

Voices of Refugees

Situation of Burma's Refugees Along the Thailand-Burma Border



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Background

When the nominally civilian government was installed in 2011 under President Thein Sein's administration, many people raised high hopes for Burma's transition to democracy. Those hopes have begun to shatter over the last four years as human rights abuses such as land confiscation, forced evictions, rape, sexual assault, extrajudicial killings, and torture continue with impunity, particularly in ethnic areas. Ongoing violence in Kachin and northern Shan State has led to the displacement of over 100,000 people who are still in need of humanitarian assistance.¹ This conflict, coupled with the discrimination and violence against Burma's religious minorities, has displaced over 240,000 people in Burma.² In addition, repression of the right to freedom of speech and assembly is prominent, most saliently in the recent violent crackdown on the student protesters calling for amendments to be made to the National Education Law, another indication of the worrying trajectory of the reform process.³ While the prevailing narrative is that Burma has set off on a road to democratic reform, the process is increasingly rocky, leading to the United Nations Special Rapporteur on the situation of human rights in Burma to observe a "backsliding" in the reform process.⁴

The relapse of progress in reform deeply affects Burma's refugees, especially along the Thailand-Burma border. The initial individual ceasefires signed between Burma Army and the ethnic armed groups (EAGs), particularly the signing of the initial ceasefire between the Burma Government and the Karen National Union (KNU) in January 2012, gave a misleading image that peace is within reach, fueling the discussion of refugee return. This

1 "2015 UNHCR Country Operations Profile - Myanmar." UNHCR News. Accessed April 19, 2015.

<http://www.unhcr.org/pages/49e4877d6.html>.

2 "Myanmar: A Tipping Point for Rohingya Rights?" Refugees International. November 17, 2014. Accessed March 20, 2015.

http://www.refugeesinternational.org/sites/default/files/111714_myanmar_a_tipping_point_for_rohingya_rights_letterhead_0.pdf.

3 Burma Partnership, "Following Vicious Student Crackdowns, EU Must Stop Training Thugs." March 16, 2015. Accessed April 19, 2015.

<http://www.burmapartnership.org/2015/03/following-vicious-student-crackdowns-eu-must-stop-training-thugs/>.

4 United Nations, 28th session of the Human Rights Council, Observations of the Permanent Mission of the Republic of the Union of Myanmar in Geneva on the report of the Special "Rapporteur on the situation of human rights in Myanmar to the 28th session of the Human Rights Council," A/HRC/28/72 (13 March 2015), available from

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Pages/ListReports.aspx A/HRC/28/72>.

heightened concerns among the refugee community that the 110,637⁵ refugees living in nine camps along the Thailand-Burma border will soon face repatriation.

While this has not yet been the case, following a discussion between the Chief of Thailand's National Council for Peace and Order of Thailand (NCPO) and the Burma Army Chief, a public announcement in July 2014 stated that a general agreement was made to send the refugees along the border back to Burma.⁶ Though neither government has a timeline set for return and both governments have claimed they remain committed to international principles for voluntary return, this announcement, coupled with the changes on the ground such as the steady decrease in funding, strict enforcement of camp regulations, ad hoc headcounts and military-led verifications have fueled rumors and counter-rumors of repatriation. This has been inciting the confusion, fear and anxiety surrounding the possibility of repatriation within the refugee camps.

The hype surrounding the reform and the ceasefires since 2012 has led to steady decrease in aid along the Thailand-Burma border as donors have begun directing their aid towards the central Burma Government system. This has deeply impacted the livelihoods of the refugees residing in the camps and almost all refugees interviewed for this briefing paper stated that they have not been receiving enough rations to meet their daily needs. Until now it was not uncommon for refugees to seek temporary work outside the camp, which allowed them to meet their daily needs. While the need to rely on informal livelihood opportunities outside official camp perimeters is escalating, due to the recent enforcement of regulations, coupled with the imposition of martial law – which lasted 10 months – it has become increasingly difficult to leave the camps in search of work.

Many refugees feel that this lack of aid and the current conditions in the camps are threatening their livelihood. Feeling squeezed out of the camps, refugees may begin to feel

5 "Refugee and IDP Camp Populations: February 2015." Accessed April 19, 2015.

<http://www.theborderconsortium.org/media/58064/2015-02-feb-map-tbc-unhcr.pdf>.

6 Frelick, Bill. "How NCPO Can Help Myanmar Refugees." How NCPO Can Help Myanmar Refugees. July 22, 2014. Accessed April 19, 2015.

<https://www.hrw.org/news/2014/07/22/how-ncpo-can-help-myanmar-refugees>.

there are no other options but to consider returning to Burma where conflict still rages on, potentially leading to a case of “constructive refoulement.”⁷

Given that most refugees along the Thailand-Burma border fled direct armed conflict or indirect consequences of armed conflict such as the Burma Army’s militarization and human rights violations, the ongoing peace process and the ceasefire talks have continuously fueled the discussion of refugee return. The peace talks resumed in March 2015 after a six-month hiatus between the Burma Governments’ Union Peacemaking Working Committee (UPWC) and the committee that represents 16 ethnic armed groups, the Nationwide Ceasefire Coordination Team (NCCT), leading to an agreement of the draft text of the nationwide ceasefire agreement (NCA). However, this agreed draft text of NCA faces hurdles as sticking points such as a code of conduct, an independent monitoring mechanism, and security sector reform have been pushed back to the political dialogue stage. These are the most crucial points in the ceasefire agreements for signatory parties to be committed to the protection of civilian populations affected by the conflict during implementation of their agreements, and it is considerably worrying that these points are missing in the current draft of the NCA.

