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HUMAN SECURITY

in South Eastern Myanmar



The Border Consortium

November 2018

HUMAN SECURITY

IN SOUTH EASTERN MYANMAR

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Front cover photo:
Faces of Displacement, Hpapun Township, June 2018

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EXECUTIVE SUMMARY

Much progress has been made in recognising the inherent freedom and equality of all people since the Universal Declaration of Human Rights was proclaimed by the United Nations General Assembly seventy years ago. However, the challenge of leaving no one behind in pursuit of survival, livelihoods and dignity is arguably greater now than ever. This report assesses human security in rural areas of south eastern Myanmar and finds that vulnerability and resilience are the legacy of protracted conflict and displacement.

This research compiles estimates of internal displacement, assessments of food security, experiences of refugee returnees and perspectives from civil society leaders. It was coordinated by The Border Consortium (TBC) and based on field surveys and analysis conducted by sixteen civil society organisations (CSOs).

The scale, distribution and causes of internal displacement were assessed in rural areas of 26 townships through key informant interviews with authorities from ethnic armed organisations (EAOs) and civil society. At least 162,000 people remain internally displaced in these areas, which represents around half of the IDPs estimated in these townships during the last survey conducted in 2012. The decrease is primarily attributed to the capacity of displaced persons to find solutions to displacement and the reduced reach of the survey in southern Shan State.

The average annual rate of displacement in rural areas of south eastern Myanmar appears to have decreased from 75,000 people per year between 2003 and 2011 to 10,000 people per year since 2012. Whereas displacement was previously attributed primarily to conflict, natural disasters are estimated to have caused more than 75% of displacement during the past five years. Approximately 162,000 displaced persons have attempted to either return to their villages or resettle in surrounding areas between 2013 and 2018. However, the sustainability of these movements and prospects for reintegration remain in doubt due to ongoing security and livelihood concerns.

Over 1,000 households, including 994 children aged between 6 and 59 months, were surveyed utilizing a multi-stage cluster sampling method to assess food security in conflict-affected communities and camps for internally displaced persons (IDPs). Results are dismal with 17.6% of children in northern Karen communities identified with global acute malnutrition (wasting) which is considered a critical public health emergency according to World Health Organisation (WHO) benchmarks. While the rate of wasting amongst children in IDP camps was lower at 7.5%, this is still considered poor by WHO standards.

Chronic malnutrition (stunting) rates were also high, with poor access to safe drinking water and sanitary latrines, and little access to agricultural land and kitchen gardens resulting in low opportunities for income generation and diverse diets. Further, the recommended infant and young child feeding practice of exclusive breastfeeding for the child's first six months was not followed by most survey respondents.

Perspectives about refugee return and resettlement were solicited from semi-structured interviews with 20 returnees spread across nine townships. Factors pushing refugees to leave the camps were reported as more prominent reasons for return than incentives attracting refugees to Myanmar. The most common explanation related to the withdrawal of assistance in the camps and in particular the gradual reductions in food rations. The main challenges for reintegration identified by returnees were related to recognition of education, securing land tenure and re-establishing livelihoods.

Some spontaneous returnees reflected that they would have had easier access to citizenship cards and household registration documents if they had applied through UNHCR's facilitated return process and encouraged other refugees to do so. Advice for other refugees contemplating return included preparing as soon as possible in developing transferrable skills, considering potential sites for resettlement and planning how to become self-reliant. While returnees suggested numerous ways in which government, EAOs and international donors could support return and reintegration, an effective mechanism for land restitution for both housing and agricultural purposes was the most common request.

Perspectives about human security in conflict-affected areas were shared by 10 CSOs representing a cross-section of Karen, Mon and Karenni communities. These include reflections on the importance of localizing concepts and practices associated with civilian ceasefire monitoring and the challenge of building trust when ceasefire agreements are repeatedly violated. The significance of recognising existing customary land management systems is highlighted and suggestions for resolving land disputes are offered.

Apart from stopping abuses and preventing reoccurrence in the future, the challenge of addressing human rights violations committed in the past is raised. Threats to sustainable agriculture and food security are analysed and mechanisms by which local communities can promote equitable natural resource management are championed. The responses of ethnic health service providers to the prevalence of water borne disease are documented and the contribution of mother tongue based, multilingual education to broadening learning opportunities is emphasized. Finally, the concerns of refugee returnees in regards to resettlement and reintegration are underscored.

Twenty years after the Guiding Principles on Internal Displacement were launched, this compilation of field research is a poignant reminder that the impacts of protracted conflict and displacement in south eastern Myanmar remain immense. Calls to link rights-based humanitarian, development and peace-building interventions to promote human security are as relevant as ever. The voices and concerns of indigenous communities need to be brought to the forefront of policy-making so that people-centered responses ensure that no one is left behind.

CHAPTER 1

INTRODUCTION

*Community organising by river, Dawei,
2015, TRIPNET*



*Ethnic Armed Organisations
Summit, HlaingBwe,
2015, CIDKP*



1.1 Concept of Human Security

Human security has been a part of global development discourse since the end of the Cold War. It shifts the focus of security analysis away from national interests and territorial control towards a more people-centered approach. In 1994, the United Nations Development Programme (UNDP) highlighted freedom from fear and freedom from want as the two major components of human security. The seven essential dimensions were listed as economic, food, health, environmental, personal, community and political security.¹ A brief review of international law, national sovereignty and human rights is offered below in order to better understand current interpretations of human security.

International law is premised around sovereign states being obligated to respect the independence and territorial integrity of other nations, while also being responsible for fulfilling the human rights of their own citizens. Human rights law essentially identifies the obligations that national authorities have to promote and protect the dignity, freedom and equality of citizens. Humanitarian law governs the conduct of parties to armed conflict in regards to protecting civilians and prisoners from harm.

However, the national authorities are sometimes the primary perpetrators of violence and abuse and the international community has historically been reluctant to interfere in the so-called “domestic affairs” of nation states. In the wake of woefully inadequate international responses to a series of gross violations of humanitarian law during the 1990s, the International Criminal Court (ICC) was founded to address the impunity with which genocide, crimes against humanity and war crimes could be committed. Similarly, in 2005, global leaders endorsed the international community’s “responsibility to protect” people at grave risk when national authorities are unable or unwilling to do so.²

International terrorism at the beginning of the 21st century also transformed perceptions about the linkages between humanitarian protection, sustainable development, national sovereignty and regional security. The United Nations Security Council recognized “that the deliberate targeting of civilians ... and the commission of systematic, flagrant and widespread violations of human rights and humanitarian law in situations of armed conflict may constitute a threat to international peace and security”.³ Similarly, deprivations caused by chronic poverty and marginalization have been widely recognized as seeds for radicalization and threats to regional security.

Heads of state and government agreed in 2012 that approaches to human security should address cross-cutting challenges to the survival, livelihood and dignity of people.⁴ Their common understanding of human security included the following components:

- The right of people to live in freedom and dignity, free from poverty and despair.
- People-centered, comprehensive, context-specific, prevention-oriented responses that strengthen the protection and empowerment of all people.
- The inter-linkages between peace, development and human rights.

¹ United Nations Development Programme, 1994, Human Development Report, pp.24-33

² United Nations General Assembly, 2005 World Summit Outcome Document, UN doc. A/Res/60/1, 24 October 2005

³ United Nations Security Council, Resolution 1674, Adopted on 28 April 2006

⁴ United Nations General Assembly, Resolution 66/290, Adopted on 10 December 2012

- The notion of human security is distinct from the responsibility to protect and its implementation.
- Human security does not entail the threat or the use of force or coercive measures.
- Human security is based on national ownership.
- Human security requires greater collaboration and partnership among Governments, international and regional organizations and civil society.
- Human security does not entail additional legal obligations on the part of States.

Thus the leaders of nation-states continue to protect the primacy of their domain. However, the concept of human security has helped galvanise support to strengthen resilience to climate change, promote peaceful and inclusive societies, address the causes of chronic poverty and transition from humanitarian response to longer term development.

Indeed, the UN's Agenda for Humanity and the Sustainable Development Goals both reflect human security principles, particularly in their call to "leave no one behind". This includes recognition that addressing protracted displacement is a humanitarian as well as a political and development priority.⁵ More broadly, this relates to addressing intersects of discrimination, geography, governance, socio-economic status, shocks and fragility as key factors for why people are left behind.⁶

1.2 Context in South Eastern Myanmar

After a quasi-civilian government assumed power in 2010, a series of bilateral ceasefire agreements were negotiated and the National League for Democracy (NLD) swept the 2012 bi-elections. There were grand expectations that Myanmar's transition from protracted military rule was irreversible. An ambitious reform process promoting democratization, economic liberalization and peace was a welcome change embraced both domestically and by the international community. The lifting of economic sanctions, a partial Nationwide Ceasefire Agreement (NCA) and the NLD's election to government in 2015 appeared to set the stage for a great leap forward.

However, a legacy of the 2008 Constitution is that the Myanmar Armed Forces (the Tatmadaw) have secured an ongoing role in politics and administration of the public service. A cult of personality within the NLD appears to have led to the appointment of trusted personal friends ahead of qualified professional applicants for key government positions. Protracted conflict in Kachin and northern Shan States and a stalemate in peace negotiations have eroded confidence in the promise of a political solution to conflict. Meanwhile, widespread and systematic targeting of civilians in Rakhine State has led to the degradation and forced displacement of over 700,000 people. An Independent International Fact Finding Mission has found these violations to be on a scale and gravity which meets the legal threshold for prosecution as international crimes.⁷

⁵ United Nations, 2015, Agenda for Humanity, https://agendaforhumanity.org/sites/default/files/Agenda_for_Humanity_Booklet.pdf

⁶ United Nations Development Programme, 2018, What does it mean to leave no one behind?

⁷ United Nations Human Rights Council, 18 September 2018, Myanmar: UN Fact-Finding Mission releases its full account of massive violations by military in Rakhine, Kachin and Shan States. <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23575&LangID=E>

With a few notable exceptions, the ceasefires were generally holding in south eastern Myanmar until the end of 2017. There had been a considerable reduction in armed conflict, restrictions on movement, forced labour and other human rights abuses and communities were tentatively holding on to the hope of a new dawn. However, decades of armed conflict and militarization have resulted in protracted displacement, chronic poverty and a litany of suffering from injustice. In the absence of any mechanism to acknowledge the victims and survivors of past abuses, not to mention holding the perpetrators accountable, it will be difficult to promote national reconciliation and sustainable peace.

Communities in the Bago hills are still scarred by Tatmadaw offensives in the 1970s that targeted civilians to break links between the Karen National Union (KNU) in Karen State and the Delta. The 1980's witnessed Tatmadaw offensives targeting communities along trading routes in low land areas of central Karen State and southern Mon State. Ethnic administered territory, which had been a buffer zone between the ethnic Bama and Thai Kingdoms for centuries, collapsed during the 1990's due to sustained counter-insurgency campaigns targeting civilians in Shan, Kayah and Karen States and Tanintharyi Region as well as the ceasefire agreement negotiated with the New Mon State Party (NMSP). An offensive into northern Karen hills in the mid-2000's under the cover of road construction was the last major military operation before the current ceasefire era began.

The formal peace process has stalled in 2018. While the NMSP and the Lahu Democratic Party became signatories to the Nationwide Ceasefire Agreement, the Tatmadaw has not demonstrated equal commitment to build confidence. Instead, restrictions were imposed on the EAOs' efforts to hold consultations with communities in preparation for the National Dialogue.

