainy season.*²³¹ The fact that he considers it a temporary building despite having returned in early 2016 shows that the livelihood difficulties returnees face often prevent them from building adequate shelter for their families.

It would seem that, regardless of their return status or the type of village or resettlement site they returned to, most returnees are facing some challenges with regard to housing and living conditions. Provision of housing did not happen for all UNHCR returnees, even though most have settled in the designated resettlement sites. Efforts do seem to have been undertaken to distribute solar panels throughout all districts, but access to clean water and toilets, as well as issues with trash disposal, continue to be a problem.

Photos: Housing



These photos were from a video taken on February 3rd 2020 in the Lay Hpa Htaw repatriation site, Noh T’Kaw (Kyainseikgyi) Township, Dooplaya District. They show how returnees fenced the area around their houses and planted vegetables and trees in their gardens. Some also set up shops in front of their houses. [Photos: KHRG]



The photo on the left is from a video taken on June 5th 2019 in Kaw T’Ree (Kawkareik) Township, Dooplaya District. It shows the Kaw Lah repatriation site. The photo on the right was taken on March 3rd 2019 in Lu Pleh Township, Hpa-an District. It shows houses that were built for repatriated refugees in Mae La Way Ler Moo. [Photos: KHRG]

²³¹ See Source #8.

C. Healthcare

Access to healthcare remains challenging for the overwhelming majority of the returnees in Southeast Myanmar, mostly due to the lack of healthcare facilities in the rural areas. Interviewees reported having to travel long distances to reach the closest clinic, and some of them still rely on the healthcare services provided in their former IDP or refugee camp.

i. Designated repatriation and resettlement sites

There are no clinics in Mae La Ta Law Thaw, Hpa-an District. The five returnees interviewed by KHRG, which includes four UNHCR-repatriated refugees, usually go back to Thailand to access healthcare, mostly in Mae Sot or in their former camp on the Thai–Myanmar border. Naw Av---, a former refugee who returned spontaneously 6 years ago, explained: *“We do not have any clinic here so, whenever I am sick, I access healthcare services in Beh Klaw [Mae La] camp.”*²³² However, she told KHRG that she had already been prevented from entering the camp by the Thai authorities. Naw A---, a UNHCR-repatriated refugee confirmed that accessing the camp could prove challenging, and called for the construction of a clinic in the village: *“It depends on the Thai [authorities]. It is easy when they give us permission [to enter the camp]. However, it is hard when they do not. Then, we have to return [to the repatriation site] just like that. [...] We do not have a clinic in our area, so it is very hard. It would be great if we had one in this community, so that we could easily get medicine and treatment here.”*²³³

Similarly, there are no healthcare facilities in Htee Th’Bluh Hkee. Therefore, some of the repatriated refugees living there also choose to go back to their former camp to access healthcare services, as Daw S--- confirmed: *“No, there is no clinic here yet. [Sick people] are sent to the refugee camp or to the Myanmar government hospital because there is no clinic and no nurses here yet.”*²³⁴ Naw Ac---, a former refugee who returned spontaneously to Kaw Lah, Dooplaya District told KHRG that basic healthcare services were provided by the KNU, in cooperation with the Umphang Hospital, Thailand. Villagers suffering from more serious illnesses are usually sent there.²³⁵

The fact that some rural villages in Southeast Myanmar still rely on healthcare services in Thailand makes their population particularly vulnerable, especially in the event of prolonged border closures. The travel restrictions implemented in March 2020 by the Thai and Myanmar governments to curb the spread of COVID-19 have therefore made it more difficult for entire communities to access healthcare.²³⁶ Sending refugees to areas without adequate healthcare facilities can be regarded as a major shortcoming of the UNHCR voluntary repatriation programme.

Although there is a KNU clinic in Lay Hpa Htaw, Saw Ae---, a local leader who returned with UNHCR support in February 2019, told KHRG that it was understaffed and could only offer basic services. If there is an emergency, the returnees living there have to go to Khoh Ther Pler (Payathonzu), which can take 30 minutes by car and 45 minutes by motorbike.

²³² See Source #39.

²³³ See Source #1.

²³⁴ See Source #15.

²³⁵ See Source #26.

²³⁶ See Hmue Angel, *“Myanmar closes Myawady–Thai border gates”*, *Myanmar Times*, March 2020; Assawin PINITWONG, *“Border checkpoints in Tak to close from Monday”*, *Bangkok Post*, March 2020.

ii. Non-designated repatriation and resettlement sites

U E---, a spontaneous returnee, reported that people could access government hospitals easily in the Ar--- village area, Mu Traw District. However, the lack of healthcare services in more remote villages, coupled with transportation challenges, makes it difficult to access healthcare services for other refugees who returned to these areas. For this reason, Naw G---, a former refugee who returned spontaneously to Thoo Lei Plaw, Mergui-Tavoy District called for the construction of a clinic in her village: *“We also need healthcare services because we do not have adequate medicine in the village. Some people have to walk very far in hot temperatures to access healthcare services in other villages. If we had one clinic with adequate resources in the village, we could go easily.”*²³⁷

The overwhelming majority of the former IDPs interviewed by KHRG reported facing the same problem. In Htee Hsee Baw Hkee, Doo Tha Htoo District, they must go back to Lay Poe Hta (the village in which their former IDP camp is located) whenever they are sick, as Saw Af--- explained: *“We have to go back to Lay Poe Hta again to get treatment. [...] It takes around one hour by foot. [...] If we need more serious treatment, they send us to the hospital in K’Mah Moe or other places that have a hospital.”*²³⁸ Saw Y--- pointed out that the distance between Htee Hsee Baw Hkee and the closest healthcare facility was problematic, and stressed the need for a clinic in the village: *“[I]t would be better if we had a clinic here. If there is an emergency, we have to go very far so it is difficult for us.”*²³⁹

Saw K---, an IDP who returned to Noh Shel, Kler Lwee Htoo District, told KHRG that the local villagers face a similar situation: *“No, we do not have any clinic, hospital or health workers. We just go to T’Khaw Pwa village or to Kyaukkyi when we need to access healthcare. It is not easy to travel because of the poor roads. We have to carry the sick person on our shoulders or on a hammock and walk. It is worse in the rainy season when we travel on foot and it takes 2 hours to get there.”*²⁴⁰ Apart from being hard to reach, some of the clinics in rural areas do not even have adequate supplies and lack resources, as Naw Z---, an IDP who returned to Klay Hkee village, Taw Oo District, explained: *“There is a [KNU] clinic in our area, but it is around a 4 hours distance from our village on foot. It does not have sufficient medical supplies. There is only paracetamol [acetaminophen] for general illnesses such as headaches.”*²⁴¹

D. Education

Most of the returnees interviewed by KHRG have access to some level of schooling. As returnees are usually dependent on the same infrastructure as local villagers to access education, they usually face similar difficulties. These include the fact that some villages do not benefit from education facilities within a reasonable distance, which can increase the risk of school dropout. However, former refugees and IDPs are also confronted with additional challenges. The livelihood problems they usually face might make it difficult for them to support the education of their children, especially if they need to pay for dormitory and transportation fees. When resources are insufficient to send every child to school, families tend to prioritise education for boys over girls, and when livelihoods are a challenge, all children may be kept home to work.