In the same month that the draft NCA was agreed upon, 48 clashes took place between the EAGs and the Burma Army, mainly between the Kokang armed group, the Myanmar National Democratic Alliance Army (MNDAA), and the Burma Army, which is one of the highest number of clashes in any month in over a year.⁸ Meanwhile, Burma Army also continues to be at war with the Kachin Independence Army (KIA) since the breaking of a 17 year old ceasefire in 2011, while clashes with the Arakan Army and the Ta’ang National Liberation Army (TNLA) have also escalated. The number of clashes since the beginning of 2015 exposes the incongruity of the peace talks and the reality on the ground as well as the

7 When pressure is placed on refugees to return to a location where their lives and freedoms maybe at risk is known as constructive refoulement. For further examples of constructive refoulement, see the following briefing paper “Syrian Refugees at Risk of Being Returned.” Amnesty International. October 17, 2014.

8 “Myanmar Peace Monitor.” Monitoring Archive. Accessed April 19, 2015. <http://www.mmpeacemonitor.org/research/monitoring-archive>.

fragility of the peace process, threatening refugees' lives if conflict were to return to areas where they choose to return or where they may be repatriated.

In ceasefire areas, militarization by the Burma Army has increased, heightening tension with EAGs. The Burma Army began resupplying their camps with ammunition and food, fortifying existing bases, and extending their reach deeper into ceasefire areas in eastern Burma.⁹ While the number of human rights violations has reduced in some ethnic areas since preliminary ceasefires, the increase in the presence of Burma Army soldiers has caused a sense of insecurity, and many villagers fear fighting will break out once again.¹⁰ These concerns are real, as the initial ceasefires have proved to be fragile and have been breached with sporadic outbursts of fighting with various groups in eastern Burma such as the Democratic Karen Benevolent Army (DKBA) and the KNU but more regularly with the RCSS and the Shan State Progressive Party/Shan State Army-North (SSPP) in Shan State.¹¹

Along with the Burma Army's ongoing militarization, many of the outbursts of fighting in preliminary ceasefire areas can be attributed to resource extraction and large-scale development projects such as dams and mining backed by international funding. Conflict has concentrated around dam sites along the Salween River such as with the MNDAA, TNLA, and KIA around the Kunlong Dam, with the SSPP in areas adjoining the Nong Pha Dam, and with the DKBA around the Hatgyi Dam. The fighting near the Hat Gyi Dam site led to the displacement of over 2,000 villagers as they fled the fighting and attempted to cross over to Thailand in 2014.¹²

9 "Ongoing Militarisation of Southeastern Burma/Myanmar, Since the January 2012 Ceasefire Agreement Between the Karen National Union (KNU) and the Burma/Myanmar Government." Karen Human Rights Group. February 17, 2015. Accessed April 19, 2015.

<http://www.khrg.org/2015/02/14-9-nb1/ongoing-militarisation-southeastern-burmamyanmar-january-2012-ceasefire-agreement>.

10 "Ongoing Militarisation of Southeastern Burma/Myanmar, Since the January 2012 Ceasefire Agreement Between the Karen National Union (KNU) and the Burma/Myanmar Government." Karen Human Rights Group. February 17, 2015. Accessed April 19, 2015.

<http://www.khrg.org/2015/02/14-9-nb1/ongoing-militarisation-southeastern-burmamyanmar-january-2012-ceasefire-agreement>.

11 "Statement by Shan Community Based Organizations (CBOs) to US President Barack Obama." Burma Partnership. November 13, 2014. Accessed April 19, 2015. <http://www.burmapartnership.org/2014/11/statement-by-shan-community-based-organizations-cbos-to-us-president-barack-obama/>.

12 "Afraid to Go Home: Recent Violent Conflict and Human Rights Abuses in Karen State." Karen Rivers Watch. November 2014.

Moreover these large-scale development projects, have led to land confiscations and displacement in areas where refugees call their home. The Burma Army, well-connected “cronies” and international private actors, without meaningful consultation, adequate compensation or consent from local people and communities, have been forcibly evicting many farmers and villagers from their land. These development projects are most harmful in politically contested areas where villagers are most vulnerable to land rights violations and displacement. The government’s draft National Land Use Policy (NLUP) that was meant to combat these issues has been criticized for further legitimizing state institutionalized land grabbing and empowering domestic and foreign investors over small-scale farmers.¹³

While realities on the ground in Burma indicate that timing is not right for refugee return, United Nations High Commissioner for Refugees (UNHCR) have proposed a “*Strategic Roadmap for Voluntary Repatriation*” documenting UNHCR’s strategies for cross-border operations of refugee return from 2015 – 2017. Its planning figures indicate that 10,000 refugees will spontaneously return to Burma and 20,000 returns will be facilitated by UNHCR to locations such as group return sites in 2015. While it recognizes that engagement in return is fundamentally dependent on the progress of the peace process, UNHCR falls short of holding comprehensive consultations or information sharing with the refugees themselves regarding the roadmap, the timing of return, and steps necessary to secure a safe and dignified return for the refugees. In addition, it is unclear what the agency plans to do if the figures for spontaneous return are not met by the end of the year. It is vital that refugees and diverse group of civil society organizations who represent the interests of the refugee communities, particularly from conflict-affected areas, be immediately included in the planning and decision-making process at all levels and stages of repatriation and preparedness for return.

In addition, over 20 possible relocation sites for refugees have already been identified by international non-government organizations (INGOs) without consultations or sharing information with the refugees. There has been no input from the refugees or community

¹³ “There Is No Voice of Real Farmers” Transnational Institute. December 11, 2014. Accessed March 20, 2015. <http://www.tni.org/article/there-no-voice-real-farmers?context=70443>.

based organizations regarding the suitability of these sites. Many refugees have begun to take notice of pilot relocation sites during short “look and see” visits to Burma to assess the possibility of their voluntary return. Refugees possess the local knowledge that can contribute greatly to the planning of their return and this expert knowledge should be recognized and valued in order to secure their safe and dignified return. Decisions and information that can help them decide their future should be made widely accessible.