The third session of the Union Peace Conference eventually took place in early July 2018 but resulted in little progress. The stalemate appears primarily related to constitutional arrangements relating to secession, self-determination and the formation of a single union army. However, the session was more inclusive with almost all of the EAOs observing the plenary sessions and participating in informal dialogue on the sidelines. An additional 14 points were approved, bringing the total mix of agreed principles, aspirations and recommendations for the Union Accord up to 51.

The first major Tatmadaw offensive into Karen areas during the ceasefire period started in the Hpapun hills where the previous military operations had finished in 2008. Tatmadaw incursions in February 2018 were in violation of the NCA and subsequent clearance operations for road construction displaced over 3,000 people. Sporadic skirmishes in southern Hpapun have also undermined confidence-building efforts more broadly in areas of potential resettlement for refugees in Thailand.

The Karenni National Progressive Party's (KNPP's) negotiations to sign the NCA broke down in December 2017. Relations became strained after Tatmadaw troops ambushed a KNPP checkpoint and killed three KNPP soldiers and a civilian in December 2017. In April 2018, KNPP and the Government's Peace Commission agreed to establish a monitoring mechanism for their bilateral ceasefire agreement as a confidence-building step towards KNPP signing the NCA. This appeared to be working when KNPP participated as an observer in the Union Peace Conference in July. However, Tatmadaw clearance operations in Hpasawng Township during October 2018 and a subsequent statement from the Kayah State Government that KNPP had violated the ceasefire agreement have further complicated the trust-building process.

1.3 Methodology

The Border Consortium (TBC) has collaborated with civil society organisations to document and raise awareness about conditions in conflict-affected areas of South East Myanmar since 2002.⁸ An annual survey assessed the scale, distribution and dynamics of internal displacement, conflict and vulnerabilities until 2014, with the last large scale estimates of displacement compiled in 2012.

TBC withdrew from this documentation role as larger humanitarian and development agencies based in Yangon claimed to have secured access into conflict-affected areas and committed to monitoring internal displacement. A scoping mission was conducted by the Joint IDP Profiling Service (JIPS) in 2013 but not further developed. Then in 2015 south eastern Myanmar was removed from the international community's Humanitarian Response Plan. Thus the protection needs of communities displaced by protracted conflict were marginalized from the mainstream aid agenda.

After consultations with civil society partners during the first quarter of 2018, TBC agreed to coordinate field research into human security in conflict affected areas of South East Myanmar. The purpose of this research is to compile food security assessments, internal displacement estimates, civil society perspectives and refugee returnees' experiences of resettlement in south eastern Myanmar.

The scale, distribution and causes of internal displacement were assessed in 26 townships through key informant interviews with authorities from ethnic armed organisations and civil society.⁹ Responses were collected from at least three sources for each township and cross-referenced against estimates from 2012. The Karen Office for Relief and Development (KORD), Committee for Internally Displaced Karen People (CIDKP), Karenni Social Welfare and Development Center (KSWDC), Human Rights Foundation of Monland (HURFOM) and the Shan State Development Foundation (SSDF) collected these estimates. Staff from these agencies had been trained by TBC in international standards for defining and monitoring internal displacement. However, SSDF were only able to compile population figures from the Shan IDP camps which limited the survey reach into Shan State.

Two household surveys have been conducted utilizing a multi-stage cluster sampling method to assess food security in camps for internally displaced persons (IDPs) and conflict affected communities.¹⁰ The survey of five Shan and Karen IDP camps in Hpapun, Mong Hsat, Mong Ton and Mong Pan Townships was conducted in October and November 2017. 563 households (43% of total households) and 342 children (49% of those aged between 6 and 59 months) were surveyed by TBC staff and community health workers.

The survey of conflict-affected Karen communities in Hpapun, Thandaunggyi and Bilin Townships was conducted in May and June 2018. Enumerators were trained by TBC staff and instructed to survey one in every four households to ensure a random sample. 513 households and 652 children aged between 6 and 59 months across 34 villages were surveyed by community health workers from the Karen Department for Health and Welfare (KDHW) and the Back Pack Health Workers Team (BPHWT). In both surveys, data to calculate z-scores for acute (wasting) and chronic (stunting) malnutrition prevalence was imported into WHO Anthro v3.2.2 software for analysis.

⁸ See www.theborderconsortium.org/resources/key-resources/

⁹ See Appendix 3 for the survey guidelines.

¹⁰ See Appendix 2 for the Questionnaire

Perspectives about refugee return and resettlement were solicited from interviews with twenty returnees spread across nine townships.¹¹ These interviews were conducted by the Karenni Refugee Repatriation and Reconstruction Working Group (KnRRRWG) and the Committee for Refugee Return (CRR) during September 2018. Respondents included thirteen women and two amputees. Twelve people who had “spontaneously” returned without any formal authorization or assistance were interviewed along with eight people whose return had been facilitated by UNHCR and approved by the Myanmar Government. The interviews were recorded on video and subsequently translated and transcribed to document the experiences and insights of returnees and inform future support processes.

Perspectives about trends relating to human security in conflict-affected areas of south eastern Myanmar were solicited from twelve civil society organisations (CSOs). Ten of these agencies, which represented a cross-section of Karen, Karenni and Mon communities, submitted narrative analysis of not more than 1,000 words on their area of expertise. Two agencies, invited to assess the state of gender-based discrimination and access to health care respectively, were unable to submit narrative analysis.

¹¹ See Appendix 4 for the interview guidelines

CHAPTER 2

PROTRACTED DISPLACEMENT

*Displaced but resilient,
Hpapun,
2018, KPSN*



*Displaced by militarisation again,
Hpapun
2018, KESAN*



2.1 Conflict-induced Displacement

TBC's partner agencies documented the destruction, forced relocation or abandonment of more than 3,700 villages in south eastern Myanmar between 1996 and 2011.¹² For decades the forced displacement of communities in contested areas was a cornerstone of the Tatmadaw's counter-insurgency strategy, which aimed to undermine the armed opposition's access to information, supplies, finance and recruits. Civilians who did not comply with orders to relocate into government controlled areas were considered sympathetic to the rebels and subsequently targeted for abuse in contravention of international humanitarian law.

However a series of bilateral ceasefires negotiated between the Union Government and ethnic armed organisations (EAOs) in 2012 led to a significant reduction in skirmishes, attacks on civilians and deprivations such as restrictions on movement. New incidence of conflict-induced displacement has reduced significantly with this survey estimating that over 11,000 people have been displaced by conflict between 2013 and 2018, as represented on the adjacent map.

Recent conflict-induced displacement in Hlaing Bwe Township resulted from skirmishes between joint Tatmadaw/Border Guard Force (BGF) troops against a Democratic Karen Buddhist Army (DKBA) splinter group in 2014. This was followed by the BGF forcibly relocating villagers prior to re-launching an offensive against the DKBA splinter group in the Mae Tha Waw area during 2016. Civil society organisations suspect that competition for control over a proposed hydro-electric dam on the Salween River has fuelled this conflict.¹³ Majority of these IDPs remain in camps near Myaing Gyi Ngu, although some have fled to KNU administered areas.

Conflict-induced displacement in Hpapun Township was mostly in KNU administered northern village tracts after incursions for road construction by Tatmadaw troops in the first half of 2018. Over 3,500 civilians, who had only recently returned to cultivate their fields in lowland areas, fled back to upland forests to hide from roving Tatmadaw patrols. Another 500 people have been displaced in southern village tracts near Kamamaung after skirmishes between joint Tatmadaw/BGF forces and a DKBA splinter group in 2014 and again between Tatmadaw and KNU in 2018.

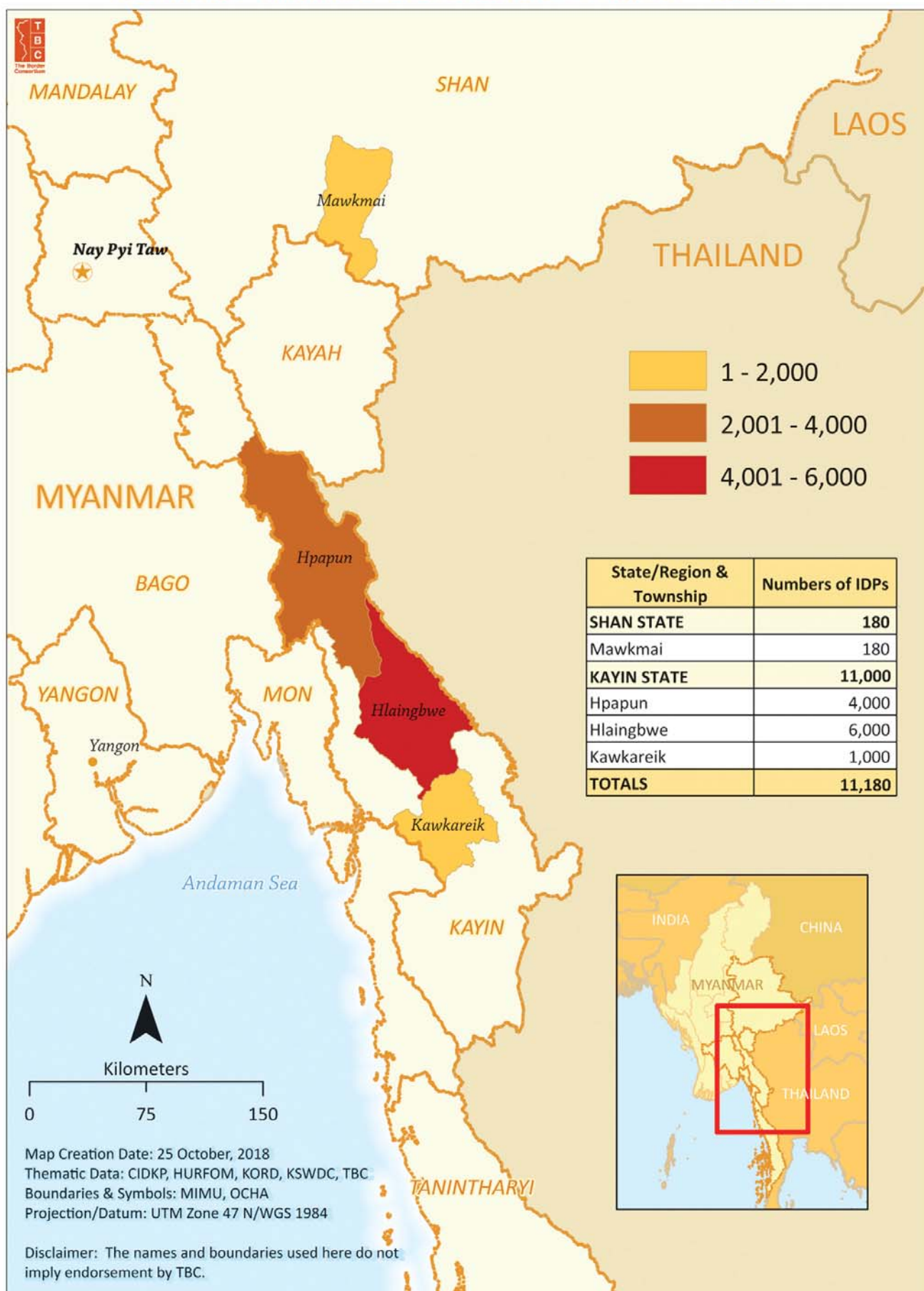
The most recent cause of large scale displacement in Kawkareik Township was skirmishes between joint Tatmadaw/BGF forces against the DKBA splinter group along the Asia Highway in 2014. Disputes over the establishment of checkpoints for taxation are generally understood to have triggered these skirmishes.