²³⁷ See Source #5.

²³⁸ See Source #37.

²³⁹ See Source #21.

²⁴⁰ See Source #8.

²⁴¹ See Source #23.

There are two main parallel education systems in Southeast Myanmar, the Karen Education and Culture Department (KECD)²⁴² and the Myanmar government system. Myanmar education laws are still not fully inclusive of ethnic languages, culture and history. Although KECD schools use a Karen-language curriculum, the diplomas they confer are not recognised by the government. Depending on where they live, villagers might have access to both systems or just one.

Returnees who repatriate through UNHCR are often able to secure the necessary documents that permit access to government schools once back in Myanmar, but the wider problems in access to education still present challenges. Some returnees whose children are enrolled in government schools reported that they struggled to keep up. The main problems include a lack of Burmese language skills, as Karen refugees were mostly taught in Karen and English in the camps, and a different curriculum from what they were used to and that tends to be less accommodating of Karen language.

i. Designated repatriation and resettlement sites

Daw S---, a refugee who returned in February 2019 to Htee Th'Bluh Hkee, Dooplaya District with UNHCR support explained that local children could go to the Myanmar government primary schools in Meh T'Raw Hta and Kwee Hkler villages. Naw B---, another UNHCR-repatriated refugee, told KHRG that returnees in the same situation were usually provided with the necessary documentation to allow their children to access government schools: *"If we had returned on our own, our children could not have gone to school. School teachers said that we cannot go to school if we do not have any document[ation]. But we have documents as we came back under the management of the UN [UNHCR]. [...] If we can show them these kind of documents, they have to accept our children."*²⁴³ However, the lack of school facilities within a reasonable distance can remain a significant barrier to accessing government schools in some repatriation sites.

In Kaw Lah, Dooplaya District, refugees who returned spontaneously have access to a KECD primary school. There is also a KECD primary school up to Grade 4 in the Lay Hpa Hta area where the returnees live, but Saw Ae---, a local leader, told KHRG that the building was decaying. In addition, the local community has to contribute 4,000 baht [USD 129.24] per month to support the teachers. This situation could be problematic for local children who will want to pursue higher studies, as the Myanmar government high schools usually do not accept students who attended non-official primary schools (i.e., KECD schools).

Some villagers in Lay Hpa Hta decided to send their children to the closest Myanmar government primary schools in Hee Ther Pler and Zee Pin, but it takes around 30 and 90 minutes, respectively, to reach them on foot. The closest Myanmar government middle/high school is located in Khoh Ther Pler (Payathonzu), at a 45 minutes drive. Saw Ae--- deplored the absence of a proper school in his community at the time of the interview: *"We need education because we should be educated. Even though we came back to live in the project area [for returnees], there is no school for us. There are a lot of kids here but we do not have a kindergarten. We talked about this issue in the meeting of the village committee but the discussion was not successful. [...] Nobody comes to solve this problem."*²⁴⁴

²⁴² The Karen Education and Culture Department is the education department of the Karen National Union. Its main goals are to provide mother tongue education services to rural Karen populations in Southeast Myanmar, as well as to preserve the Karen language, culture and history. Despite being an important education provider in the region, it is not officially recognised by the Myanmar government.

²⁴³ See Source #2.

²⁴⁴ See Source #31.

In Mae La Ta Law Thaw, Hpa-an District, the UNHCR-repatriated refugees interviewed by KHRG reported having access to a primary school. KHRG was able to establish that there is a school run by the KNU/KNLA-PC that teaches the government curriculum in the area. It is also recognised by the Myanmar authorities. The KNU/KNLA-PC also manages its own school up to Grade 10 in Mae La Way Ler Moo, as one of its company commanders confirmed: *“We actually had a school here before the refugees returned. We built it a long time ago so our [KNU/KNLA-PC] families and children could continue their studies here. We looked for funding and built it. It has nothing to do with the donors [helping] the refugees who returned.”*²⁴⁵

Naw Aj---, a UNHCR-repatriated refugee, confirmed that she was satisfied with the education provided at the KNU/KNLA-PC school in Mae La Ta Law Thaw. She even emphasised that the children who attend it are usually given scholarship opportunities to pursue higher studies: *“The education is good here. If students who finish Grade 10 would like to continue their studies, the school looks for a scholarship for them.”*²⁴⁶ Naw Aa---, another UNHCR-repatriated refugee mentioned that she could not always afford to pay her children's school fees: *“I have a lot of children, so I cannot afford to pay for all my children. [...] Here, the school asks for 200 baht [USD 6.46] a year for kindergarten and primary school students and 300 baht [USD 9.69] a year for middle school students. Sometimes, I cannot pay the entire amount, but teachers understand us and ask us to pay it later. That's why my children were able to study in school.”*²⁴⁷ Despite this relative flexibility, such fees can place an economic burden on families facing livelihood difficulties, thus increasing the risk of school dropout. In addition, they are inconsistent with the Myanmar government policy of free universal primary and secondary education.²⁴⁸

ii. Non-designated repatriation and resettlement sites

The IDPs who returned to Htee Hsee Baw Hkee, Doo Tha Htoo District, Law Muh Thaw, Kler Lwee Htoo District and most of the interviewees in Taw Oo District have access to a KECD school. However, the lack of education facilities in some remote areas still remains problematic. There are no schools in the vicinity of Koh Nee, Kler Lwee Htoo District, so one of the IDPs who returned there explained that the local children have to walk 2 miles [3.2 km] to the closest primary school in Wah Doh Klah.²⁴⁹

Similarly, Saw K---, an IDP who returned to Noh Shel, Kler Lwee Htoo District, reported that there were no schools in the village. Local parents have therefore no choice but to send their children to another village so they can access education: *“I am so sad because children cannot go to school in the village. We do not even have a primary school. Children who want to go to school have to move to T'Hkaw Pwah village, away from their family. The parents cannot follow them because they have no house there. [...] The distance from our village to the school is more than one hour on foot, so we just let them stay in T'Hkaw Pwah village.”*²⁵⁰ He therefore called for the construction of adequate school facilities in the area: *“We really need a school, teachers and an office for them. We have returned for 4 years already but we haven't got a school yet.”*²⁵¹

²⁴⁵ See Source #18.

²⁴⁶ See Source #32.

²⁴⁷ See Source #24.

²⁴⁸ May Thinzar Naing, “[High school to be free in 2015](#)”, *Myanmar Times*, July 2014.

²⁴⁹ See Source #12.

²⁵⁰ See Source #8.

²⁵¹ See Source #8.

The daughter of U E---, a refugee who returned spontaneously to Ar--- village, Mu Traw District was first denied access to the local government school. Although her father managed to convince the school to accept her with the help of a local teacher, she had to resume her studies at a lower grade: *“Yes, [my children] completed primary school [in the camp]. We also took the transfer letter from the school. However, it was in Karen so it was not accepted by the Myanmar government school. Teacher Kay Thee helped me negotiate for my daughter to be able to attend school. My daughter had to start Grade 4 again. She had finished Grade 6 in the camp. They didn’t accept the letter because it was written in Karen. They thought that it [education in the camp] was village-level education that does not match the level of the Myanmar government education system.”*²⁵²

Naw X---, a spontaneous returnee living in Hkler Muh Khah, Taw Oo District, explained that, although their children were able to enrol in a Myanmar government school, they were struggling to keep up with the other students: *“The main challenge is the language problem. When we lived in the camp, the children were mostly taught English and Karen subjects, but when they came back here, they were taught mostly in Burmese. So they cannot understand well and cannot be on the same page as the other local students here. This is very challenging for them.”*²⁵³ When asked if they could resume their education at the level where they left off in the camp, she replied: *“Students who cannot understand Burmese well and are not qualified to attend the grade they are supposed to attend are not accepted. They have to enrol in a lower grade.”*²⁵⁴ The challenges of language and curriculum correspondence should therefore also be addressed for repatriation efforts to be successful in the domain of education.