While the voices of refugees highlighted below do not comprehensively represent all voices of the refugee community along the Thailand-Burma border, they are invaluable in shedding some insight into the refugees’ more recent experiences, feelings, needs, concerns and aspirations. Such voices have been more difficult to document since last year, largely due to the enforcement of regulations in the camps, making it increasingly challenging to access campsites.

Forced to Flee Burma

The majority of refugees residing in refugee camps along the Thailand-Burma border were forced to abandon their homes and villages in Burma due to direct or indirect consequences of armed conflict in ethnic areas. Some fled in fear after family members were killed, served as porters, tortured, and/or raped during conflict and many relocated as a result of the Burma Army decimating their homes and villages. Some have had to face repeated displacement prior to reaching refugee camps.

Others fled due to human rights violations and indirect consequences of conflict. The villagers were often forced to volunteer as porters. EAGs would also extract forced labor from villagers but it must be noted that this is not on the same widespread and systematic scale of that of the Burma Army. Sometimes with no guarantee of security from the EAGs, many ethnic villagers felt it was no longer safe for the family to stay in the village as they could face harassment and human rights violations if found by the Burma Army, which led them to flee their homes.

Those who took part in the democratic movement, starting with the 8888 uprising in 1988 to the Buddhist monks' 2007 Saffron movement, also fled to the camps due to fear of arrests, torture and imprisonment. They often relocated with their families to protect them from any harm that might be committed by the ruling Burmese military regime or the Burma Army. Out of those interviewed, all but one fled due to conflict or politics. One refugee from Mon State left Burma to the camps to gain better access to education. Many faced dangers seeking refuge in Thailand and experienced suffering on their journey before they could make it to the camps.

One female Karen refugee who arrived to Mae La camp more than five years ago who saw fellow villagers being killed, including a pregnant woman, explained how the conflict drove her to the refugee camp:

*"If we continue to live in Burma, we will always be afraid or frightened. When I lived in my village, fighting happened and we only had time to get out of our houses. As soon as we got out, our houses were burned. My house was near the mountain. They (the Burma Army and Karen soldiers) shot at each other from the mountain so, it was too dangerous to stay at home. I moved to Mae La with my husband and three children. Now, I have nothing in Burma."*¹⁴

The same Karen refugee mentioned above, explained how her family left their home in Burma to travel to Thailand with her children:

*"We were afraid of them (the Burma Army) and we fled from the house. On the way we walked, we had to be afraid of the landmines. We just followed other people. I came with about 30 people. Some stepped on the landmine and died. I saw two boys and one girl who stepped on a landmine and died. We walked with fear and we could go through the forest and we got to the border. We can say that we were so lucky at the time."*¹⁵

14 Female refugee (Karen, arrived within past 5 years), interviewed by Burma Link, Mae La, January 2015

15 Female refugee (Karen, arrived within past 5 years), interviewed by Burma Link, Mae La, January 2015

A male Karen refugee with seven children had to struggle to survive, after conflict displaced them from their home:

“Troops (the Burma Army) came and bothered us again and again. It was really hard to survive because we couldn’t make a living, as we needed to be ready to avoid conflict. Sometimes when we began to settle down, they came again and burned down our houses and barn, and also crops were destroyed day by day. Later I couldn’t tolerate it anymore and decided to flee.”¹⁶

One young Karenni refugee was unable to attend school due to fighting and lived in fear of direct and indirect consequences of conflict:

“When I was in my village, many Burmese soldiers came into our village and killed many people, and they also dragged so many people in our village to become porters. We always had to run away. I could not go to school, and my heart was always filled with fears.”¹⁷

Many were forced to serve as porters, putting not only the individual in harms way, but creating fear and threat against the safety of the family, as described by one Shan-Karenni refugee living in Mae La camp:

“One day, I received the news that my husband ran away from their (the Burma Army’s) porter station and the soldiers will come to me and threaten the family that they would replace him with my children or me.”¹⁸

Another Karen living in Mae La camp – whose eye infection was never treated due to lack of medicine, which resulted in loss of sight – was forced to leave her home in 2013 after the discussion of repatriation had already started to take place:

“Yes, because they (the Burma Army and the DKBA) were shooting at each other, we were afraid and had to run away. Before, we didn’t have much property. We just grew cotton and you can imagine all the things that we have in our house were destroyed. People ran from the

16 Male refugee (Karen, arrived within past 5 years), interviewed by Burma Link, Mae La Oon, February 2015

17 Male refugee (Karenni, arrived within past 10 years), interviewed by Burma Link, Ban Nai Soi, March 2015

18 Female refugee (Shan/Karenni, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

house in a hurry and as for me, how can I go somewhere by myself as I am not able to see anything? I just had to feel frightened.”¹⁹

One case illustrated an amalgam of factors that forces individuals to become refugees. According to a male Karen refugee from Bago Region, his land was confiscated by the Burma Army to make way for a planned Defense Service Academy (DSA) site. The compensation was not enough to make ends meet, leaving him and his family in a cycle of debt with increasing interest.

He states that the Burma Army:

“gave 2.3 million Kyat (\$2,100 USD) in compensation, and if you compare this to the value, it’s nothing. Because we had a huge plantation there, because from generation to generation my grandma, and my great great grandmothers owned the plantation [...] we started losing everything, and we sold our house in Taungoo, because we were so much in debt.”²⁰

His family eventually relocated to Rangoon in 2007 to pay off the acquired debts. The 2007 Saffron movement and the subsequent crackdown by the Burma Government brought intense scrutiny on those related to the democratic movement including his aunt who was forced to relocate to the US from Rangoon due to her close relationship with Daw Aung San Suu Kyi. Consequently, the Burma Army began harassing his family:

“The soldiers in Burma came to ask me ‘where is your aunt?’ And then we just, later on we can’t just... we didn’t feel safe to live there anymore, because I saw many political prisoners, you know, in the prison for a long time. So we decided to come to the camp.”²¹