180 villagers reportedly fled from forced conscription committed by the Shan State Army –South (SSA-S) in Mawmai to northern Shadaw township during 2017. While this example of displacement has been recognized, it has not been possible to estimate the scale and distribution of displacement associated with deprivations caused by conflict. The proliferation of road construction, mining and logging concessions and commercial agriculture into areas previously inaccessible has been widely associated with land grabbing, extortion and militarization. However, such development-induced displacement is dispersed and difficult to document.

¹² TBBC, 2011, Displacement and Poverty in South East Burma/Myanmar, <https://www.theborderconsortium.org/resources/key-resources/>

¹³ Karen Rivers Watch, 2016, The Real Motivations behind Renewed War

CONFLICT-INDUCED DISPLACEMENT (2013 - 2018)



2.2 Natural Disaster-induced Displacement

Floods and landslides are synonymous with the monsoon season in Myanmar just as forest fires have been a regular occurrence in the dry season for generations. However, the expansion of extractive industries, commercial agriculture and road construction into ethnic territories during the ceasefire period has exacerbated deforestation. Watershed areas in south eastern Myanmar appear to have become more prone to flooding and landslides as a result. In addition to those in low lying towns like Hpaan and Mawlamyine, this survey estimates over 38,000 people in communities emerging from conflict have been displaced by natural disasters during the past five years.

Despite improved access to rural areas, the international community's response to natural disasters remains largely limited to communities within the government's administrative reach. Indeed, as foreign aid agencies have increased collaboration with the national authorities, support for the humanitarian response capacities of ethnic armed organisations (EAOs) and affiliated civil society organisations (CSOs) has waned. For example, the United Nations' Myanmar Humanitarian Fund and Central Emergency Response Fund allocated US\$2 million in combined responses to floods in south eastern Myanmar during 2018, but none of that appears to have reached EAO administered areas.

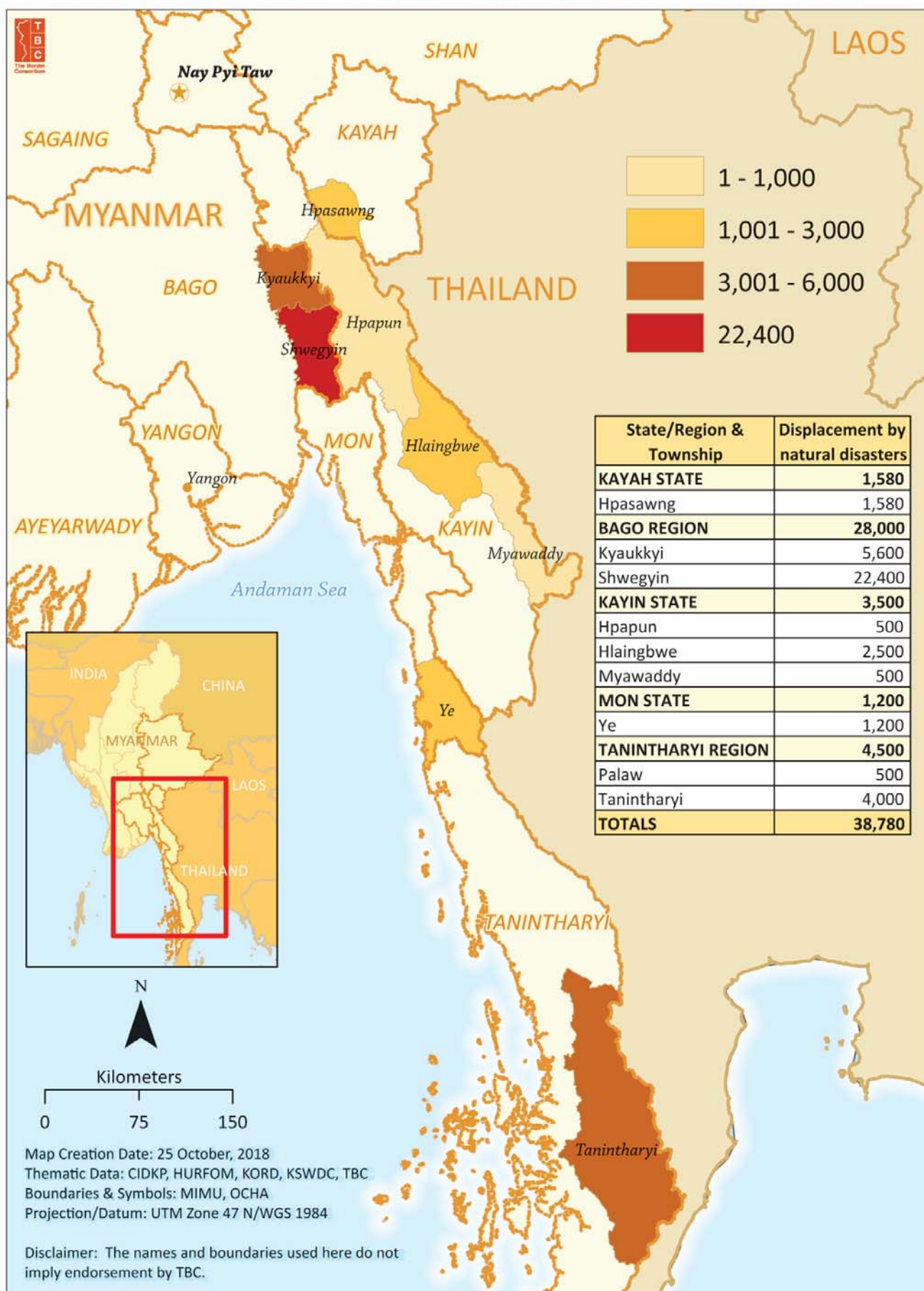
Recent flooding in south eastern Myanmar was particularly severe in the wet seasons of 2013, 2015 and 2018. Displacement this year primarily affected villages along the Salween River in Hpaan Township, the Sittaung River basin in Shwegyin and Kyauukyi Townships, the Tanintharyi River basin in Tanintharyi and Palaw Townships and the Yunzalin River basin in Hpapun Township. The vast majority of villages were displaced for less than a month before they were able to return to their homes.

However, at least one village in Hpapun Township was completely destroyed by a landslide during this year's monsoon. In addition, the damage inflicted on irrigation canals and paddy fields (where much of the wet season rice crop in affected areas was either uprooted or became rotten under water) will increase food insecurity for the coming year.

The inter-connections between resource-based development and disaster-induced displacement were tragically highlighted by a landslide in October 2015 which killed 38 people and displaced over 1,500 people in Hpasawng Township. The landslide followed five days of heavy rain and years of mining concessions for excavation of tin and wolfram from the Mawchi hills.

A more predictable and classical example of development-induced displacement resulted from constructing the Htone Bon dam on the Thauk Yehka River. The reservoir flooded villages upstream in KNU administered areas of Thandaunngyi Township and displaced 400 people from their homes. While the government offered a small amount of compensation, there was no restitution for flooded agricultural lands which made resettlement untenable and has hindered the re-establishment of livelihoods.

NATURAL DISASTER-INDUCED DISPLACEMENT (2013 - 2018)



2.3 Return, Resettlement and Reintegration

Approximately 162,000 formerly displaced persons have attempted to either return to former villages or resettle in surrounding areas of south eastern Myanmar between 2013 and 2018. This represents the vast majority of those displaced by natural disasters since 2013 and around a half of those displaced by protracted conflict prior to 2013 in the surveyed townships. However, the sustainability of these movements and prospects for reintegration remain in doubt due to ongoing concerns about security and livelihood opportunities.

In Kayah State, the highest concentration of return and resettlement per township has been in Demoso. The balance of power between the Government of Myanmar (GoM) and the Karenni National Progressive Party (KNPP) in mixed administration areas to the south east of Demoso Town offer a degree of relative stability without being so remote that livelihood options are limited. In addition, over 250 people have relocated to newly established Karenni National People's Liberation Front (KNPLF) "model" villages in MeSe and Bawlakhe Townships.

In eastern Bago Region, high rates of return and resettlement primarily reflect the temporary nature of displacement induced by flooding along the Sittaung River basin in 2018. Approximately half of those previously displaced by conflict have attempted to reintegrate into society, primarily by resettling in low land areas.

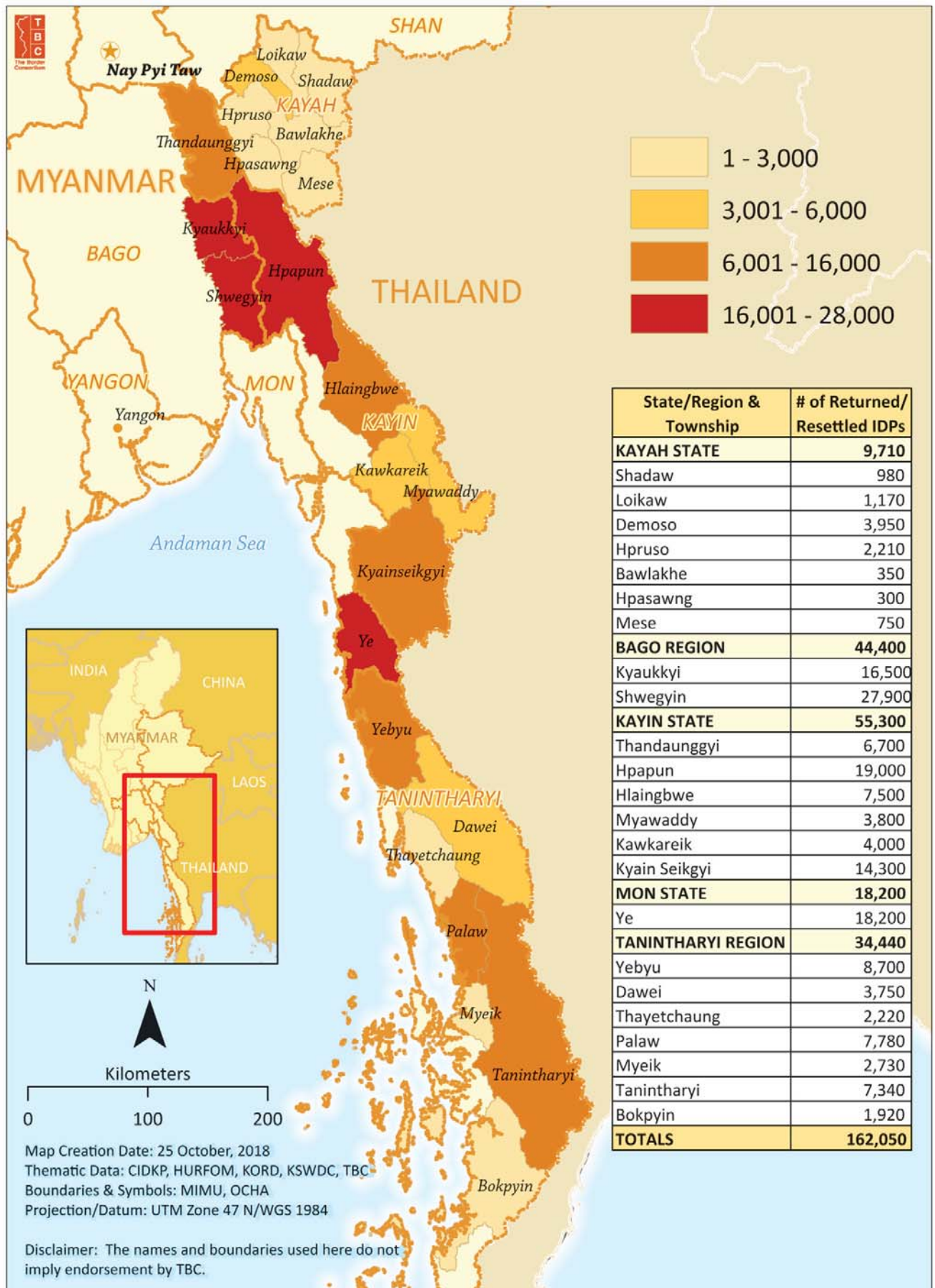
The high density of localized return and resettlement in Hpapun Township during the past five years reflects how the KNU administered Hpapun hills have offered refuge to internally displaced persons from the lowlands and other townships for decades. Efforts to re-establish livelihoods have been more sustainable in the mixed administration areas to the south of Hpapun town. The faith that villagers placed in the ceasefire when returning from hiding sites in the northern hills to re-establish villages and paddy fields along the Yunzalin River basin was broken by Tatmadaw incursions and the resumption of conflict in 2018.