Photos: Education



These photos were taken in March 2017 in Htee Nya Paw village, Noh T’Kaw (Kyainseikgyi) Township, Dooplaya District. They show the local school, which is supported by the KECD and the local population. It offers little protection against bad weather and seems to be decaying. Although there were plans to rebuild it, that still has not happened despite the fact that 35 returnee households are now living in the village. For many people in remote areas, such facilities are often the only schools available within a safe and reasonable distance of their communities. They usually do not receive government funding. [Photos: KHRG]

²⁵² See Source #4.

²⁵³ See Source #20.

²⁵⁴ See Source #20.

Chapter 4: Security and safety

According to the UNHCR *Handbook for Repatriation and Reintegration Activities*, one of the core components of voluntary repatriation is physical safety. This notion encompasses several elements such as an end of violence and intimidation; absence of mines and unexploded ordnance; and improved overall security.²⁵⁵

The interviews conducted by KHRG show that most of the returnees had not been subjected to violence and intimidation after their return. They also mostly reported that their security situation has improved when compared to the past. However, many of them remain afraid that fighting might break out again, mostly due to a lack of trust in the Tatmadaw and the peace process. Several returnees are also confronted with UXO contamination in their areas.

A. Violence and intimidation

The overwhelming majority of the returnees interviewed by KHRG have not been subjected to physical violence or intimidation since their return. However, Naw G---, a former refugee currently living in Thoo Lei Plaw, Mergui-Tavoy District, explained that her community had faced threats by Itroagro, an agro-business company working with the military: *“The Burma army and their company came to our place and threatened us. They want to implement their project here. In that case, we always have to stay alert and concerned about our security. How could it be that safe in this place? We have to do like the proverb says: ‘Eat the fig but keep your ears alert for the sound of arrows.’”*²⁵⁶

She added that former Tatmadaw soldiers are now working for that particular company, which raises significant security concerns among the local villagers: *“The company recruits former Tatmadaw soldiers. As they are former soldiers, the way they speak to us is scary already. We were so afraid when they came to our house.”*²⁵⁷ KHRG’s documentation shows that private companies with close links with armed actors or the Myanmar government continue to harass villagers to take over their lands.²⁵⁸ This could potentially jeopardise the successful reintegration of returnees located in the operation areas of these companies.

In Kler Lwee Htoo District, Saw K---, an IDP who returned to Noh Shel in early 2016, explained that his community had also faced intimidation by a group of persons who confiscated their lands while they were displaced: *“At first, they stayed on our lands when we were away. They argued it was their lands, even though they do not have any land grants. They challenged us to enter the land [daring us to try] if we are not afraid. [...] They built houses and raised animals. They cultivated farms that belonged to our community members and they took them as theirs. They brought their families together with them.”*²⁵⁹ He explained that he was afraid because they had muskets and would fight back any attempt to expel them from the confiscated lands: *“They will attack us if we force them to leave. This makes us scared of them.”*²⁶⁰

²⁵⁵ UNHCR, *Handbook for Repatriation and Reintegration Activities*, 2004.

²⁵⁶ See Source #5.

²⁵⁷ See Source #5.

²⁵⁸ See KHRG, *“‘Development without us’: Village Agency and Land Confiscations in Southeast Myanmar”*, August 2018, p. 53.

²⁵⁹ See Source #8.

²⁶⁰ See Source #8.

B. Overall security – Refugees repatriated with UNHCR support

In Dooplaya District, Naw B---, a refugee who returned to C--- village in February 2019 with UNHCR support, told KHRG that she worried fighting might break out in the future: *“I feel like the current situation is not sustainable. [...] I worry that fighting will occur in the future. I would be afraid to live here if fighting happens because fighting has happened here in the past.”*²⁶¹ Although she did not seem to be facing immediate threats, she explained that the instability in other parts of the country was the main reason for her concerns. Before returning, she even inquired whether she would be able to return to the camp: *“Before I returned to Burma [Myanmar], I already asked the UN [UNHCR] staff whether I could go back to Thailand or not if the fighting breaks out in the repatriation area. They told me I could go back to Thailand if the fighting breaks out.”*²⁶² This highlights how little trust some refugees have in the peace process and its ability to bring about sustainable peace. KHRG was not able to assess the security situation in Lay Hpa Hta in detail, but the repatriated refugees interviewed in March 2019 did not report any major issues.

In Mae La Ta Law Thaw, Hpa-an District, one UNHCR-repatriated refugee and another refugee who returned spontaneously reported that they feel safe. However, Naw D---, who also repatriated in February 2019 with UNHCR support, told KHRG that she did not, mostly because of the presence of army camps and soldiers from the Tatmadaw, KNU/KNLA-PC, KNLA²⁶³ and BGF.²⁶⁴ She is therefore afraid of being caught in the crossfire should fighting break out between them: *“Some people say that the fighting might break out again. The Tatmadaw soldiers sometimes patrol in the area at night. We are afraid of that because we are in the middle of these armed actors.”*²⁶⁵ In addition, she also fears soldiers might kill or rape her: *“Now, we are afraid of the Tatmadaw soldiers. There is a Tatmadaw army camp in Ka Teh. We are afraid that they will kill us or sexually assault us when we travel at night or after dark. We are not sure whether they would do it or not, but this is our concern.”*²⁶⁶

Such fears are common among Karen villagers from conflict-affected areas, mainly due to the Tatmadaw’s past history of committing human rights violations and sexual violence against women.²⁶⁷ Naw Aw--- returned to Mae La Way Ler Moo with UNHCR support, but now mostly stays on her farms in nearby Mae La Law Lee. She expressed similar concerns when asked if she would dare to travel alone, as there is a Tatmadaw camp between the two localities: *“No, I would not dare. We are afraid as well. [...] We are just worried of accidentally stumbling upon them when we travel alone on the way. Maybe they will kill us.”*²⁶⁸ She also stressed how vulnerable civilians would be if they were to be targeted by the military: *“[I]f they just throw one hand grenade, we will all be gone. [...] If the political situation gets bad, they can easily shoot us here. We are just worried about that because we cannot see through their hearts.”*²⁶⁹

²⁶¹ See Source #2.

²⁶² See Source #2.

²⁶³ The Karen National Liberation Army (KNLA) is the armed wing of the Karen National Union.

²⁶⁴ Border Guard Force (BGF) battalions of the Tatmadaw were established in 2010, and they are composed mostly of soldiers from former non-state armed groups, such as older constellations of the DKBA, which have formalised ceasefire agreements with the Burma/Myanmar government and agreed to transform into battalions within the Tatmadaw.