19 Female refugee (Karen, arrived within past 5 years), interviewed by Burma Link, Mae La, February 2015

20 Male refugee (Karen, arrived within past 10 years), interviewed by Burma Link, Mae La, February 2015

21 Male refugee (Karen, arrived within past 10 years), interviewed by Burma Link, Mae La, February 2015

Ongoing Armed Conflict and Displacement

Given that majority of the refugees along the border fled Burma due to armed conflict, one of the major concerns for refugees is the ongoing fighting in ethnic areas. The Kokang armed group, the MNDAA, the Arakan Army based in northern Shan State, and the TNLA, remain at war with the Burma Army in northern Shan State, leading to the displacement of an estimated 100,000 people in February and March 2015²² as extrajudicial killings, torture and air strikes against civilians by the Burma Army has left the largest Kokang town of Laukkai deserted. This is alongside the conflict with the KIA that erupted in June 2011. There are currently up to 643,000 IDPs living in Burma, displaced as a result of armed conflict and this number continues to rise as the Burma Army continues to launch offensives against the EAGs.²³

While direct conflict has decreased in some areas where preliminary ceasefires have been signed, human rights violations such as extrajudicial killing, arbitrary arrest and detention, rape and torture continue as the Burma Army increase their presence in ethnic areas.²⁴

One male Karen refugee from Bago Region, who described his land being confiscated by the Burma Army in the previous section, points out:

“There is still conflict with the ethnic groups. Especially in Kachin State, they are sending a lot of troops I heard. [...] Their (the Burma Army’s) strategy is fighting the groups one by one. In my opinion, after the Kachin, I’m not so sure if they will attack the Karen. I’m not so sure. You can consider it you know [...] I don’t think Burma has changed.”²⁵

Many interviewed for this briefing paper, like this Mon refugee, do not wish to return to Burma because they are afraid of the Burma Army or afraid they will be arrested:

22 "Myanmar Peace Monitor." Monitoring Archive. Accessed April 19, 2015. <http://www.mmpeacemonitor.org/research/monitoring-archive>.

23 "Myanmar." Internal Displacement Monitoring Centre. <http://www.internal-displacement.org/south-and-south-east-asia/myanmar/>.

24 "Truce or Transition? Trends in Human Rights Abuse and Local Response in Southeast Myanmar since the 2012 Ceasefire." Karen Human Rights Group. May 13, 2014. <http://www.khrg.org/2014/05/truce-or-transition-trends-human-rights-abuse-and-local-response>.

25 Male refugee (Karen, arrived within past 10 years), interviewed by Burma Link, Mae La, February 2015

“I was in trouble in Burma and I want to leave to any country. If they close the camps, I don’t dare to go back. I am afraid of the Burmese Army. When they hear about us, they will arrest us.”²⁶

Trust remains low as described by one Karenni refugee from Ban Nai Soi camp who stated: *“I don’t trust the Burma Government. Now, they are still fighting in Burma. If we go back, we won’t be safe from them.”²⁷*

Trust in the Burma Government and the peace process is the first and foremost step towards a durable solution for any genuine voluntary refugee return to take place for Burma’s refugees. If the Burma Government is serious about inviting refugees to return home, its Burma Army must first comply with initial ceasefire agreements signed with 14 major EAGS since it came to power in 2011, end current conflicts, halt offensives, and withdraw its troops from ethnic areas and commit to code of conduct and independent monitoring. This would certainly aid in building confidence and trust in the peace process and thus in building trust with ethnic communities who have become refugees or internally displaced due to the decades long armed conflicts.

Obstacles to Voluntary Return

The same conflict and human rights violations that robbed the refugees of their families, homes and lives in Burma over 30 years ago when some of them first left Burma persist. Presence of armed groups, fighting, increased militarization by the Burma Army, land tenure insecurity, restricted livelihood opportunities, landmines, lack of recognition for health and education certificates obtained in the camps and arbitrary arrests and imprisonment continue to pose obstacles to voluntary return:

²⁶ Female refugee (Mon, arrived within past 10 years), interviewed by Burma Link, Ban Don Yang, December 2014

²⁷ Male refugee (Karenni, arrived within past 5 years), interviewed by Burma Link, Ban Nai Soi, March 2015

A Karen male refugee with seven children who was displaced due to conflict and arrived to Mae La Oon camp in the past five years stated:

*"It would be very difficult for us if we have to go back now, because there is no job opportunity or livelihood and also there won't be enough space for so many people and there are still military bases."*²⁸

A male refugee in Mae La camp who fled to the camps over ten years ago from Hpa An, Karen State stated:

*"We don't have land for agriculture. Even if we have a land we still need skills for agriculture. Let's suppose we have land, skills, and money to invest but who will guarantee that military armed groups will not disturb our livelihood. We have no guarantee for our security."*²⁹

One female Arakanese refugee from Mae La camp stated:

*"When we look back to our own country, Burma, the media is shouting 'Democracy...Democracy!' but I mean, look back to what is happening to the citizens. Rich people become richer and poor people continue poorer and since our own government is confiscating the lands of farmers, for us as the ordinary farmers for daily routine, we have no place to live... so we have to live in the camp, whatsoever."*³⁰

A Karen female refugee who arrived to Mae La camp within the past ten years seeking a better education stated:

*"I heard that we will be sent back to Burma last two or three years ago, but, it has not happened yet. Yes, I worry about that. Because, if we are back in Burma how can we work and it will not easy for us to find a job in Burma. Also, we can't use our certificates that we got (in the camp) in Burma. These certificates are not recognized in Burma. As a result, we worry about repatriation."*³¹

28 Male refugee (Karen, arrived within past 5 years), interviewed by Burma Link, Mae La Oon, February 2015

29 Male refugee (Karen, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

30 Female refugee (Arakanese, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

31 Female refugee (Karen, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

A male refugee in Mae La camp who fled to the camps over ten years ago from Hpa An, Karen State stated:

“For the development, on Facebook I saw lots of demonstration against the government and some issues like land confiscation. They use military to handle the demonstration and if they can’t handle by that, they use polices and sticks. If they still can’t handle it, they will use the guns and bullets. I don’t see lots of changes but in my opinion the government is as the same as before.”³²

Rising Fears of Forced Repatriation

“Oh my... the government, the citizens, the country themselves are not stable and not making any progresses so why repatriate us?? I am wondering whether they are trying to kill us? Yes, I’m very much worried about the repatriation plan!³³”

There is a rising concern within the refugee community that the situation on the ground indicates a direction towards premature repatriation. This is despite ongoing calls from civil society groups, community based organizations and international human rights organizations that timing is still not right for refugee return and that preparations should include a wide range of consultations with and participation of diverse refugee communities and Community Based Organizations (CBOs) working closely with their community.