In contrast, high rates of return and resettlement in Ye and Kyain Seikkyi Townships since 2013 arguably reflect increased public confidence in the KNU and New Mon State Party (NMSP) ceasefire agreements with the GoM. There has also been more of a concerted effort from the international community to collaborate with KNU and NMSP in the construction of public infrastructure and social services in these ceasefire areas.

Reintegration in Tanintharyi Region is primarily characterized by the slow process of re-establishing livelihoods in relocation sites that were established twenty years ago after counter-insurgency operations in KNU administered areas. 109 relocation sites remain in Tanintharyi Region and appear much like other large villages in surrounding areas, except that they were established by force. Nonetheless, more than half of the residents have been able to overcome this dislocation without restitution to the extent that they can no longer be considered internally displaced.

TBC's population monitoring system in the refugee camps indicates that over 18,000 people returned to Myanmar since 2013. Over 11,000 of these former refugees are included in this survey's estimates for return and resettlement in south eastern Myanmar including 8,500 in Karen State, 1,200 people in Kayah State and 1,100 in Tanintharyi Region. However, the success of these attempts at reintegration has only been verified in a minority of cases, so it is likely that some of these refugee returnees are now in a state of internal displacement.

RETURN AND RESETTLEMENT (2013-2018)



2.4 Residual Internal Displacement

At least 162,000 people are estimated to remain internally displaced in the rural areas of 26 townships across South East Myanmar, as documented in Appendix 1 and represented on the adjacent map. This represents around half of the IDPs estimated in these townships during the last full survey conducted in 2012 and a reduction of 238,000 people in the overall estimates.¹⁴

These estimates are based on international standards which recognise internally displaced persons as having been forced to leave their homes due to armed conflict, generalised violence, large-scale development projects or natural disasters.¹⁵ International standards do not impose an arbitrary cut-off for the duration of displacement, but rather recognise a solution as having been found when people no longer have any specific assistance or protection needs linked to previous displacement.¹⁶

The decrease in overall estimates is primarily attributed to two factors: the capacity of displaced persons to find solutions to displacement and TBC's inability to survey southern Shan State. In regards to the former, almost 120,000 people included in the estimates for internal displacement in 2012 are believed to have returned to former villages or resettled elsewhere in the period since. In regards to the latter, 125,000 internally displaced people were estimated across 13 townships in southern Shan State during 2012, but only 5,800 people in five camps adjacent to the border with Thailand are recognized in this survey.

The omission of the townships in Shan State from this survey should not be interpreted as reflecting a decrease in internal displacement. Indeed, the population in the five Shan IDP camps along the border has been stable since the Restoration Council of Shan States (RCSS) signed a bilateral ceasefire agreement in 2011. This is primarily because the United Wa State Army (UWSA) still occupies the villages that IDPs have been displaced from.

Similar to the Shan IDP camps, the cessation of foreign aid in 2017 for a Karen IDP camp in Hpapun has not resulted in significant return or resettlement amongst 2,300 internally displaced people there either. While support for IDP camps in areas administered by ethnic armed organisations (EAOs) has decreased during the period, the international community has responded to the relocation of almost 6,000 people to Myaing Gyi Ngu IDP camp in Hlaing Bwe Township.

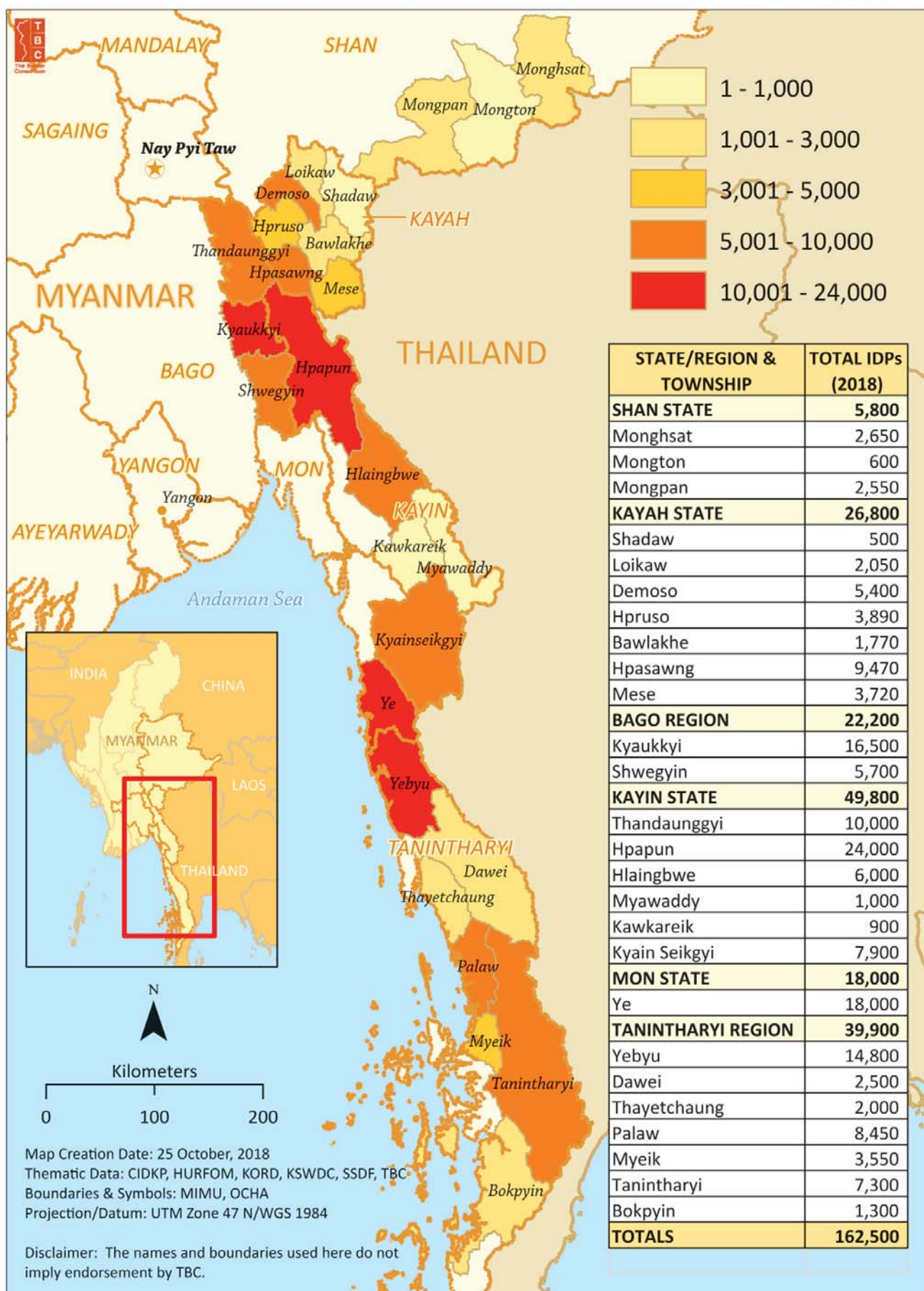
The most significant residual populations of internally displaced communities, however, are not found in camps but rather spread across remote and conflict-affected areas. Overall, the average annual rate of annual displacement appears to have decreased from 75,000 people per year between 2003 and 2011 to approximately 10,000 people per year between 2012 and 2018. Nonetheless, KNU administered communities in Hpapun and Kyaukkyi Townships as well as NMSP ceasefire areas in Ye Township have offered relative safety for large numbers of displaced persons for more than a decade and this trend continues.

¹⁴ TBC, 2012, "Changing Realities, Poverty and Displacement in South East Burma/Myanmar", pp.16-18 <https://www.theborderconsortium.org/resources/key-resources/>

¹⁵ UN Guiding Principles on Internal Displacement, 1998

¹⁶ UN Inter Agency Standing Committee, 2010, Framework for Durable Solutions for Internally Displaced Persons

INTERNALLY DISPLACED PERSONS IN SOUTH EASTERN MYANMAR



CHAPTER 3

FOOD INSECURITY & CHRONIC POVERTY



*Weight for height assessments,
Loi Tai Leng camp, Mongpan,
2017, TBC*

*Collective rice harvest, Hpapun,
2015, KESAN*



3.1 Poverty & Nutrition in IDP Camps

The 2018 Humanitarian Response Plan for Myanmar¹⁷ recognises the needs of 6,000 internally displaced persons (IDPs) around Myaing Gyi Ngu monastery in Hlaing Bwe Township but no others in south eastern Myanmar. Indeed, donor governments have withdrawn funding for IDP camps adjacent to the border with Thailand in areas administered by ethnic armed organisations (EAOs).

TBC's primary sources of funding for food assistance to the Shan and Karen IDP camps between 2006 and 2017 were the United States Agency for International Development (USAID) and the United Kingdom's Department for International Development (DfID). The expiration of a multi-year funding commitment from USAID in August 2017 and a 40% decrease in DfID humanitarian funding in 2017 led to TBC withdrawing this contribution to the IDP camps and prioritising support for the refugee camps in Thailand.

IDP camp populations (in September 2017)

Camps	State	Township	Female	Male	People	Households
Loi Kaw Wan	Shan	Mong Hsat	1,388	1,246	2,634	438
Loi Sam Sip	Shan	Mong Ton	148	208	356	53
Loi Lam	Shan	Mong Ton	147	148	295	64
Loi Tai Lang	Shan	Mong Pan	1,172	1,124	2,296	420
Ee Tu Hta	Karen	Papun	1,279	1,291	2,570	346
			4,134	4,017	8,151	1,321

Household poverty surveys have been tracking the food security, vulnerability and nutritional status of IDP camp-based populations on an annual basis since 2013. In 2017, the survey was conducted during October and November which was when TBC food rations were being exhausted. Over 40% of households and almost 50% of children were surveyed with a questionnaire that included 17 indicators.¹⁸ The following charts, tables and narrative provide a snapshot of findings and trends.