²⁶⁵ See Source #3.

²⁶⁶ See Source #3.

²⁶⁷ See KHRG, “Foundation of Fear: 25 years of villagers’ voices from Southeast Myanmar”, October 2017.

²⁶⁸ See Source #40.

²⁶⁹ See Source #40.

Interestingly, the other interviewees in Mae La Way Ler Moo did not report facing any security issues or being scared by the presence of the Tatmadaw soldiers. Saw Am--- reported: *“Living here, we don’t have to be afraid of the military.”*²⁷⁰ Some like Naw An--- and her husband, who were interviewed in April 2019, even seem to have a good relationship with them: *“We are farming right below their army camp. They told us that it is nice for them to stay here, because when they were in Mae T’Ree, they were attacked and they had to run. They said that when they came back to stay here, they were able to live in peace.”*²⁷¹ Naw Aa---, another repatriated refugee living there, reported that she did not fear for her safety, nor did she worry about her daughter travelling alone in the area.²⁷²

C. Overall security – IDPs and refugees who returned spontaneously

Overall, the returnees interviewed by KHRG feel like their current security has improved in comparison to the past. They enjoy freedom of movement and many reported facing no immediate security threats. In Mu Traw District, U E---, a refugee who returned spontaneously to Ar--- village, said that he did not feel threatened despite the presence of a Tatmadaw camp in the village, and emphasised that no fighting had taken place in the area since his return.²⁷³ The same goes for Saw Ag---, an IDP who returned to Law Muh Thaw (Keh Doh Loo section), Kler Lwee Htoo District: *“Regarding security, it is slightly better now when compared to the past. Now, we can go in and out of our village whenever we want.”*²⁷⁴

In Doo Tha Htoo District, the four IDPs who returned to Htee Hsee Baw Hkee mostly expressed that they now feel safe, but Saw Y--- worried about the future: *“I do not think that the current situation is sustainable yet. We still have concerns about the potential conflict that might happen again between the Tatmadaw and the KNLA.”*²⁷⁵ This sense of uncertainty about the future was shared by Naw Ac---, a former refugee who returned spontaneously to Kaw Lah, Dooplaya District. While she has not experienced any intimidation or threat from any armed actors since she returned, she did express security concerns: *“We feel we are not safe, so we worry that we will have to flee from the P’Yaw [‘Burmans’, meaning Tatmadaw] again.”*²⁷⁶

Other returnees voiced concerns related to the presence of armed actors, and mostly Tatmadaw soldiers. In Taw Oo District, Saw L---, an IDP who returned to Saw Muh Der, told KHRG that he was afraid that fighting might break out because there is a Tatmadaw camp in his area, and expressed that he wanted the military to withdraw their soldiers to avoid such an outcome: *“I hope they retreat as soon as possible because if they do not leave, conflict might happen. If our leaders do their best to manage the relationship between them [KNU and Tatmadaw], it will be good. If they cannot manage it, the situation will turn bad.”*²⁷⁷ He further explained that he would not even try to flee and accepts his fate if the fighting resumes: *“If that happens again, I will not go anywhere. I will just stay here, dead or alive. As I am getting old, I cannot run or flee to other places again. We could even jump while fleeing from the fighting when we were*

²⁷⁰ See Source #41.

²⁷¹ See Source #6.

²⁷² See Source #24.

²⁷³ See Source #4.

²⁷⁴ See Source #33.

²⁷⁵ See Source #21.

²⁷⁶ See Source #26.

²⁷⁷ See Source #9.

younger, but now I cannot do that anymore. If it happens again, I will just accept whatever they will do to me.”²⁷⁸

Most of the interviewees living in Taw Oo (Toungoo) District are also afraid of the Tatmadaw, as Naw X---, a former refugee who spontaneously returned to Hkler Muh Khah, explained: “To be honest, we do not feel safe here. We still have concerns because we are living near the Tatmadaw army camps.”²⁷⁹ Taw Oo District is home to the Southern Command headquarters and other major Tatmadaw camps, which are used to supply troops, ammunition and weaponry to units based in nearby districts. She confirmed that these convoys raise security concerns among the local villagers: “We see the Tatmadaw soldiers travelling and transporting rations in order to strengthen their army camps, so it concerns us a lot. [...] They are transporting their rations, soldiers and military materials such as weapons, artillery, to frontline army camps. Some of the weapons they carry, we have never seen them before.”²⁸⁰

Many like Saw Ak---, an IDP who returned to See Kheh Der, feel that this strong Tatmadaw presence is a danger to the peace process: “I have no idea whether [the peace process] is sustainable or not because I see Tatmadaw soldiers everywhere. [...] If they go back, maybe the peace process could be sustainable but they are not going back.”²⁸¹ He explained that the villagers were concerned by the presence of a Tatmadaw camp nearby, and emphasised his lack of trust in the military: “Their camp is based just there, around Kloh Mu Der village. It does not even take one hour and thirty minutes by foot [to get there]. So we are concerned that they are not going back yet. I cannot trust them because they detained me once or twice in the past. It was when I was young.”²⁸² This feeling of mistrust was shared by Saw L---, another IDP who returned to Saw Muh Der, who told KHRG about his strong animosity towards the Tatmadaw: “I think the Tatmadaw still wants to destroy us, but it just is not the right time for them yet. If something goes wrong in the future, the situation will get worse.”²⁸³

Saw Al---, an IDP who returned spontaneously to Shoh Hkoh, Daw Hpa Hkoh Township, told KHRG that the current ceasefire was only a trick by the Tatmadaw, and that fighting was bound to resume in the future: “The conflict the Tatmadaw has created has been going on for over 70 years now. When they signed a ceasefire with the Karen, they went and attacked the Kachin. And when they signed a ceasefire with the Kachin, they attacked the Karen. They have been doing this for many years already. They are not doing it with an honest heart. They will keep doing the same to the ethnic groups in the future as well. Therefore, there is no way for civilians not to worry about it. Everyone worries about it.”²⁸⁴ Some members of his community are so afraid that they might get attacked eventually that they built their houses outside the village: “There are over 30 households in the village but some stay in their plantation. They built their houses in their plantation because they are afraid of a Tatmadaw attack if they build the house in the village. We do not trust the Tatmadaw and the Myanmar government yet.”²⁸⁵ Even though Naw Z---, an IDP who returned to Klay Hkee did not express security concerns, she admitted that the future was unclear: “Currently, there are no security concerns regarding the military activities. However, we do not know about the future.”²⁸⁶

²⁷⁸ See Source #9.

²⁷⁹ See Source #20.

²⁸⁰ See Source #20.

²⁸¹ See Source #36.

²⁸² See Source #36.

²⁸³ See Source #9.

²⁸⁴ See Source #42.

²⁸⁵ See Source #42.

²⁸⁶ See Source #23.