The action of forceful deportation (refoulement) to a location where individuals faced further risks and serious harm has taken place throughout the Asia-Pacific region in the past.³⁴ Regarding the Mon refugees from Burma, approximately 6,000 Mon refugees living

32 Male refugee (Karen, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

33 Female refugee (Shan/Karenni, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

34 "Groups Condemn Forced Deportations of Refugees from Cambodia and Thailand." Amnesty International. January 15, 2010. Accessed April 19, 2015. <http://www.amnesty.org.nz/news/groups-condemn-forced-deportations-refugees-cambodia-and-thailand>.

in the camps on Thailand-Burma border were forcibly repatriated to Halockhani camp in Burma in 1996, despite the appeals from the Mon National Relief Committee and the Mon Refugee Committee.³⁵ The Burma Army attacked Halockhani a few months later, forcing a large number of refugees back to Thailand. This situation echoes the forceful repatriation of approximately 350,000 Cambodian refugees right after Cambodia signed its peace agreement in the early 1990s.³⁶

Like this male refugee in Mae La camp who fled to the camps over ten years ago from Hpa An, Karen State, the precedence of forced repatriation has fostered a very real sense of fear that soon they will be repatriated to Burma:

"People who are not registered by UNHCR, like us, will be sent back to Burma like in the past, with the Khmer refugees (Cambodian refugees in the early 1990s). When we heard that we were afraid. But... even though we are afraid, what can we do?"³⁷

Similar concerns were raised by other refugees such as this one blind male Shan-Mon refugee who left Shan State out of fear that he would be forced to serve a porter for the Burma Army:

"I am wondering when the Thai soldiers will come and force us to go back to Burma."³⁸

One female Arakanese refugee from Mae La camp illustrates the myriad of issues with Burma's legal system, lacking a sense of stability and security for the safe return of refugees:

"We are worried about repatriation. Why... it's because in Burma, there are still no accurate laws concerned with the security and protection for its own citizens. That's why, we are still afraid of repatriation."³⁹

35 "Destination Unknown Hope and Doubt Regarding IDP Resettlement in Mon State." Human Rights Foundation of Monland-Burma. 2012. <http://www.rehmonnya.org/upload/Destination-Unknown.pdf>

36 Tempest, Rone. "Peace Treaty Signed to End Cambodia War." Los Angeles Times. October 24, 1991. http://articles.latimes.com/1991-10-24/news/mn-299_1_peace-treaty.

37 Male refugee (Karen, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

38 Male refugee (Shan/Mon, arrived within past 10 years), interviewed by Burma Link, Mae La, February 2015

39 Female refugee (Arakanese, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

A Karen male refugee with seven children who was displaced due to conflict and arrived to Mae La Oon camp in the past five years stated:

"We will be in a lot of trouble when the camp is shut down, the time when aid stops coming and we don't have UN registration for resettlement, going back to Burma would be a disaster for us."⁴⁰

Decrease in Funding

One of the major concerns expressed by refugees is the steady decrease in funding since 2012, which has led to cutbacks in rations and essential services. In some households, the standard ration of rice has decreased to 8kg or 10 kg from 12 kg,⁴¹ falling substantively below the minimum amount as stipulated by the World Health Organization.⁴² Other rations such as vegetable oil, fish paste and charcoal have also been reduced.⁴³ While decreases in rations are observed only in households categorized as "self-reliant," almost all the refugees interviewed for this briefing paper indicated that the current rations are not enough to meet their daily needs.

As this one male Karen refugee from who arrived to Mae La camp within the past ten years stated:

"When I went and carried the ration on the day of rice, I was so tired because it was so heavy and always enough for us. We took the ration twice a month. But now, we take the ration once in a month and it is so light, and easy to carry. Before the ration was very much enough and it was not a problem to eat at our friend's house when we visited them. But now, I feel hesitant

40 Male refugee (Karen, arrived within past 5 years), interviewed by Burma Link, Mae La Oon, February 2015

41 "The Border Consortium Eletter Issue 21, October 2013." Relief Web. October 1, 2013. Accessed April 19, 2015. <http://reliefweb.int/sites/reliefweb.int/files/resources/2013-10-eletter-21.pdf>.

42 "KWO - Refugees Hit Hard by Funding Cuts." *Karen News*, January 3, 2014. <http://karennews.org/2014/01/kwo-refugees-hit-hard-by-funding-cuts.html/>.

43 "The Border Consortium Eletter Issue 21, October 2013." Relief Web. October 1, 2013. Accessed April 19, 2015. <http://reliefweb.int/sites/reliefweb.int/files/resources/2013-10-eletter-21.pdf>.