2017 IDP Camp Survey Sample Size

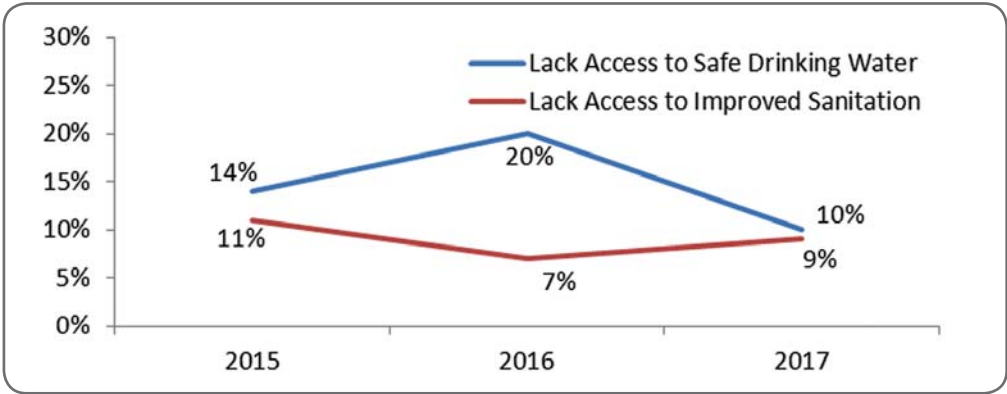
Camp	Total # Children (6m - 5yr)	Surveyed Children	Total # Households	Surveyed Households
Loi Kaw Wan	160	43	438	150
Loi Sam Sip	21	15	53	53
Loi Tai Leng	125	87	420	53
Loi Lam	13	18	64	190
Ee Thu Hta	377	179	346	117
Grand Total	696	342	1,321	563

¹⁷ UNOCHA, December 2017, Interim Humanitarian Response Plan for Myanmar, <https://reliefweb.int/report/myanmar/2018-interim-humanitarian-response-plan-myanmar>

¹⁸ See Appendix 2

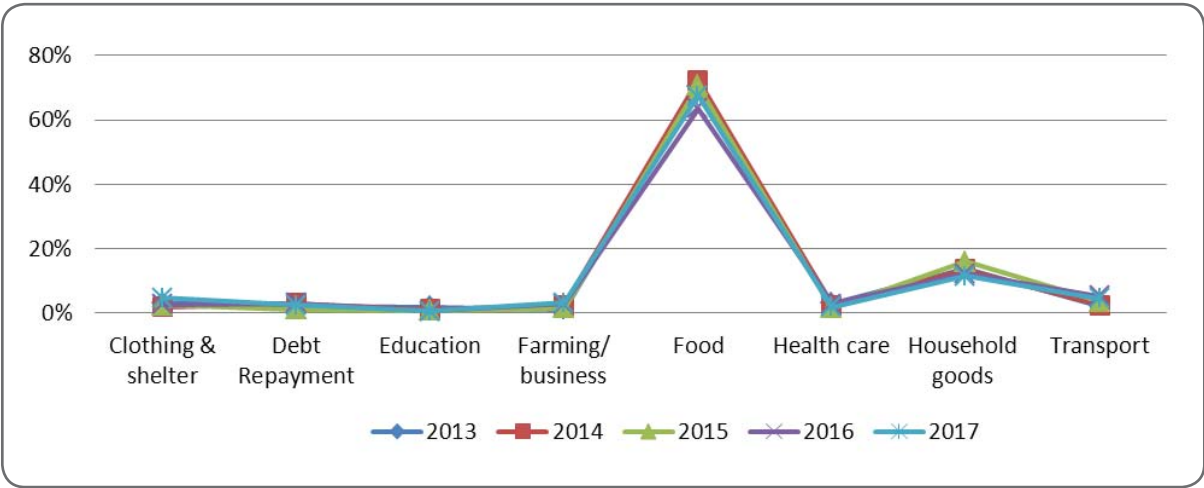
Options for return to former villages, resettlement to other areas in Myanmar or onward migration into Thailand remain extremely limited. The Tatmadaw and/or United Wa State Army (UWSA) troops that people fled from have established outposts in surrounding areas. Even in the absence of food assistance, almost all households (94%) planned to continue living in the IDP camps in 2018. Camp committees report that this has indeed eventuated.

Access to Clean Water and Sanitary Latrines



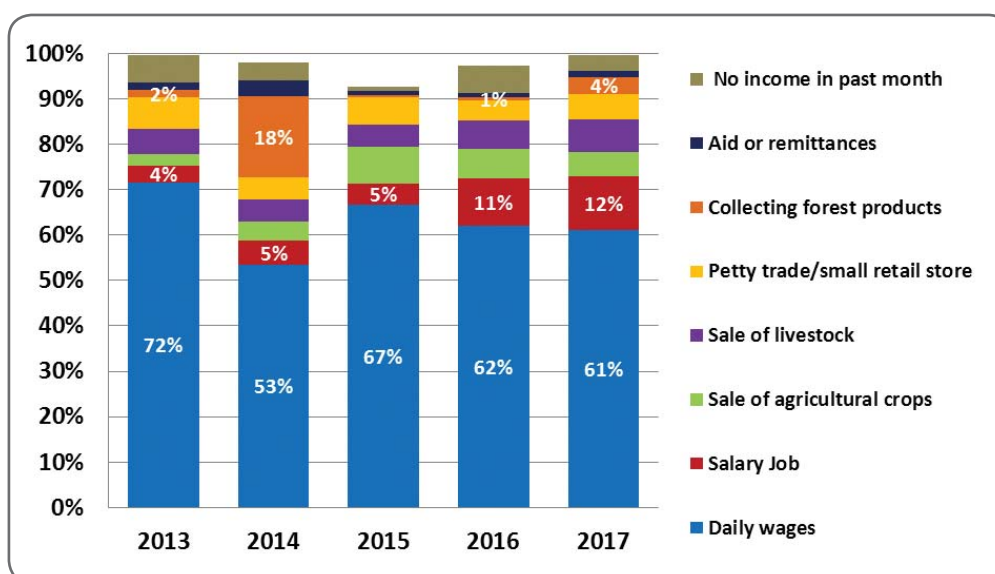
Public health awareness and infrastructure in the camps is relatively good which helps mitigate against the spread of water-borne disease. There is relatively good access to clean drinking water from protected sources such as deep tube wells and fenced natural springs rather than surface water for rivers, ponds or unlined wells. Similarly, the camps offer improved sanitation with widespread access to wet latrines or dry latrines with covered pits.

Household Expenditures in the Past Month, 2013-2017



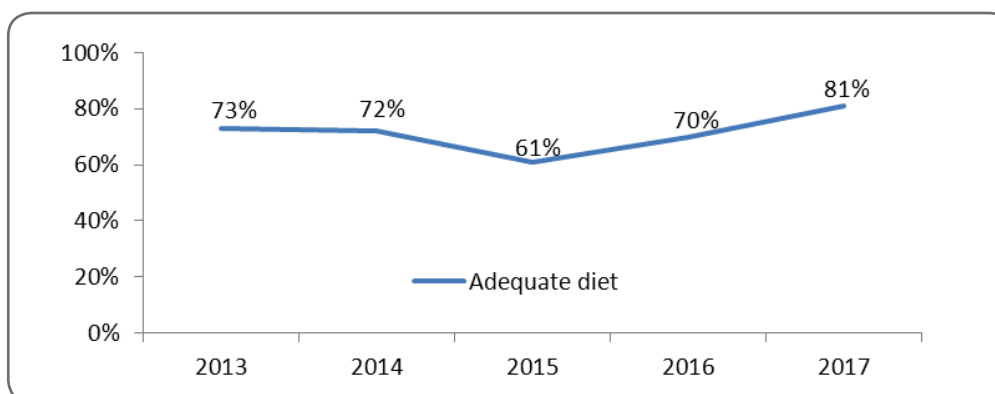
The lack of income generation opportunities in IDP camps is illustrated by the consistently high proportion of household expenditures that are allocated to buy food. Even with the provision of rice, food still accounts for two-thirds of the average households' expenditure which leaves very little for other basic needs.

Main Income Sources, 2013 – 2017



Analysis of sources for income generation demonstrates a high dependence on casual and seasonal labour for daily wages. Opportunities for seasonal labour were greatest in Loi Kaw Wan and Loi Tai Leng due to nearby coffee and tea plantations and most limited in EeTuHta camp.

Food Consumption Analysis (2013-2017)



Food consumption analysis was conducted to assess the diversity, frequency and nutritional value of food consumed during the previous week, based on standard World Food Programme (WFP) guidelines. Findings suggest that food consumption patterns improved during the last two years and that a relatively high proportion of households had an adequate diet around the time TBC rations were exhausted. While protein and vitamin A was consumed daily in at least 80% of households, significant deficiencies were found in the consumption of iron.

***Acute malnutrition amongst children aged 6-59 months
(2017 sample=324 children)***

	2016 IDP camps	2017 IDP camps	2017 refugee camps
Global Acute Malnutrition	5.4%	7.5%	2.1%
Severe Acute Malnutrition	0.7%	2.4%	0.2%

Acute malnutrition (or wasting) amongst children was assessed utilising weight-for-height assessments and standard World Health Organisation (WHO) classifications. While global acute malnutrition rates in the refugee camps have consistently been at an acceptable level for the past decade, rates in the IDP camps have increased by 2.1% since 2016 and are categorised as poor. This is particularly concerning as acute malnutrition is an indicator of recent nutritional deficiency.

***Chronic malnutrition amongst children aged 6-59 months
(2017 sample=324 children)***

	2016 IDP camps	2017 IDP camps	2017 refugee camps
Global Chronic Malnutrition	35.5%	37.6%	31.8%
Severe Chronic Malnutrition	12.7%	10.7%	6.7%

Chronic malnutrition (or stunting) amongst children was assessed utilizing standard height-for-age assessments and WHO categories. Global chronic malnutrition in the IDP camps remains high, having increased by 2.1% since 2016, which raises concerns about long-term impacts to children's cognitive and physical development.

In response to these findings, private fundraising has only slightly mitigated the withdrawal of general food assistance. Cash transfers have targeted households with children aged under five years of age in EeTuHta camp and been complemented with information campaigns about healthy infant and young child feeding (IYCF) practices. EAOs and civil society have offered ad hoc support, but the need for a comprehensive response remains.

3.2 Food Security in Communities affected by Conflict

The vast majority of IDPs in south eastern Myanmar are dispersed amongst communities affected by conflict, rather than in designated camps or relocation sites. With funding from the Livelihoods and Food Security Trust (LIFT), TBC and eight civil society agencies are striving to strengthen food security and sustainable livelihoods in conflict-affected communities spread across ten townships. The theory of change is based on promoting a rights-based approach to natural resource management; integrating water supply, sanitation and nutrition awareness interventions; and strengthening local development management capacities.

As a baseline survey, TBC and partners developed a multi-stage cluster sampling method to assess food security in areas emerging from conflict across Hpapun, Thandaunggyi and Bilin Townships during the first half of 2018. Given unreliable data from government sources in these areas, the survey frame was compiled through consultation with local authorities from ethnic armed groups.

BPHWT and KDHW were the primary agencies responsible for data collection. At the village level, field staff were instructed to conduct questionnaires with one in every four households to promote a random selection of participants. Field staff were trained in interviewing methods including soliciting informed consent from targeted households.

513 households were ultimately surveyed across 34 villages in seven village tracts (Ma Hta, Htee Ta Blu Hta, Kyat Khat Chaung, Mae Khu, Baw Naw Khee, Ho Khee and Pah Haik). The survey consisted of 14 questions and surveyed households included 652 children aged between 6 and 59 months. Enumerators used a hard copy survey and entered data into a standardized formatted Excel spreadsheet with drop down selections to reduce possibility for data entry errors. Data to calculate z-scores for acute (wasting) and chronic (stunting) malnutrition prevalence was imported into WHO Anthro v3.2.2 software.