Security concerns related to the Tatmadaw presence in Mergui-Tavoy District were also raised by Naw G---, a refugee who spontaneously returned to Thoo Lei Plaw, in April 2014: *“Sometimes, we see the Tatmadaw patrolling with around 30 motorbikes near the village. This threatens our security.”*²⁸⁷ She even explained that she was always ready to flee again should the situation deteriorate: *“When I see the Tatmadaw showing up, I prepare my bag and gather my UNHCR ID card and all the other legal documents I have such as my Myanmar national ID card, my household documents and a torch light. It became a habit because I received awareness training when I was in the refugee camp.”*²⁸⁸

The fact that Naw G--- is still considering going back to Thailand despite having returned for more than 6 years highlights how the uncertainties surrounding the peace process can be a major obstacle to the successful reintegration of former refugees. In the absence of a permanent peace agreement, there are no guarantees that the fighting will not resume. This puts people like her in a situation where they have to make plans for the worst, as they cannot predict what the future will bring: *“We have the ID card provided by the UNHCR. We had to memorise the number of our ID card, so I still remember it. It is [censored]. My household number [from the camp] is [censored], in section [censored]. I brought it back with me here. Sometimes I wonder: ‘Would we be accepted as refugees if we face displacement again?’ I thought that if we are not accepted as refugees again, we will show our UNHCR ID card and see if they change their mind. Because, you know... the situation in Myanmar is not stable. We cannot make promises for our future.”*²⁸⁹

Saw Ai---, an IDP who returned to Law Muh Thaw (Toh Taw Loo section), Kler Lwee Htoo District also expressed the idea that the security situation would remain fragile until a satisfactory political agreement can be reached: *“We must enjoy full rights and equal rights. The right to a federal government should also be granted. Then, there will be sustainable peace.”*²⁹⁰ He explained that the current situation was only a temporary arrangement, and that civilians would pay the price should the fighting resume: *“Fighting might happen in the future if they [the Myanmar government] do not [agree to] a federal government and allow for self-determination. The current situation is just a ceasefire. If the fighting resumes, it is certain that civilians will have to suffer.”*²⁹¹ In the same district, Saw K---, another IDP who returned to Noh Shel, also told KHRG that he was concerned by the current political situation and the potential impacts of renewed fighting: *“We worry about the political situation. If the fighting breaks out again, it will impact our community very badly in every aspect. We will face armed conflict and abuses from armed actors and also lose our livelihood sustainability again.”*²⁹²

²⁸⁷ See Source #5.

²⁸⁸ See Source #5.

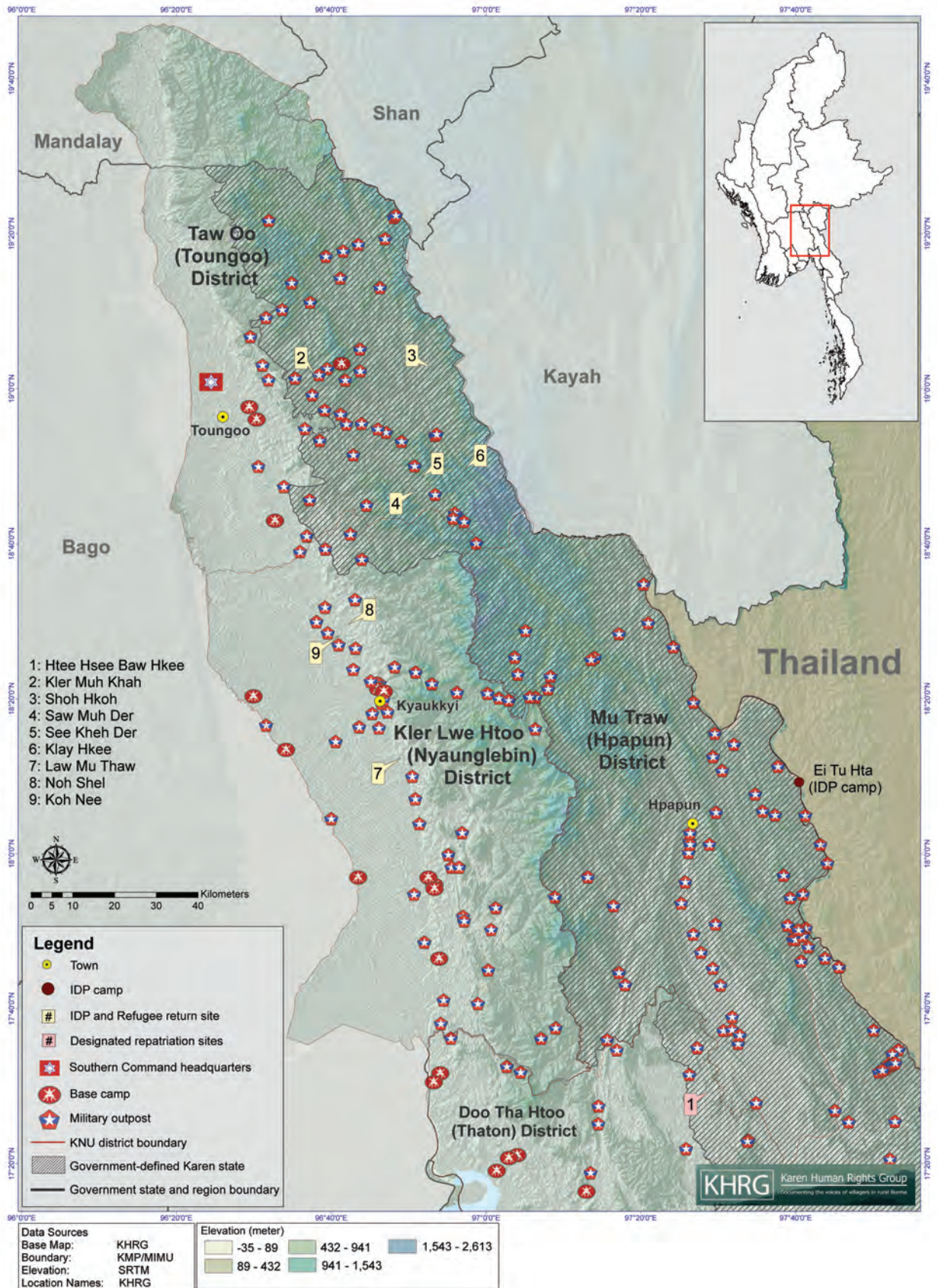
²⁸⁹ See Source #5.

²⁹⁰ See Source #34.

²⁹¹ See Source #34.

²⁹² See Source #8.

Map 2: Tatmadaw presence in Southeast Myanmar (Northern KNU districts)



D. UXO/landmine contamination

Landmine contamination has been a long-standing problem in Southeast Myanmar, and is frequently cited as one of the main barriers to return by refugees and internally displaced people.²⁹³ The UN Independent International Fact-Finding Mission on Myanmar reported in September 2018 that “despite the signing of the Nationwide Ceasefire Agreement in October 2015, which committed all parties to end the use of landmines and cooperate on mine-clearance operations, new landmines continue to be laid.”²⁹⁴ So far, the Myanmar government has not announced a clear strategy on mine action, and the Tatmadaw continues to lay new landmines, according to the International Campaign to Ban Landmines.²⁹⁵ In late 2018 and early 2019, there were also reports of new use by the Democratic Karen Benevolent Army (DKBA),²⁹⁶ the Karen National Defence Organisation (KNDO)²⁹⁷ and the KNLA.²⁹⁸

Both the Tatmadaw and several EAOs have a long history of landmine use, including Tatmadaw use of landmines on footpaths and in villages to deter IDPs from returning. None of these mines were ever mapped, and there have not been any systematic demining operations in Karen areas. One of the core components of voluntary repatriation is physical safety, which includes the absence of mines and unexploded ordnance in the repatriation areas. As neither the UNHCR nor its traditional implementing partners can undertake large-scale demining, they focus on measures that lead to immediate risk reduction like mine awareness campaigns.²⁹⁹

The UNHCR-repatriated refugees interviewed by KHRG reported that they had indeed received landmine awareness training prior to their return. Several refugees who returned spontaneously also declared that they had benefitted from similar workshops, either in their village or former camp. According to information received by KHRG, the CIDKP has been conducting extensive mine risk education trainings for internally displaced communities, both in displacement sites and in return areas across Southeast Myanmar, except in Mergui-Tavoy District.³⁰⁰ One IDP who returned to Noh Shel confirmed that he had benefitted from CIDKP awareness-raising measures.³⁰¹

²⁹³ See KHRG, “Dreaming of Home, Hoping for Peace: Protracted Displacement in Southeast Myanmar”, May 2019.