*to have meal at other houses because I worry if they have enough rations. Before, I didn't worry like this."*⁴⁴

Echoing his concerns, one Muslim refugee from Mae La camp who fled in fear of arrest for his political activities states:

*"Now is worse than before. It started last year. It is depended on your job and salary. If you are able to rely on your own, they will cut your rations, but if you don't have any job and are not self-reliant, they won't cut your rations. Their reason is to close the camp, so they won't give enough rations."*⁴⁵

The decrease in ration can be observed throughout the camps interviewed for this briefing paper as this female Karen refugee living in Mae La Oon camp with her four siblings states:

*"The ration is reducing and we have no income. We have to buy everything. We also don't have money. There is no way for us to make money. Before, we got rice, 12 kilos per person, but now it's just 10 kilos. It is not enough for my family."*⁴⁶

As stated by this Karen refugee from Bago Region, who described his land being confiscated by the Burma Army, many refugees risk fines and arrests that are currently more strictly being enforced by the authorities to meet their daily needs:

*"They (Karen) depend a lot on the rice and yet they don't have enough rice. So they have to sneak out of the camp. Still now, they still sneak out of the camp, which, you know the rougher route to get out of the camp and they find vegetables and they grow vegetables outside the camp and then they sell it inside the camp."*⁴⁷

Indicated by one Muslim refugee who arrived to Mae La camp within the past ten years, other service provisions have also been cut due to lack of funding:

44 Male refugee (Karen, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

45 Male refugee (Burman, arrived within past 10 years), interviewed by Burma Link, Mae La, February 2015

46 Female refugee (Karen, arrived within past 20 years), interviewed by Burma Link, Mae La Oon, February 2015

47 Male refugee (Karen, arrived within past 10 years), interviewed by Burma Link, Mae La, February 2015

“The schools have been running about 20 or 25 years. Now, they ask us to close and stop the schools and ask us to find other places for the schools from outside.”⁴⁸

Others, particularly in Mae La Oon and Ban Nai Soi camps, raised concerns that the rations are not enough to repair their houses in the camps, as described by a male refugee with seven children who had to struggle to survive after the conflict displaced them from their home:

“Currently it is getting tougher as the ration supplied is not adequate, moreover it is very difficult to repair our house because we can no longer go to the forest and cut bamboos and forest supplies.”⁴⁹

Restrictions on Movement

“We are a living being inside a cage, a big cage! A small place in a sorrow and narrow iron-fenced cage! We want to work, we want to see beyond the mountains and the highway road as we want to reset our minds after working very hard for family’s daily needs, but we are not allowed to do any of these things.”⁵⁰

Previously, refugees could rely on the livelihood opportunities outside the camps, seeking work as day laborers near the campsites. The enforcement of regulations on refugees’ movement outside the camps, coupled with the imposition of martial law and military-initiated headcounts, have made it increasingly difficult for the refugees to leave the camps. This has prohibited access to day labor and other informal opportunities to earn for their

48 Male refugee (Burman, arrived within past 10 years), interviewed by Burma Link, Mae La, February 2015

49 Male refugee (Karen, arrived within past 5 years), interviewed by Burma Link, Mae La Oon, February 2015

50 Female refugee (Shan/Karenni, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

livelihood.⁵¹ Refugees may be too afraid to leave the camps for work or to cultivate land outside of the camp parameters, further increasing dependency on aid and assistance that is already running scarce.⁵² Out of the refugees interviewed, particularly those living in Mae La and Mae La Oon camps expressed concerns regarding the recent restrictions on movement. It was most prevalent in Mae La camp where most interviewees expressed fear and frustration regarding the current conditions in the camp:

A Muslim refugee from Mae La camp who fled in fear of arrest for his political activities clarified that:

“Before, we were allowed to walk on the road outside the camp and we can still receive the camp pass. However, they closed all the gates of the camp.”⁵³

The restriction on movement is also prohibiting them from accessing fields outside the camps as indicated by one Karen female refugee who arrived to Mae La camp within the past ten years seeking a better education:

“Now, the camp policy is stricter than before. Before, we could still go out but now we can’t. Before, I could go and work in the cornfields outside the camp. But now, I just have to stay at home. In the camp, now no one can go and work to make money for their family.”⁵⁴

Closing the gates affects many refugees such as this male refugee in Mae La camp who fled to the camps over ten years ago from Hpa An, Karen State:

“I had to be afraid of Thai police because the document we used was not legal and we are also not Thai citizens. We have to be afraid if we work. If we don’t work we can’t have enough food to eat.”⁵⁵

51 "The Border Consortium Programme Report July - December 2014." The Border Consortium. March 1, 2015. Accessed April 19, 2015. <http://www.theborderconsortium.org/media/57568/2014-6-Mth-Rpt-Jul-Dec.pdf>.

52 "The Border Consortium Programme Report July - December 2014." The Border Consortium. March 1, 2015. Accessed April 19, 2015. <http://www.theborderconsortium.org/media/57568/2014-6-Mth-Rpt-Jul-Dec.pdf>.

53 Male refugee (Burman, arrived within past 10 years), interviewed by Burma Link, Mae La, February 2015

54 Female refugee (Karen, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

55 Male refugee (Karen, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

A male Karen Camp Committee member in Mae La Oon camp expressed concern over the increased presence of authorities around the camp:

“It is a problem for some people who work as daily workers and who find vegetables in the forest and sell it to make money. Now we are not allowed to go outside the camp.”⁵⁶

Need for Accurate Information

Almost all the refugees – in almost all of the camps interviewed for this briefing paper– felt that they lacked access to information or found it difficult to obtain accurate information, except for one refugee in Ban Nai Soi camp who felt that she received accurate information from the authorities through announcements made by camp committees.