Overall, the results were dismal. Malnutrition rates are high (acute and chronic), with poor access to safe drinking water and sanitary latrines, and little access to agricultural land and kitchen gardens resulting in low opportunities for income generation and diverse diets. Further, the recommended IYCF practice of exclusive breastfeeding for the child's first six months was not followed by most survey respondents. It is likely that all of these issues contribute to the high rates of malnutrition. The findings are detailed in the following pages.

Malnutrition Rates

Overall for both acute and chronic malnutrition, the survey results show a critical level of wasting and very high stunting rates. The indicators suggest the prevalence of child malnutrition is far greater than across refugee camps in Thailand and IDP camps in Shan and Karen States. Indeed, the rates are more comparable with government figures for chronic and acute malnutrition in Rakhine State.¹⁹

An average of 17.6% (with a 95% confidence interval of 15.6% and 19.9%) of children surveyed were found with global acute (wasting) malnutrition, considered “critical” according to the WHO benchmarks.²⁰ In comparison, wasting amongst children is only 2.1% in Thailand's refugee camps²¹ and 7% is the average in Myanmar.²² Wasting, low weight-for-height, may result in severe health consequences. It is a strong predictor of mortality among children under five years of age, usually resulting from acute significant food shortages and/or disease.

For global chronic malnutrition, 44.0% (with 95% confidence interval of 26.3% and 63.3%) of children in this survey were identified as being stunted which is considered very high by WHO benchmarks. This is again significantly higher than in the camps in Thailand (31.8%) and the national average reported in Myanmar (29.0%). Stunting may have long-term effects, negatively impacting cognitive development, school performance, maternal reproduction and economic outcomes.²³

¹⁹ Ministry of Health and Sports, March 2017, Myanmar Demographic and Health Survey 2015-16, pp.164, 174, <https://dhsprogram.com/pubs/pdf/FR324/FR324.pdf>

²⁰ Global Database on Child Growth and Malnutrition, World Health Organization, <http://www.who.int/nutgrowthdb/about/introduction/en/index5.html>

²¹ The Border Consortium, 2017 Nutrition Survey : Report to CCSDPT Health Agencies, http://www.theborderconsortium.org/media/108107/2017_nutri_survey_report_eng.pdf

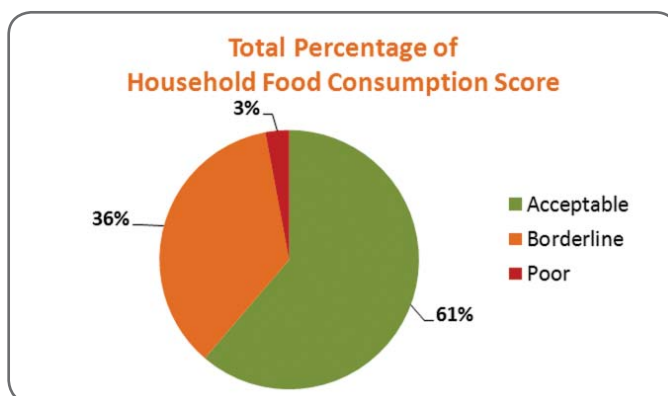
²² Ministry of Health and Sports, March 2017, *ibid*

²³ 1000 Days, <https://thousanddays.org/the-issue/stunting/>

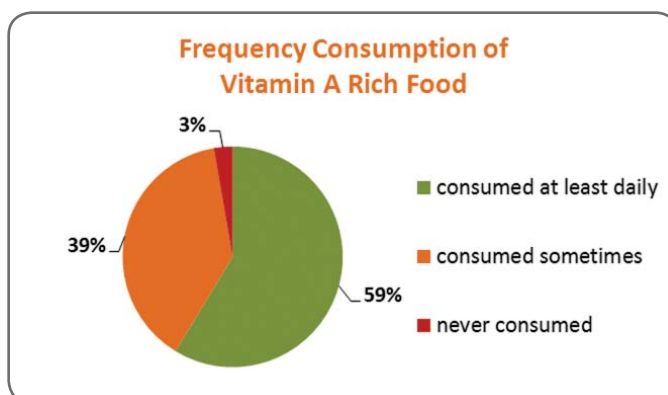
Food Consumption Score – Nutritional Quality Analysis (FCS-N)

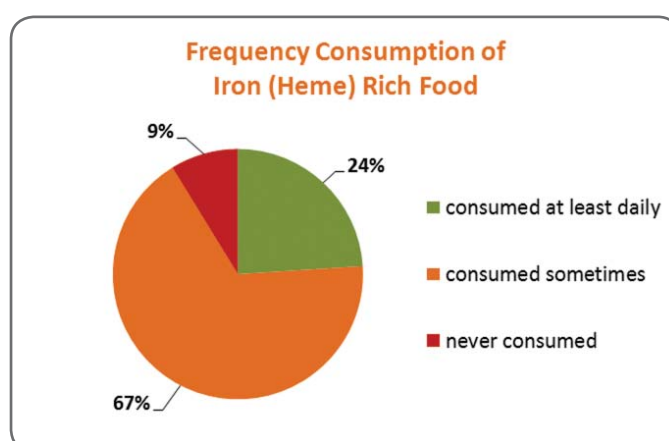
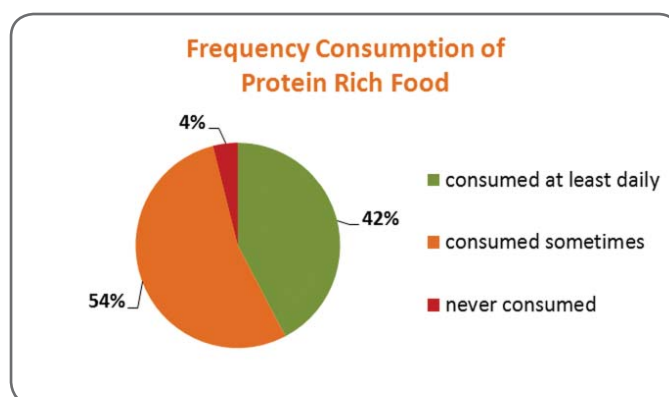
The FCS-N was developed by the World Food Programme (WFP) to assess the likely adequacy of protein, vitamin A and heme iron (which is found only in animal proteins). Assessments are based on the number of times a household consumed foods rich in these nutrients during the previous week. Protein and micronutrient deficiencies (e.g., vitamin A and iron) are risks for wasting and stunting. Micronutrient deficiencies such as vitamin A and iron, over prolonged periods, lead to chronic undernutrition. The FCS-N data can be used to enhance understanding of the impact of food assistance or food-based interventions and identify trends.

The FCS-N results from conflict-affected Karen communities indicate that 61.0% are consuming an acceptable diet. This still leaves a sizable proportion of this population who are not (39.0% combined borderline and poor). A diverse diet contains foods from all of the food groups (vegetables, fruits, grains, meat, and dairy) which in turn provide essential nutrients, key for optimal growth and development.



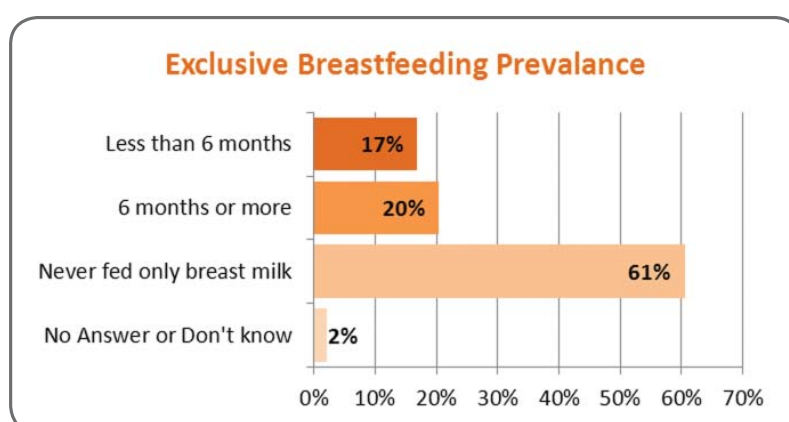
Diet quality needs improvement as only about one in four households reported consuming heme iron foods daily. The FCS-N indicates that overall, households are less frequently consuming iron daily (24.0%) as compared to protein (42.0%) and vitamin A (59.0%) foods. This overall trend follows the same patterns found in the nine refugee camps in Thailand during the 2017 Biennial Nutrition Survey conducted, although a larger proportion of the refugee population reported higher diet quality.





Exclusive Breastfeeding

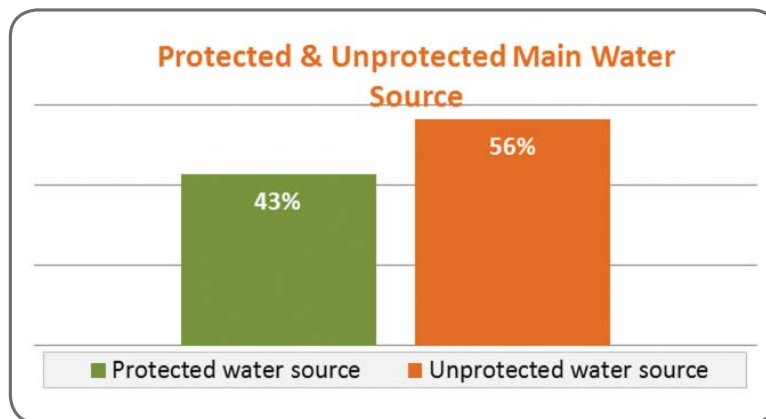
Only 20.0% in this survey reported practicing exclusive breastfeeding for the child's first six months as recommended by WHO to achieve optimal growth, development and health. In comparison, the Myanmar Demographic and Health Survey reported 51.0% exclusive breastfeeding nationwide.²⁴ Nutrition education and campaigns are needed to help spread this message along with behaviour change communication.



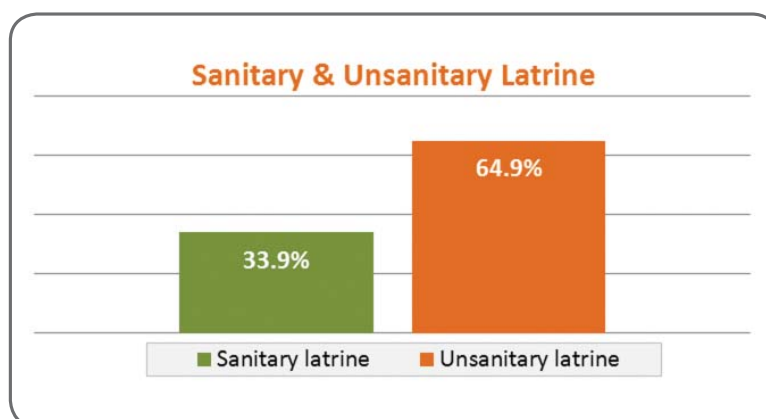
²⁴ Ministry of Health and Sports, March 2017, *ibid*

Water Source and Latrine Type

Most (56.0%) survey respondents reported their main water source used by the household for drinking came from an unprotected water source (e.g. surface water from rivers or ponds and unlined wells) and they type of latrine normally used was unsanitary (64.9%). Poor sanitation may negatively impact the nutritional status of a population, particularly in children.

