

FEBRUARY 2015

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Situation in the South-East: General Overview

Highlights

Significant political and economic reform has been underway inside Myanmar since the formation of a civilian-led government in 2010. This included a series of agreements with different ethnic armed groups, and a nationwide ceasefire negotiation representing unprecedented steps towards a national peace process. For the people living in the South-East of Myanmar, a region long affected by internal conflict, this has given rise to genuine hope for the future. There has been some return to areas of origin by internally displaced people (IDPs). For many refugees, the possibility of eventual return is emerging as a real prospect after more than two decades of protracted exile.

Since 2012 there has been much discussion within the refugee community in Thailand on preparedness for an eventual voluntary repatriation. Humanitarian agencies in Thailand have re-configured their assistance strategies from sustained care and maintenance in the camps to proactively supporting preparedness for durable solutions. In South-East Myanmar, humanitarian space continues to expand and increased interest in early recovery can be seen, alongside peace-building and nascent development efforts. Now in 2015, UNHCR is focusing on securing solutions for displaced populations, and in particular, on preparing the ground for voluntary repatriation of refugees.

Some 110,000 refugees from South-East Myanmar are currently in Thailand

Facts and figures

Some 110,000 refugees from South-East Myanmar are currently hosted in nine 'temporary shelters' along the Thailand-Myanmar border. Almost two thirds of the refugees originate from Kayin State, where active conflict has been most acute in recent years, and which remains characterized by the presence of a multiplicity of armed groups and factions.

Securing reliable estimates of the number of internally displaced people continues to be a challenge, with the most recent estimates by The Border Consortium (TBC) placing the overall figure at 400,000 IDPs throughout the South-East. Some 230,400 of these are located within UNHCR's current area of operations in Mon, Kayin and Kayah States and Tanintharyi Region.

After scaling up its data collection and information management capacity, UNHCR established a return monitoring system in June 2013. In the 18 months since, UNHCR has identified over 5,000 IDP returnees along with around 750 refugee returnees, however qualitative information strongly suggests the latter figure underestimates the scale of refugee return movements.

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UNHCR in the South-East

UNHCR first undertook missions in the South-East in 2003, with a view to preparing for voluntary repatriation of Myanmar refugees at a time when a nascent peace process appeared to be emerging. Although that process ultimately stalled, a UNHCR field operation was nonetheless established in 2004 under the first of a series of Letters of Understanding (LOU) with the Ministry of Border Affairs, with the objective of assisting communities affected by armed conflict in Kayin and Mon States, and in Tanintharyi Region. The most recent LOU, the contents of which are elaborated upon in subsequent sections, was signed in 2013 and runs through 2016.

UNHCR in the South-East in 2015:

- 5 field offices
- 32 national staff
- 8 international staff



UNHCR in the South-East

Between 2004 and 2014, UNHCR, in partnership with local and international organisations, delivered a range of humanitarian projects to ensure that displaced and host families in affected areas had access to proper sanitation, primary health care facilities, shelter, primary education and clean water.

UNHCR provided more than 500 new health centres, primary schools and water points, as well as several hundred additional infrastructure projects, and other activities such as small-scale livelihood interventions, training, and technical support to enhance community management capacities, particularly in relation to small infrastructure management.

Over time, five field offices were established throughout the South-East. This widespread field presence has enabled UNHCR to establish important relationships with conflict-affected communities and government counterparts, and to undertake regular field visits to monitor the protection environment and engage in consultations with IDPs and host communities.

Evolving context

The cessation of hostilities has had immediate and tangible consequences for communities in the South-East, with a reduction in reports of protection issues associated with conflict, such as forced labour, forced recruitment, displacement and direct security risks. Increased freedom of movement has enabled many IDPs to access their agricultural land or gardens for the first time in years, expanding their livelihoods opportunities and for some IDPs, enabling them to re-establish their lives back in their home villages.