Language was one of the biggest obstacles to accessing information for minority ethnic groups such as the Mon refugees in Ban Don Yang camp. When asked if UNHCR employs someone who can speak Mon the female Mon refugee from Ban Don Yang camp who fled conflict in Mon State answered: *“No they don’t. They only have Burmese and Karen.”⁵⁷*

Many felt that while there is a lot of rumors and information, it is difficult to access accurate information such as this female Shan-Karenni refugee in Mae La camp who arrived with the past ten years who stated:

“We have been living in this camp for almost seven years and we have been hearing mostly rumors about good and bad news for us. There is still no accurate information or any developments for refugees in some parts.”⁵⁸

Similar concerns were expressed in Mae La Oon camp as one male refugee with seven children who had to struggle to survive after being displaced by conflict stated:

56 Male refugee (Karen, arrival year uncertain) interviewed by Burma Link, Mae La Oon, February 2015

57 Female refugee (Mon, arrived within past 10 years), interviewed by Burma Link, Ban Don Yang, December 2014

58 Female refugee (Shan/Karenni, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

“I heard many people talk about shutting down the camps, repatriation, and about finding our own opportunity, to be able to work outside, but I don’t know – none of these are reliable. People just pass the rumors that they heard to other people.”⁵⁹

In Ban Nai Soi camp, a young Karenni refugee who was unable to attend school due to conflict and lived in fear of direct and indirect consequences of conflict stated:

“In 2014, I heard a rumor in the camp. The people were talking that all the refugees in the camps will be forced to go back in 2015, but I am not sure whether it is true or not. I am worrying if this rumor is true, and we don’t have any accurate information about the repatriation.”⁶⁰

In addition, the role of UNHCR and their involvement in the repatriation process is also unclear, breeding distrust and rumors as indicated by a Muslim refugee from Mae La camp who fled in fear of arrest for his political activities:

“In my opinion, the UNHCR might have made a meeting with the leaders of the camp and made some plans for the refugees, but we have never heard the news about the developments of the camp.”⁶¹

Inclusive, Participatory Decision Making

“If we are included in decision making and planning, we will get accurate news.”⁶²

One way to combat the rumors that are generated as a result of the lack of clear and accurate information is to include refugees in the decision-making process. If consultations

59 Male refugee (Karen, arrived within past 5 years), interviewed by Burma Link, Mae La Oon, February 2015

60 Male refugee (Karenni, arrived within past 10 years), interviewed by Burma Link, Ban Nai Soi, March 2015

61 Male refugee (Burman, arrived within past 10 years), interviewed by Burma Link, Mae La, February 2015

62 Male refugee (Karen, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

held by UNHCR and the authorities are meaningful and participatory, and the decision-making process is inclusive, the refugees and diverse CBOs who represent their communities should be called to participate in processes such as drafting roadmaps for their return as well as invited to participate in various stakeholder meetings where discussions surrounding their return and preparedness for return are considered. This would further deepen the trust and improve communication between the agencies concerned and the refugee community.

One young Karenni refugee who was unable to attend school due to conflict and lived in fear of direct and indirect consequences of conflict and fled to Ban Nai Soi camp, discusses the lack of inclusion in the decision-making process.

“Only the camp committee and the section leaders are in the meeting for decision-making and planning about the camp. After that, they will announce (using loudspeaker) the situation and outcome of the meeting in each section by the section leaders. The refugees are not included in the decision-making process.”⁶³

While camp committee members are themselves refugees and often seen as representatives of their community, not all refugees recognize them as reflective of their voice and concerns, highlighting the need for a wider participation of refugees and diverse CBOs in the decision-making process.

Others clearly feel that there are no ways for them to participate in the discussion of return or preparations for return as indicated by one Shan-Karenni refugee in Mae La camp:

“When they (the authorities) call us for a meeting or something like that, we have to go. And we just listen to what they said and have to do what they plan. We don’t have a chance to give them advice or suggestion about the camp or planning. For UN meetings, we don’t have a chance to participate.”⁶⁴

63 Male refugee (Karenni, arrived within past 10 years), interviewed by Burma Link, Ban Nai Soi, March 2015

64 Female refugee (Shan/Karenni, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

Many are unclear as to how to process the information that is given to them as stated by one female Arakanese refugee from Mae La camp:

*"We have a chance to attend their meeting, but we still do not know how to understand or act from the result of their decision or planning after the meeting."*⁶⁵

Conclusion

*"I have one question to them (UNHCR and the authorities) is the future in our own hands or is the future is in your hands? To my understanding, our future must be in our own hands so that we can use our capabilities to achieve something we dream about."*⁶⁶

Many refugees, while still unregistered with the UNHCR and with very little prospects of resettlement, still remain hopeful that someday they will resettle to a third country. They wish to become teachers, interpreters, managers, cultivate their own land, provide adequate support to their families, become educated, watch their children grown freely, to leave the *"suffocating refugee camp and live a peaceful life,"*⁶⁷ and *"to live freely, same as others citizens in the future."*⁶⁸ The refugees embody the long history of violence, repression, trauma and human rights violations by the successive Burmese military regimes and now devised by the current Burma Government and also implemented by the Burma Army. If Burma hopes to welcome its refugees back, they must commit to deep structural changes and build the trust lost during the decades of prolonged conflict, which still continues today.

Refugees in Thailand still desperately need the support of the donors until the root causes of displacement are resolved and a secure and dignified future is guaranteed. If the

65 Female refugee (Arakanese, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

66 Female refugee (Shan/Karenni, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

67 Female refugee (Arakanese, arrived within past 10 years), interviewed by Burma Link, Mae La, January 2015

68 Female refugee (Karenni, arrived within past 5 years), interviewed by Burma Link, Ban Nai Soi, March 2015

concerns addressed in this paper are unresolved and the preconditions for safe and dignified return are not ensured, the refugees will again be caught in a cycle of conflict and displacement, only to end up as IDPs upon or after their return. As one refugee from Mae La camp states, *“It is not possible to go back to Burma, where everyone will be treating me like... Everyone would mistreat me you know? I won’t experience... I can’t experience that again.”*⁶⁹

Recommendations

Now is not the time to send refugees back to Burma, as the peace process is still fragile and the country’s so-called transition is backsliding. Under international law and the treaty provisions of the Convention Relating to the Status of Refugees and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, individuals must not be forcibly deported (refoulement) where they may be exposed to human rights abuses. Repatriation should be a refugee-led voluntary operation and not enforced by actions and factors determined by outside actors. Participation of refugees in the planning and preparedness of their return is key to their sustainable return.