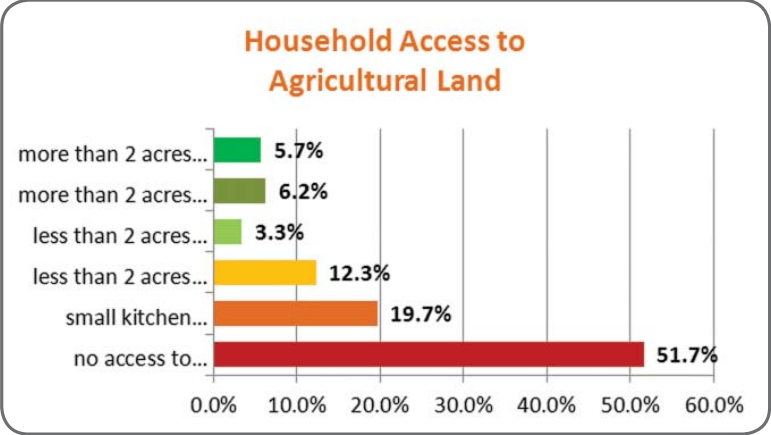


Public health awareness and infrastructure is lacking, important factors in mitigating the spread of water-borne disease. There is relatively poor access to clean drinking water from protected sources such as deep tube wells and fenced natural springs rather than surface water for rivers, ponds or unlined wells. As well, there is a lack of sanitary latrines such as wet latrines or dry latrines with covered pits.



Access to Agricultural Land

Finally, most (51.7%) reported having no access to agricultural land for farming and only about one out of five had a kitchen garden. Agricultural production and kitchen gardens can play an important role in improving a household’s dietary diversity and thus, nutritional status.



CHAPTER 4

RETURNEES' VOICES



*CSO and refugee return
planning, Ban Mae Surin
camp,
2017, TBC*



*Lay Kay Kaw
resettlement site, Myawaddy,
2018, CIDKP*

4.1 Reasons for Return

Interviews with returnees suggest that factors pushing refugees to leave the camps were more prominent reasons for return than incentives attracting refugees to Myanmar. The most common explanation related to the withdrawal of assistance in the camps and in particular the gradual reductions in food rations. Restrictions on movement outside of the camps and restrictions on resettlement to third countries were other “push” factors highlighted. The ceasefire and opportunities to come home, reunite with family, provide an accredited education for children, travel more freely and employment are amongst the range of “pull” factors described.

“I fled to Nu Po refugee camp when there was no peace and stability inside the country. I lived in Nu Po camp for eight years and I returned in October 2016. The reason I came back was that my village still exists and my parents remain there. I wanted to come back here because this is my motherland. The situation is also becoming more peaceful.”

Karen Female, UNHCR facilitated returnee, Kasat, Kyain Seikgyi Township

“We came back after the food rations were reduced. It was not enough for us anymore and we were not allowed to leave the camp and work either. It was gradually becoming more difficult for us. We didn’t have money to buy food, so finally we came back here.”

Karen Female, spontaneous returnee, Ti Hue Than, Kawkareik Township

“I returned because this is our country, so we want to come back. We stayed in another country and it was so difficult to go outside the camp.”

Karen Male, spontaneous returnee, Lay Kay Kaw, Myawaddy Township

“I arrived in the camp in 2003 and stayed more than a decade. I returned here in May 2018 because we know that our Karen leaders are working to build peace. It’s relatively peaceful and the Myanmar Government also welcomed us.”

Karen Female, UNHCR facilitated returnee, Lay Kay Kaw, Myawaddy Township

“We stayed in the refugee camp which is not our own country and so we cannot stay forever. We don’t have UN card and therefore couldn’t apply for resettlement to the US, so I missed my original place and came back.... When we stayed in the camp, I felt like we are imprisoned and not allowed to go outside because they have regulations and if we go out, we will be arrested. As if we were locked in the camp. If there is a job in the camp, I can work but if there is no job, it was very difficult to go and work outside of the camp. But when we came back in Myanmar, we can go anywhere we want. Where we want to work, we can go freely, not like other country.”

Kayan Female, UNHCR facilitated returnee, Kyauk Su village, Mese Township

“I come back here because when we were in the camp, we’ve heard a lot of rumors [about camp closure]. Then the food ration was reduced. We also heard the camp will be closing soon. When we heard that we were afraid of the situation and we were worried. Another thing is that since our leaders signed ceasefire agreement, travelling is better and roads become better. So I return and hope that there would be some job opportunity available and I would work and stay close to my elderly parents”.

Karen Female, Spontaneous Returnee, Kyain, Kyain Seikgyi township

“There is more freedom when I stay here. There is no freedom in the camp. I don’t have Thai ID so couldn’t go anywhere. In the past, there was fighting here which is why I went to the camp. But its more peaceful now, so I am not as afraid anymore.”

Kayah Male, Spontaneous Returnee, Shadaw town, Shadaw Township

“The main reason I came back is other peoples and leaders said that even though we graduated in the camp, our certificate will not be recognized once we return to Myanmar. And also I have to consider for my children’s education. When staying in the camp, I never felt like it is my home. And there is no freedom mentally. The assistance was also reduced.”

Kayah Female – Spontaneous Returnee, Daw Leh Khu, Shadaw township

“It’s mainly about education. For instance, I graduated with a diploma in the camp but it is not useful here as the government does not recognize it. Here if I passed in Grade 10 (in a Government School), I can sit an entry exam for university. It is not possible to stay forever in the camp and I have children, so I have to return for their education.”

Karen Female, UNHCR facilitated returnee, Thay Su Leh, Demoso Township

“I have stayed in Site#1 for 27 years but nothing changed. I applied for resettlement to the third country but was rejected. Finally, my parents are old now and no one taking care of them. That’s why I returned.”

Kayah Male Amputee, Spontaneous Returnee, Htee Theh Kloe, Demoso Township

“My family lived for 17 years in Tham Hin refugee camp. Some of my family members returned in 2014 and I am friends with some of the leaders here. So we were able to discuss our options for return, share opinions, and then decided to return.”

Karen Male, Spontaneous Returnee, Ah Myar, Dawei Township

4.2 Access to Support for Return and Reintegration

Refugees who accessed UNHCR’s facilitated return process consistently reported receiving transportation, in-kind support and cash assistance from UNHCR, the Government of Myanmar and the Myanmar Red Cross. There were however a range of experiences reported amongst UNHCR facilitated returnees in the process for acquiring citizenship documents. Nonetheless, the material and legal support received by UNHCR’s facilitated returnees was far greater than spontaneous returnees, some of whom absorbed all the costs of their return and resettlement. Only a few spontaneous returnees reported receiving ad hoc assistance from non-government organisations (NGOs) after resettlement.

“While we were leaving from Thailand, we got support in cash from UNHCR and they also gave us mosquito nets and blankets, those sorts of things. From the government, they gave us three goats, a pig and ten chickens to breed after we arrived to our village. They also gave some zinc sheet for roofing and also issued us the ID card.”

Karen Female, UNHCR facilitated returnee, Kasat village, Kyain Seikgyi Township

“There was no support from the Myanmar government or UNHCR or KNU or anything. When we returned, we walked half of the way and travelled by car the rest of the way. We paid all the expenses by ourselves.”

Karen Female, Spontaneous Returnee, Kyain Village, Kyain Seikgyi Township

“There was no support when we left, we returned on our own. We informed the camp section leader then we returned. I had never been back before I decided to come back.”

Karen Female, Spontaneous Returnee, Ti Hue Than, Kawkaireik Township

"When we left, UN in Thai side supported us 9,300 baht for each adult and 7,500 baht for each child under 18. When we arrived back to Myanmar, the government support us 300,000 kyats and UNICEF and Red Cross supported us 100,000 kyats and with pots, plates, spoons, blankets, clothes and other goods. They also paid for transportation and gave a food allowance. As soon as we arrived to Myawaddy, they made a temporary household registration card for us. The next morning submitted that household registration card and applied for ID cards."

Karen Female, UNHCR facilitated returnee, Lay Kay Kaw, Myawaddy Township

"UNHCR provided the information about the situation in Kayah state. They told me that this is up to me whether we want to go back or stay but we decided and returned voluntarily. During our return, government officials came, gave some money and monitored the trip. UNHCR told us that 6 months assistance will be provided in the camp and another 6 months of assistance would be provided after we return. They came only once when we first arrived but have disappeared since."

Kawyaw Female, UNHCR facilitated returnee, Htu Du Ngan Tha, Loikaw Township

"During our return process, UNHCR supported transportation and food. UNHCR came to us again later after we settled here and asked about the situation. We were in difficult situation and so the General Administration Department Township authorities provided 50,000 kyat for an adult and 30,000 kyat for a child. They came to our house and told us to apply for house registration and ID cards. And now we got them all. The ID card is very important to apply for a job."

Kayan Female, UNHCR facilitated returnee, Kyauk Su, Mese Township

"We were supported by UN in Thailand. They gave us 8,500 baht when we returned. When we got here, the Myanmar government gave our family 400,000 kyats. Nothing more than that. But when we got here, the village leader supported us one pack of rice, a pack of charcoal, one litre of cooking oil, a pack of MSG, some salt and chili."

Karen Female, UNHCR facilitated returnee, Lay Kay Kaw, Myawaddy Township

"Before we returned, UNHCR asked to fill the application form. Then they provided information about the place I was returning to. They provided various support but it wasn't enough. They provided cash assistance as well. UNHCR and Thai government officials brought us to cross the border into Mese. Then the Myanmar government gave us 3 sacks of rice, 3 bottles of cooking oil, clothes, housing utilities, a water bucket, 2 pots for cooking, 5 plates, and cups. After that until now, they haven't give anything more. UNHCR visited me once and asked if government already provided support for House registration. They put us in contact with the Immigration Office but it's still on-going, and nothing's received yet."

Karen Female, UNHCR facilitated returnee, Thay Su Leh, Demawso Township

"I met with UNCHR and they linked me with an organization who support animal raising. They suggested I breed pigs and provided me with four."

Kayah Male Amputee, Spontaneous Returnee, Htee Theh Kloe, Demawso Township

"I have seen both UN from Thai or Myanmar came here, but I didn't see their donations yet. They just came to look at the situation. We have got buckets, mosquito nets, sheets, mats and blankets from NGOs. I haven't seen the Myanmar government come here"

Karen Male, Spontaneous Returnee, Ah Myar, Dawei Township

"I thought there is already peace and no more civil war, so I returned. We received lots of assistance in the camp (for return and initial reintegration). Since we are the first batch to return, a lot of UN officials from Myanmar came here. They came but they didn't help us."

Karen Female, UNHCR facilitated returnee, Myitta, Dawei Township

“When we arrived Myawaddy, I was wondering where they would send us. I was really worried. I was shocked when they pushed and pulled us. We had to pass so many steps to get to our place. A lot of people checked us. They gave us meals. Before we returned back, UNHCR gave us household equipment: mosquito net, soap, toothpaste, a lot of thing and also money. We needed to scan our thumb before we entered the car. Then they sent us on the way. When we arrived to Myawaddy, the Myanmar government also helped us with 500,000 kyat/family. They said if you want an ID card to come back the next morning and they would make them for us. But we didn’t know where to go nor how. So we just stayed where we were. We still don’t know where to go.”

Karen Female, UNHCR facilitated returnee, Ta Lor Thaw, Hlaing Bwe Township

“The ethnic armed group didn’t support anything. I returned on my own.”