²⁹⁴ Human Rights Council, “Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar”, A/HRC/39/CRP.2, September 2018, p. 95.

²⁹⁵ International Campaign to Ban Landmines, *Landmine Monitor 2019*, November 2019, p. 8.

²⁹⁶ The Democratic Karen Benevolent Army (DKBA), formerly the Democratic Karen Buddhist Army, was formed in December 1994 and was originally a breakaway group from the KNU/KNLA that signed a ceasefire agreement with the Burma/Myanmar government and directly cooperated at times with Tatmadaw forces. The formation of the DKBA was led by monk U Thuzana with the help and support of the State Law and Order Restoration Council (SLORC), the name of the military government in Burma/Myanmar at that time. For more information on the formation of the DKBA, see KHRG, “Inside the DKBA”, 1996. The DKBA now refers to a splinter group from those DKBA forces reformed as Tatmadaw Border Guard Forces, also remaining independent of the KNLA. As of April 2012, the DKBA changed its name from “Buddhist” to “Benevolent” to reflect its secularity.

²⁹⁷ The Karen National Defence Organisation (KNDO) was formed in 1947 by the Karen National Union and is the precursor to the Karen National Liberation Army (KNLA). Today the KNDO refers to a militia force of local volunteers trained and equipped by the KNLA and incorporated into its battalion and command structure; its members wear uniforms and typically commit to two-year terms of service.

²⁹⁸ International Campaign to Ban Landmines, *Landmine Monitor 2019*, November 2019, p. 11.

²⁹⁹ UNHCR, *Handbook. Voluntary Repatriation: International Protection*, 1996.

³⁰⁰ This information was provided by a KHRG senior staff.

³⁰¹ See Source #8.

Due to the extent of the problem in Southeast Myanmar, several interviewees were convinced that their area was contaminated by landmines or UXO. In the words of Saw Y---, an IDP who returned to Htee Hsee Baw Hkee, Doo Tha Htoo District: *“I am sure there are some UXO, even though we do not see them.”*³⁰² Saw Ag---, another IDP who returned to Law Muh Thaw (Keh Doh Loo section), Kler Lwee Htoo District, expressed the same concerns: *“I think there might be unexploded landmines and UXO in this village and its surroundings. We have not experienced any explosion yet.”*³⁰³ Naw Z---, a third IDP who returned to Klay Hkee, Taw Oo District in June 2016 pointed out that, although her village was not contaminated, she knew about other areas that were facing this problem: *“There are no UXO in my area, but there are in other areas, especially some villages in the Poe Hkee area. [...] Some unexploded landmines that were planted by the Myanmar government military when they were attacking, and by the KNLA to defend themselves from the Tatmadaw, might have remained.”*³⁰⁴ She also pointed out how difficult it will be to address this issue: *“Some of the landmines were planted [by the soldiers]. However, they do not remember their location so it is impossible to remove them.”*³⁰⁵

Landmine contamination has prompted some returnees to avoid specific areas in the vicinity of their village, as explained by Naw X---, a refugee who returned spontaneously to Hkler Muh Khah, Taw Oo District 3 years prior to the interview: *“The Tatmadaw entered our village, planted landmines and destroyed our houses. We are still worried for our safety, even after we returned here. We dare not go to some places because we worry that we will step on landmines.”*³⁰⁶ In some cases where there is no evidence of actual contamination, the fear of landmines alone was enough to justify self-imposed movement restrictions. This is the case for Daw S---, who returned to Htee Th’Bluh Hkee, Dooplaya District with UNHCR support in February 2019: *“We have not gone to the bushy places since we returned here. Therefore, we do not know [if the area is contaminated]. We do not know when they will explode. We just stay in the village and avoid the forest.”*³⁰⁷

Several refugees who returned under the UNHCR voluntary repatriation programme reported that they had been confronted with landmines and UXO in their area. In Hpa-an District, Naw An---, a refugee who returned to Mae La Way Ler Moo in February 2019, explained that there were UXO in the forest surrounding the village. She even witnessed an explosion when working on her fields: *“We saw it when we cleared our fields. It even exploded when we burned our fields. [...] People did not plant it, but shells were fired in the past. They fell in the forest, so when we burned our fields, it [a particular UXO] got burned and exploded.”*³⁰⁸ Although she admitted being scared of UXO, she said that she had been warned about this problem and was now taking the necessary precautions to mitigate the risk they represent: *“We are very scared of that. We do not even get close to them. People told us to stay away from the fields when we are burning them. [...] It is in the forest so no one cleared it, but they warned us to be careful.”*³⁰⁹

In Mae La Law Lee, Naw Aw---, who repatriated in February 2019, also reported that she thought the nearby forest was contaminated by UXO: *“There are no [landmines and UXO] here but I think there are some in the forest.”*³¹⁰ She also explained that a local villager was injured in a

³⁰² See Source #21.

³⁰³ See Source #33.

³⁰⁴ See Source #23.

³⁰⁵ See Source #23.

³⁰⁶ See Source #20.

³⁰⁷ See Source #15.

³⁰⁸ See Source #6.

³⁰⁹ See Source #6.

³¹⁰ See Source #40.

UXO explosion while he was burning his fields: *“It was in April [2019], when he was burning his farm. He stayed close to the burning area and when [the UXO] exploded, it hit his calf [leg]. He had to be hospitalised in Mae Sot.”*³¹¹ According to her, the local villagers are now trying to get rid of UXO using fire-fallow cultivation practices: *“[T]he person who sees it [UXO] will mark it and keep it somewhere, for example on a log, and will let other people know not to go and touch it. When we burn the farms, it will explode by itself. [...] We start the fire and go very far to protect ourselves and avoid being hit [by the explosion].”*³¹² Such practices are particularly dangerous, as trying to handle and destroy UXO without the appropriate training and equipment could potentially cause them to explode while being manipulated.

Naw D---, another UNHCR-repatriated refugee in Mae La Ta Law Thaw, also told KHRG that she saw pieces of ammunition and other military items on village farms: *“We see a lot of shells and pieces from Tatmadaw soldiers’ water bottles when we work on the hill farms.”*³¹³ She pointed out that local children had picked up bullets, which raised concerns among her community: *“We threw them away because we were afraid [...] they would explode. The children don’t know about them. They just saw and took them.”*³¹⁴ According to UNICEF, displaced children returning home are particularly at risk of landmines and UXO, as “they are most likely to be unaware of the dangers of playing in or traversing hazardous areas.”³¹⁵ Therefore, future repatriation initiatives should feature tailored mine awareness programmes directed at children to mitigate that risk.