Therefore, we urge the Burma Government, the UNHCR, international donors and all relevant actors to implement the following recommendations as soon as possible before further proceedings concerning the repatriation process:

- Allow meaningful and full participation of refugees and Community Based Organizations (CBOs) from refugee camps and conflict affected areas in all stages of preparedness, planning and repatriation; each family and individuals should have their own free, prior, and informed decision about resettlement.
- Hold regular, timely and genuine participatory and meaningful consultations with refugees and diverse CBOs regarding any decisions that influence the preparations, timing, and condition concerning the return.

⁶⁹ Male refugee (Karen, arrived within past 10 years), interviewed by Burma Link, Mae La, February 2015

- Create a mechanism for regular information sharing with refugees regarding possible relocation sites that have already been identified and discuss the durability of these proposed relocation sites, while holding meaningful consultations on a regular basis regarding future possible relocation sites.
- Continue the support and aid towards the refugees along the Thailand-Burma border until a safe and dignified return of Burma's refugees can be guaranteed; refugees should be provided ample space and time to make their decision regarding their future.
- Formally recognize the health and education certificates issued by credible institutions working inside the camp and in ethnic areas.

In addition, we urge the Burma Government to:

- Show commitment to a genuine peace process by honoring initial ceasefire agreements, ending all military offensives in ethnic areas and withdrawing troops from ethnic areas, and begin political dialogue prior to discussion of repatriation or return of Burma's refugees.
- Establish a code of conduct in the nationwide ceasefire agreement with an independent monitoring and enforcement mechanism that involves civil society, youth, women and other minority groups from ethnic areas thus holding all parties accountable.
- Hold the Burma Army accountable for the human rights abuses committed against civilians in both ceasefire and conflict areas by committing to an establishment of an independent mechanism to hold these perpetrators accountable.
- Conduct a comprehensive assessment of the landmine situation surrounding possible or planned resettlement areas and their access routes in cooperation with EAGs and ethnic civil society and community based organizations, commit to demining activities, and accede to the Anti-Personnel Mine Ban Convention.

Appendix

Methodology

The research for the briefing paper was conducted by Burma Link through qualitative interviews with open-ended questions. Questions included refugees' background and more in-depth questions relating to the refugees' experiences, feelings, needs, concerns, and aspirations regarding their current life situation and their future. The questions were devised by Burma Link and Burma Partnership. Questions were left open-ended to give the refugees a chance to say what they want to say in their own voice, and care was taken to exclude questions that could be taken as any indication that the interview is being conducted in preparation for repatriation. The purpose was simply to better understand the refugees and give them a chance to voice their feelings and concerns in a safe setting. The interviewers were flexible with their questions, and interviewees were encouraged to share any additional concerns that they wanted to voice.

The interviews were conducted in four different camps along the Thailand-Burma border: Mae La, Mae La Oon, Ban Mai Nai Soi, and Ban Don Yang. This was to ensure a good representation of the camps as they host a variety of ethnic groups, while also including smaller and more isolated camps. One of the camps, Ban Mai Nai Soi, hosts Karenni ethnic majority while the others host an ethnic Karen majority. The camps are also geographically separated with Ban Mai Nai Soi located in the far north of Mae Hong Son Province adjacent to Karenni State, Mae La Oon in Mae Hong Son Province adjacent to Karen State, Ban Don Yang in Kanchanaburi Province adjacent to Karen and Mon States, and Mae La in Tak Province adjacent to Karen State. Mae La as it is the most accessible of the camps, and new information tends to reach Mae La first.

The research team made an effort to hear refugee voices from diverse backgrounds that are representative of the refugee population within the feasibility of the organization's capacity, scope of the project and budget, time, and access. Attention was thus paid to diversity and representation, which we balanced with accessibility.

The interviews themselves mostly took place at interviewees' homes or in other private settings where they felt most comfortable. The interviewers were usually alone and talked with one interviewee at a time. Most of the interviews were conducted in local languages and transcribed and translated into English by the interviewer. Care was taken to retain both the original voice and meaning in translations. Local languages used included Karen, Mon, and Burmese. In Ban Don Yang and Mae La Oon, interviews were conducted in English with the help of a translator. One interview in Mae La was conducted in English. All interviewers were well aware of local customs and cultures, and all were either refugees or have lived in the border refugee camps. All either had previous interviewing experience from the camps, or have been trained by Burma Link.

All interviewees made an informed decision to take part in this research. They were explained the reasons for conducting the interview, and they were told about the briefing paper and its objective to project their voices to a domestic and international audience. It was made clear that interviewees can answer only what they want to answer, and can say if they want to leave anything out of the transcript. Utmost care was taken to protect the identity and interviews of the refugees who took part in this project. All the interviewees who we are able to reach will receive a copy of the briefing paper in Burmese language along with the information regarding the dissemination of the paper and their feedback regarding the process, the briefing paper itself and its dissemination will be welcomed and encouraged.

This research is subject to some limitations, most notable due to the significant challenges in conducting interviews in the Thailand-Burma border refugee camps. Two major challenges are access to the camps and the use of translators versus local interviewers. In Mae La Oon and Ban Don Yang, we were not able to choose the translators, which sometimes led to difficulties with translation. However, these translators were from or close to the refugee community who understood the refugees and their struggles. Sometimes we were not able to choose the interview locations where interviewees felt comfortable. In one location, the interviews took place outside a monastery late in the

evening, and in another, the interviews took place next to the camp committee's office. Whilst using local interviewers who live in the camps has many advantages, some of the local interviewees were not yet experienced. Due to this, we conducted four re-interviews to gain more information. One of the re-interviews was done over the phone, and three others face to face. Two interviews were not included in the final data as the interviewees could not be reached for a re-interview.

Even with significant challenges, we were able to interview some of the most vulnerable populations on the Thai-Burma border about sensitive issues in an ethical way. The final data included 20 refugees from diverse backgrounds and locations, whose voices are invaluable in understanding the refugees' experiences, feelings, needs, concerns, and aspirations.