However, while the ceasefires have given rise to cautious optimism for many, it is not yet certain that these will lead to enduring peace accords, and confidence in the peace

process has been slow to build. Isolated small-scale clashes between armed groups and the Myanmar army still occasionally take place, including most recently in September 2014. In general, refugees remain in a 'wait and see' mode, preferring to undertake informal visits to assess the situation, although there are indications that groups of refugees from Tanintharyi Region are more actively preparing for a return to Myanmar.

Current protection issues include landmine contamination and land-related issues, including land-grabbing. The ongoing presence of military and non-state armed actors is also associated with a number of protection concerns. Documentation is a major concern, and although the Government has initiated an accelerated procedure to issue Citizenship Scrutiny Cards, enabling access to civil documentation for many living in previously conflict-affected areas, uncertainty remains on how the issue of citizenship and documentation will be addressed in the context of any future voluntary repatriation operation. This point, as well as questions about amnesties, criminal liability for illegal departure and land restitution, will need to be addressed in a legal framework for voluntary repatriation.

Preparedness for voluntary repatriation

UNHCR's operation in the South-East has been re-oriented towards a focus on supporting durable solutions for IDPs, and preparedness for a voluntary repatriation operation for refugees. The Letter of Understanding between UNHCR and the Government of Myanmar, signed in 2013, makes explicit reference to UNHCR's protection role and to the creation of conditions conducive to return. Activities and implementation also now focus on key townships of origin for refugees, with a view to proactively investing where returns are most likely to occur.

Following a range of discussions with key stakeholders on both sides of the border, UNHCR published the final draft of the Strategic Roadmap for Voluntary Repatriation, a policy paper which outlines the way forward for the organized return of refugees from Myanmar in Thailand. The roadmap is based on five strategic pillars:

- ◆ Preparedness
- ◆ Support to spontaneous returnees
- ◆ Facilitation of returns
- ◆ Promotion of voluntary repatriation
- ◆ Reintegration and disengagement

A living and breathing document that will be revised as the context further evolves, the Strategic Roadmap serves as a framework for engagement with key stakeholders on the modalities of voluntary repatriation. Various actors, including senior officials with both the Myanmar and Thai governments, as state-level officials and the refugee committees in Thailand, have all received copies of the Roadmap with the opportunity to provide feedback.

Humanitarian space

The emerging peace process has had a tangible impact on humanitarian space in the South-East, although the context in each state is decidedly unique. UNHCR has incrementally expanded its activities in a number of areas under the influence or control of non-state armed actors, where many refugees and IDPs are likely to eventually return, and space has opened up for dialogue with them on humanitarian issues, however, advance authorisation is still required for all field visits, and in some locations, armed escorts remain mandatory for international staff. The resolution of displacement has political implications, and is closely linked to developments in the peace process, at both national and sub-national levels. Both armed actors and local populations treat the expanding presence of international actors with suspicion, particularly amid concerns that it allows the Government to increase its reach into hitherto contested areas.



Current Strategy and Activities

Information and analysis: UNHCR's current focus is the management of a system for monitoring spontaneous returns of refugees and IDPs, and collaborating with UNHCR Thailand on an information management common service aimed at providing information to humanitarian partners and refugees. The development of new research and information products, including analysis of the return monitoring results, is expected to enhance understanding of the key challenges to safe, dignified and sustainable return, and inform humanitarian advocacy, strategies and standard-setting.

Strengthening coordination in support of durable solutions: UNHCR plans to continue improving coordination in the South-East through the establishment of South-East Consultations, with 75+ participants, supplemented by operational meetings on specific themes/states, coordination meetings at state level, regular UNHCR cross-border meetings, and establishment of a cross-border Voluntary Repatriation coordination mechanism led jointly by UNHCR Thailand and UNHCR Myanmar. Furthermore, UNHCR plans to intensify its collaboration with the Government and sister UN agencies on a transition strategy, strengthen support to State authorities on preparedness for voluntary return, and to continue building linkages with development and peace-building actors.