Naw B---, another refugee who returned to C--- village, Dooplaya District with UNHCR support, explained that there is an UXO in her village’s well: *“People said that Tatmadaw soldiers shot at the village with big weapons [artillery] many years ago, before we came back. It fell down the well. It has not exploded yet.”*³¹⁶ She expressed concern for her safety and her children’s, and pointed out that nothing was being done to deal with this issue: *“I do have concerns because I do not know when it will explode. So I told my children not to go near the UXO. Even though many people in the village know about it, there is nobody who takes responsibility to remove it.”*³¹⁷

³¹¹ See Source #40.

³¹² See Source #40.

³¹³ See Source #3.

³¹⁴ See Source #3.

³¹⁵ UNICEF, “[Landmines pose gravest risk for children](#)”, December 2004.

³¹⁶ See Source #2.

³¹⁷ See Source #2.

Photos: Security



This photo was taken on July 29th 2019 in Mae La Way Ler Moo, Ta Kreh (Paingkyon) Township, Hpa-an District. It shows an unexploded mortar shell that was found on nearby farmland and placed on a log by a local villager. As they depend on agricultural land for their livelihood, some returnees have no choice but to remove UXO at the risk of their own lives. [Photo: KHRG]



These two pictures were taken on February 7th 2017 in Htee Hta village, Dawei Township, Mergui-Tavoy District. The presence of a nearby Tatmadaw base in the area remains a major security concern for the returnees living there, as well as a main obstacle to the return of other refugees. In the words of a refugee interviewed by KHRG in January 2017: “We especially want the Tatmadaw army camp in B--- village to be removed because we will not feel secure and free so long as they remain active near the village. We just want to live freely and peacefully.” Similar concerns were raised by the returnees interviewed by KHRG for this report. [Photos: KHRG]

Chapter 5: Perspectives and recommendations of returnees

Despite the difficulties they face, most of the interviewees who were asked whether they regretted coming back to Myanmar or to their area of origin replied that they did not, such as Saw Ai---, an IDP who returned to Law Muh Thaw (Toh Taw Loo section), Kler Lwee Htoo District: *“I am so glad to tell people that areas which had been battlefields became villages. [...] We asked our relatives or acquaintances to come and live in the village. Some people are afraid to come and live in the village because they are afraid that fighting will occur again. This time, we can work together with human rights groups if something happens.”*³¹⁸

Although U E---, a former refugee who returned spontaneously to Ar--- village, Mu Traw District, did not express regrets, he admitted that it was a mistake not to return through the UNHCR repatriation programme: *“No, I do not regret because I would still have to work in the refugee camp, just like here. However, as I told you, I lost something when I came back without informing the authorities. If I had informed them, I might have gotten the lands that they prepare and the money that they give to each of the family members. I just regret that a little bit. Everyone would take it if they get it.”*³¹⁹ However, he explained that his choice was motivated by the fact that some repatriated refugees had faced hardship: *“I was afraid because I heard that some people faced difficulties when returning back with the arrangement. Those people do not have any place to stay and also could not go back to the camp as well.”*³²⁰

Naw B---, a former refugee who was repatriated to C--- village, Dooplaya District with UNHCR support, did regret her choice, but explained that she was provided misleading information prior to her return: *“Before I came back, I asked other people who already returned to Burma [Myanmar] about the situation. They said that the situation was good. That is why I decided to come back. I asked the people who had already returned to Burma about their return trip. They said that they were warmly welcomed and they were provided with transportation for the trip. When I came back, nobody came to take us. I started to realise that there are no guarantees for us in Burma.”*³²¹ She now tries to warn the refugees that remain in Thailand about the situation on the ground: *“I think I made a big mistake when I decided to come back because I know the real situation now. I faced a difficult situation myself. I also warned my friends who live in the refugee camp. I told them to make the right decision before they come back because I told them everything I have experienced when I came back.”*³²²

The same regrets were expressed by Naw X---, a refugee who spontaneously returned to Hkler Muh Khah, Taw Oo District, mostly because of the difficulties her family faced after coming back: *“Yes [we have regrets], because we did not have a proper place to live in when we first came back, and our children also faced difficulties in school since they are not familiar with the Myanmar government schools.”*³²³ She also explained that accessing basic services was easier at the refugee camp: *“Sometimes we cannot afford to access healthcare because, in the camp, it would not cost anything to go to the clinic or hospital. But here, it costs a lot of money when we*

³¹⁸ See Source #34.

³¹⁹ See Source #4.

³²⁰ See Source #4.

³²¹ See Source #2.

³²² See Source #2.

³²³ See Source #20.

are sick or go to the clinic. There are differences in terms of education, healthcare and access to justice between here and the camp.”³²⁴

As returnees still face many problems, they were asked to give some recommendations to the authorities and other relevant actors to help them improve their situation. Most of them correspond to basic needs such as food, shelter, job opportunities, land and security. In Doo Tha Htoo District, two of the IDPs who returned to Htee Hsee Baw Hkee told KHRG that their most pressing need was food, as Saw Y--- emphasised: *“I think that if they can provide us with enough food, it would be great because food is very important for us and we don’t have enough of it.”*³²⁵ Naw D---, a refugee who returned to Mae La Ta Law Thaw, Hpa-an District with UNHCR support, made a similar recommendation: *“They should support us with some food and money as we cannot work properly yet.”*³²⁶ This was echoed by Naw U---, another UNHCR returnee in the same location: *“They should provide rice for us. If they could provide enough rice for half a year, it would be very helpful for us.”*³²⁷

Some returnees stated that they need land to secure their livelihoods; otherwise they will remain trapped in a situation where they are reliant on outside support. This point was made by Naw A---, another UNHCR returnee in Mae La Ta Law Thaw: *“Actually, we should not have to buy land to build our houses. They should provide land for our house and farming. [...] It would be helpful if we could buy animals, such as 2 or 3 goats.”*³²⁸ Saw Ai---, an IDP who returned to Law Muh Thaw (Toh Taw Loo section), Kler Lwee Htoo District, also called on the Myanmar government and the KNU to develop economic opportunities to allow the returnees to make enough money: *“I want them to consider job vacancies for the civilians so they can earn income and live a comfortable life. [...] Daily jobs are not always available in this area.”*³²⁹

As discussed previously, returnees have highlighted the lack of resettlement support and follow-up that they received from the organisations and actors that assisted with their return. In C--- village, Dooplaya District, Naw B--- pointed out that some organisations involved in the repatriation process, such as the KNU, the Karen Refugee Committee and others had failed to provide appropriate support and to monitor the situation of the returnees on a regular basis, as they promised: *“I just would like to highlight that their actions do not match their words.”*³³⁰ The same issue was also raised by Daw S---, a UNHCR-repatriated refugee in Htee Th’Bluh Hkee, Dooplaya District: *“There is no one who comes to provide support. We came back here almost a year ago. [...] I think they [KNU and Myanmar government] should come, but no one does. They should come to encourage, suggest and support. We do not know whether they provide and give support to the local leaders. We are not educated and we do not have much knowledge about it.”*³³¹ The organisations in charge of or involved in the repatriation process should therefore monitor the situation of the returnees on a regular basis in order to identify their needs and make sure that they receive enough support.

The lack of healthcare and education infrastructures was also a concern for several returnees, as Naw Q---, a UNHCR repatriated refugee from Mae La Ta Law Thaw, Hpa-an District, expressed: *“I think they should support us with what we need, such as schools up to high school and a*

³²⁴ See Source #20.

³²⁵ See Source #21.

³²⁶ See Source #3.

³²⁷ See Source #16.

³²⁸ See Source #1.

³²⁹ See Source #34.

³³⁰ See Source #23.

³³¹ See Source #15.

*hospital.*³³² In C--- village, Dooplaya District, Naw B--- insisted on the importance of creating the necessary conditions to meet all the needs of the repatriated refugees prior to their return: *“They should provide shelters [housing] for the returnees. They should ensure that education, healthcare and livelihood opportunities are already arranged in the repatriation sites before the refugees come back. They should provide protection and security for returnees.”*³³³

Apart from support for basic needs, returnees also recommended more cooperation between the KNU and the Myanmar government to build mutual trust and favour political solutions to the tensions that may arise in order to protect the civilians. In the words of Saw Ai--- in Law Muh Thaw (Toh Taw Loo section), Kler Lwee Htoo District: *“I would like both of them [Myanmar government and KNU] to sit in-person to discuss and build full trust. If a conflict happens between them, they should have a discussion to find the best solution. If not, if something serious happens, the civilian[s] will have to suffer a lot. That is why I really want them to build more trust between them.”*³³⁴ Saw K---, an IDP who returned to Noh Shel, Kler Lwee Htoo District added that steps should be taken to raise the voices of civilians and ensure that the Nationwide Ceasefire Agreement is implemented: *“Organisations should help document the villagers’ voices, and the JMC [Joint Monitoring Committee]³³⁵ should monitor the activities of the armed groups and prevent them from stirring conflict and hurting civilians.”*³³⁶

³³² See Source #14.

³³³ See Source #2.

³³⁴ See Source #34.

³³⁵ The Joint Monitoring Committee was established at the Myanmar state and regional level in late 2015 to monitor signatories’ adherence to the October 2015 Nationwide Ceasefire Agreement. It considers the majority of its monitoring to be based on territorial disputes, but has been slow to respond to complaints over breaches of the NCA code of conduct, and lacks a formal complaint mechanism, or any enforcement powers. For more information, see [“Majority of joint ceasefire monitoring committee complaints are territorial disputes”](#), *The Irrawaddy*, July 2017.

³³⁶ See Source #8.

Conclusion

The majority of the returnees interviewed by KHRG face a wide range of challenges that prevent their full reintegration into their communities. Although the UNHCR voluntary repatriation programme aims at ensuring the safe, dignified and sustainable return of refugees, it stems from this report that people who were repatriated under this scheme are now facing similar difficulties as those who returned spontaneously. The initial support provided by UNHCR, coupled with a lack of income-generating opportunities in the repatriation sites, proved insufficient to allow returnees to build sustainable livelihoods. The lack of basic services in these areas is also a major shortcoming, given that the “access to means of survival and basic services in early stages of return” is one of the core components of voluntary repatriation.³³⁷

Although the UNHCR indicated that it would continue to monitor the reintegration of repatriated refugees, the lack of actual follow-up was one of the main issues raised by interviewees, including local authorities and members of Ethnic Armed Organisations. Similarly, UNHCR’s commitment to implement “community-based projects [...] designed to create and support livelihood opportunities [and] facilitate access to basic services”³³⁸ does not seem to have translated into economic improvements for the returnees interviewed by KHRG. It is therefore paramount to monitor the current situation of all the UNHCR-repatriated refugees in Southeast Myanmar in order to identify their needs and provide them with adequate support. In addition, the shortcomings of the voluntary repatriation programme should be addressed to ensure that future repatriated refugees are not confronted with the same situation.

In parallel, initiatives to assess the scope of spontaneous refugee and IDP returns should be carried out by the Myanmar government and relevant stakeholders to identify the most pressing needs of informal returnees and help them rebuild their lives with dignity. A particular attention should be paid to mapping the organisations that already provide assistance and services to these returnees and to provide them with enough resources to support their operations.

³³⁷ UNHCR, *Handbook for Repatriation and Reintegration Activities*, 2004.

³³⁸ UNHCR, “Third group of Myanmar refugees return home from Thailand with UNHCR support”, February 2019.

Photos: Front and back cover

Front cover photo:

This photo was taken on February 22nd 2019 in Noh Poe temporary shelter, on the Thai–Myanmar border. Refugees are preparing their belongings and waiting for transportation to return to Myanmar as part of the third voluntary facilitated repatriation initiative organized by UNHCR in conjunction with the Thai and Myanmar governments. Over 500 refugees from five of the border camps participated in this third initiative.

Back cover photo:

This photo was taken on June 19th 2017 on a river bank in Daw Hpa Hkoh (Thandaunggyi) Township, Taw Oo (Toungoo) District. The photo shows a group of IDPs from Ei Tu Hta camp returning to their original village in Taw Oo District. IDPs typically receive little support for their return. This group of IDPs are carrying their belongings and traveling by foot to Hkel Ma Phyu port where a transportation truck will bring them to their final destination.

[All photos: KHRG unless cited otherwise]



Refugee repatriations and IDP returns in Myanmar have steadily increased since the 2015 Nationwide Ceasefire Agreement, as have repatriation and return initiatives. If ethnic minorities are to assume an active and equal role in Myanmar's future, then political, economic and social reintegration of returnees is critical. The situation of refugee and IDP returnees in rural Southeast Myanmar remains however extremely difficult.

The majority of the returnees interviewed by KHRG face a wide range of challenges that prevent their full reintegration into their communities. Although the UNHCR voluntary repatriation programme aims at ensuring the safe, dignified and sustainable return of refugees, it stems from this report that people who were repatriated under this scheme are now facing similar difficulties as those who returned spontaneously. The initial support provided by UNHCR, coupled with a lack of income-generating opportunities in the repatriation sites, proved insufficient to allow returnees to build sustainable livelihoods.

Many returnees continue to struggle to obtain the documents to which they are entitled as citizens, and concerns about security and safety are also still prevalent for some. In the absence of economic and physical security, returnees are likely to remain marginalised as political and social actors in building a democratic, peaceful, and stable society. By calling attention to these problems, the current report highlights the challenges faced by returnees so that actions can be taken to better promote their sustainable and dignified return.

"I started to realise that there are no guarantees for us in Burma. [...] They should provide shelters [housing] for the returnees. They should ensure that education, healthcare and livelihood opportunities are already arranged in the repatriation sites before the refugees come back. They should provide protection and security for returnees."

Naw B---, C--- village, Noh T'Kaw (Kyainseikgyi) Dooplaya District



Karen Human Rights Group (KHRG) was founded in 1992 and documents the situation of villagers and townspeople in rural southeast Myanmar through their direct testimonies, supported by photographic and other evidence. KHRG operates independently and is not affiliated with any political or other organisation.