Strengthening and complementing national protection capacities: Through legal empowerment training for civil society organisations and capacity-building workshops on protection and durable solutions for government, local civil society organisations and non-state armed groups, UNHCR seeks to capitalize on the emerging space to address protection issues in the South-East. Further initiatives already under way include workshops on prevention and response to sexual and gender-based violence (SGBV), assistance to survivors of land mine accidents, protection monitoring and reporting, legal assistance, and life skills trainings incorporating health and hygiene awareness, as well as an ongoing community-based organisation (CBO) strengthening project in UNHCR-assisted

communities. Moving forward, UNHCR will intensify its collaboration with partners working on land-related issues and mine action.

Integrated support to spontaneous returnees: Currently provided through small-scale, low-profile interventions such as non-food items, water and sanitation, community-based awareness-raising activities and protection interventions. Throughout 2015, this approach will be further developed, to allow the testing of new approaches, and is expected to expand as the momentum of spontaneous return builds towards an integrated, community-based approach whereby key NGOs/UN partners collaborate to address identified challenges to legal, material and physical safety.

Addressing gaps in basic services and emergency support to local communities in potential return areas: Implemented primarily through the provision of new water points, access to safe drinking water has been identified as a key gap in UNHCR's village profiling and return assessments. UNHCR has also mobilized emergency assistance, where required, in response to extreme flooding and other emergencies in the South-East. Interventions will target known areas of origin of refugees, and locations in which spontaneous IDP or refugee returns are already taking place. Based on profiling information being compiled on livelihoods skills and expectations of the refugee population in Thailand, UNHCR will also be able to inform agencies and target interventions aimed at anchoring returnees and their surrounding communities while mitigating the tension that could otherwise arise over competition for resources.

Preparation for organized voluntary repatriation: In consultation with UNHCR Thailand and other stakeholders (including refugees) engaged through a cross-border voluntary repatriation coordination mechanism, UNHCR has intensified its engagement with the Government of Myanmar on key issues to be addressed in a legal framework for voluntary repatriation in safety and dignity including simplification of border procedures, civil documentation, identification of routes and transit areas, and addressing legal impediments to return. As mentioned on the previous page, the basis for these discussions is now the Strategic Roadmap for Voluntary Repatriation, a policy paper

which has been presented to key stakeholders on both sides of the border. Now in 2015, it is anticipated that spontaneous returns will continue throughout the year, and UNHCR will continue to deliver support as required, often with a community-based approach. Some facilitation of returns, particularly to group return sites, is also anticipated this year, with Tanintharyi Region identified as the likely the first area to receive large-scale returns.

As the time moves towards the facilitation, and eventually promotion of return for refugees, UNHCR is now in a unique position to build upon more than a decade of field-level investment in supporting displaced and conflict-affected communities. Nonetheless, as has already been shown in 2014, the prospects for durable solutions will be largely defined by local and national political realities, and UNHCR's assistance and protection interventions will remain nuanced, conflict-sensitive and cognizant of local conditions.

Promoting the engagement of refugees and IDPs in the peace process: Based on the observation that refugees and IDPs had not been directly involved in the ceasefire negotiations and peace talks in Myanmar, and drawing on UNHCR's experience elsewhere that demonstrates the benefit of ensuring refugees and IDPs are engaged in the process, UNHCR is actively promoting this as a vital complement to coordination of and preparation for durable solutions. As a first step, UNHCR has commissioned a pair of studies by two leading researchers, and has used these publications to advocate for joint events involving the refugee and IDP communities.

Funding situation

As of 10 February 2015, UNHCR Myanmar has not received any earmarked funding support from the international community. While the operation is carrying out priority activities based on un-earmarked funds received by UNHCR globally, there is a limit on available funds which means only prioritized activities for the first half of the year can be considered at present. In order to expand its efforts and meet more needs, UNHCR will require additional funds

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