Kayah Male Amputee, Spontaneous Returnee, Htee Theh Kloe, Demawso Township

“Since we returned, we haven’t seen KNU or the Peace Council support us. There are lots of needs so we hope that other people will support us”.

Karen Female, UNHCR facilitated returnee, Ta Lor Thaw, Hlaing Bwe Township

“We haven’t received any support from ethnic armed groups. They haven’t said anything at least. Perhaps they provided some assistance but I didn’t realize.”

Karen Female, UNHCR facilitated returnee, Thay Su Leh, Demawso Township

4.3 Options for Return and Resettlement

The possibility of returning to former homes and villages decreases the longer that refugees have been displaced. While returning to family and friends remains the preferred option for social reintegration, the reality for most refugees is that they will need to resettle in a new place with which they are not familiar. Returnees reflected on the importance of social networks in identifying opportunities for resettlement as well as informal visits to assess conditions prior to making decisions. In some cases, families were temporarily separated with some members testing the viability of resettlement in Myanmar while others remained in the camps. Looking ahead, group resettlement is likely to become more important for refugees who cannot return to their former villages and have lost contact with social networks. However, this will require more comprehensive discussion about land restitution in order to accommodate the establishment of new villages without relegating returnees to second class citizens.

“When we left our village, we had a conflict with my relatives and so it’s difficult to go back there. The main problem is I have no land, and the prices of land are too high. About two years before we returned, we came back to find and prepare a place to resettle in. My husband came back first and wasn’t sure where to resettle at first, but later we decided to stay here.”

Kayan Female, UNHCR facilitated returnee, Kyauk Su, Mese Township

“We should know the place before we return. I visited here two or three times to check out education and health care services as well as the general community. Then I moved here.”

Karen Female, UNHCR facilitated returnee, Lay Kay Kaw, Myawaddy Township

“I hadn’t ever been here. My daughter came back and had a look around this place. She told me that lots of houses were being built in Lay Kay Kaw. It wasn’t long after that we heard the UN announcement that people could submit applications to return. I said I will, then I submitted to the UN and they planned for us.”

Karen Female, UNHCR facilitated returnee, Lay Kay Kaw, Myawaddy Township

"I originally returned to Hpasawng where I was born. It was so hot and I couldn't stand it. Now we have returned to my husband's village which is now peaceful. So we decided to come back and stay here."

Karen Female, UNHCR facilitated returnee, Thay Su Leh, Demawso Township

"Some of my friends and relatives told me to resettle here and build our own place. I had visited here three times in 2011, 2012 and 2014. Then I came with my family and stayed here. We were visiting our friends and ended up looking for land."

Karen Male, Spontaneous Returnee, Ah Myar, Dawei Township

"I had never been here before. I am from a remote village, but my husband has been here. There is no problem staying here, they support us for education and others. They said they will rebuild our house for us but they can't yet because we don't have official documents."

Karen Female, UNHCR facilitated returnee, Myitta, Dawei Township

4.4 Challenges to Return and Resettlement

The main challenges identified by returnees were related to education, securing land tenure and re-establishing livelihoods. Apart from the lack of recognition and accreditation for previous schooling in refugee camps, tuition fees and the need to strengthen Burmese language proficiency were highlighted in regards to education. Difficulties securing agricultural land and the high cost of renting fields from absent landlords were key challenges reported that have a broader impact of the sustainability of return. The unavailability of agricultural land is also directly related to challenges in re-establishing food security and livelihoods, especially as the majority of returnees are in remote areas where there are limited employment and income generation opportunities.

"I thought I would have an opportunity to get a job here but it is very difficult. They said there is no opportunity for students who graduated from refugee camps. I have studied in Nu Po camp for so long. I just understand and have experience of the working environment there. I didn't learn things that will help me to work inside Myanmar. For instance, we didn't use Burmese language much in school. Now when I apply for jobs, most need Burmese fluency. Even if we are graduated from school there, we are not the chosen."

Karen Female, Spontaneous Returnee, Kyain, Kyain Seikgyi Township

"There are a lot of problems. We had no money when we returned so have to work as daily labourer. My husband works for daily wages and we just buy food from whatever he earns. I have a chronic health problem so I can't work. My children also go to school here. The school expenses also cost us. I can't build our own house yet. It will be great if they [aid organizations] plan to help us. I stay with my parents."

Karen Female, Spontaneous Returnee, Ti Hue Than, Kawkaik Township

"Regarding livelihoods, there are no regular job opportunities here. In the raining season we plant corn and in summer we harvest corn. Similarly with planting bean and harvesting beans, work is only available on a seasonal basis. If there was regular work available, there would be no problem. But we have only work for two or three months and then are unemployed for the rest of the year."

Karen Female, UNHCR facilitated returnee, Lay Kay Kaw, Myawaddy Township

"I am now just working as daily wage worker but I have to pay tuition fees for my children, and I'm facing a very difficult situation. My three children are going to school. I have to hire a paddy field that belongs to someone and have to buy fertilizers. After the harvest, I have to repay one-third of the produce. I can only farm just over one acre of the land, which I don't think will be enough in the long term. I have to find another job for survival. If the owner of the paddy fields doesn't allow me to continue farming, then I will have nothing to do. I don't have skills to work on other jobs. The house I am currently living in belongs to my younger sister but I will have to move out when her family returns."

Kawyaw Female, UNHCR facilitated returnee, Htu Du Ngan Tha, Loikaw Township

"We have a lot of problems when we got here because we have no work. We just live like this."

Karen Male, Spontaneous Returnee, Lay Kay Kaw, Myawaddy Township

"At the beginning of our return, we faced a lot of difficulties and of course, it will be difficult at the beginning. But I hope that it will be slowly better in the future. In the camp, we didn't experience hard work. We couldn't go outside the camp so just worked with NGOs. So it is difficult to work in slash and burn paddy farming here. The first thing is it's so hot under the sun and secondly there is no water here. We cannot work like the others, but we are struggling our best and I believe it will get better."

Kayan Female, UNHCR facilitated returnee, Kyauk Su, Mese Township

"I still don't feel safe and secure because KNPP has not signed the NCA yet. When I was young, I had to run here and there among the crossfire of armed fighting. Since there is no NCA signed yet, I am worried whether I will have to run again like when I was young. There is safety living in the camp but after I returned, I have to struggle everything. If I don't work, I can't find food."

Kayah Female, Spontaneous Returnee, Daw Leh Du, Shadaw Township

"I can't apply for any job here even though I have passed Grade 10 in the camp. Here the government does not recognize that certificate. I have to graduate (in a government school) before they will recognize my education."

Kayah Male, Spontaneous Returnee, Daw Leh Khu, Shadaw Township

"Many of the former residents in the village where we stay have left already. They are now living in Shadaw town, but their farmlands are here. The owners have Form#7 documents for their land so we cannot own them. So we have to find places further away for cultivation."

Kayah Female, Spontaneous Returnee, Daw Leh Khu, Shadaw Township

"There are no problems for housing, food and such. But we have problem with education. Karen Education Department (KED) support us but not enough for our school and our villagers can't subsidise the teachers. We built our school for two years already in Day Law. Then even if we finish primary, middle and high school, it's still not easy to get a certificate."

Karen Male, Spontaneous Returnee Ah Myar, Dawei Township

"Those are many problems. While we were in the camp, even we couldn't go outside, they fed us. Living here, you have to struggle by yourself. If you don't, you have nothing to eat. They gave us enough rations in the past in camp, but then they reduced bit by bit every year until there wasn't enough rice and charcoal. It was also hard to go outside to find work. I thought it would be better if we returned here but we have to work hard and we are struggling. Other people have their farms so it's better. For us we have to rent the land from the owners, but we have no money."

Karen Female, UNHCR facilitated returnee, Ta Lor Thaw, Hlaing Bwe Township

"For the education, it is fine for the children to go to school here. Just one problem is that we have no hospital. If people get a common cold, they can treat them here. For other [serious] diseases, we send them to Mae La camp."

Karen Male Amputee, Spontaneous Returnee, Ta Lor Thaw, Hlaing Bwe Township

4.5 Successes Since Return and Resettlement

Returnees were more circumspect when discussing their achievements since leaving the refugee camps, which arguably reflects the tenuous nature of reintegration so far. However there was clearly a sense of pride in securing citizenship cards and household registration documents, which are key documents for restoring legal rights and re-establishing one's identity. Similarly, the economic viability of reintegration is closely linked to securing employment which provides an immediate and regular source of income. The interviewed returnees suggested that re-establishing an identity was easier than re-establishing livelihoods, so secure employment was recognized as an important success.

"Getting the ID card is a success for me. Even though I have to wait a certain period of time, now I can go wherever I want freely. I feel like more secure."

Karen Female, UNHCR facilitated returnee, Thay Su Leh, Demawso Township

"We already had Myanmar citizenship cards but when we returned it was very difficult to get the house registration. I had to go to the Immigration very often before I finally got it after six to seven months."

Kayah Female, Spontaneous Returnee, Daw Leh Khu, Shadaw Township

"Now there are not any big problems for us. We are working together with our family and our community so we can overcome all the problems. When people in camp ask me, I tell them that our life here since we came back is better. We can move freely for work and travel. We often meet with our siblings in camp and have invited them to return to stay in our own place. A lot of people stay here and there's plenty of work available."

Karen Male, Spontaneous Returnee, Ah Myar, Dawei Township

"There is no problem for me because my son feeds me well. I am satisfied for I have got a house and my son has work to take care for me, so I can live well. But maybe it will be difficult for those who don't have children they can depend on."

Karen Female, UNHCR facilitated returnee, Lay Kay Kaw, Myawaddy Township

4.6 Lessons Learnt

Returnees were overwhelmingly encouraging in reflecting on the lessons they had learnt and sharing these for the benefit of refugees contemplating return. Advice included preparing for return as soon as possible in developing transferrable skills, considering potential sites for resettlement and planning how to become self-reliant. Some spontaneous returnees reflected that they would have had easier access to citizenship cards and household registration documents if they had applied through UNHCR's facilitated return process and encouraged other refugees to do so. The importance of returning when children were still young enough to continue their education without disruption as well as considering access to health care when deciding where to resettle was reinforced. A cautionary theme suggested that the peace process was ongoing and the situation should not be misunderstood as stable, but none of the advice was against refugees' returning to Myanmar.

“As for me, I returned to Burma for my life in the long term. Staying in refugee camp is temporary and people couldn’t help us all the time. Here, you can stay until you die. If we try and if we struggle hard this place is ours. For those who don’t go to the third country, you can come back and look for a place. There are still places to live but we have to find ways for our income. If someone is determined to stand on their own feet, you can come back. If we come back at an early age for our children, they can catch up with education back here. Now the education level is not so high but if they are in ninth or tenth standard, it is not easy for them to catch up.”

Karen Female, UNHCR facilitated returnee, Lay Kay Kaw, Myawaddy Township

“It is very important to prepare for children’s education if they return. To be able to join the school here, they need to be ready with a certificate of the standard they passed in the camp. If there is no land here, it will be very difficult. If they have land, then it will be fine.”

Kawyaw Female, UNHCR facilitated returnee, Htu Du Ngan Tha, Loikaw Township

“I want to send message to the refugees in the camps that even though we prepared two years ahead for our return, we faced a lot of difficulties. So I want people to realise that preparation is really important. Will it be possible to access land for livelihood and for housing? ... I used to work in the health sector in the camp and so it is useful that I can apply my knowledge here, but the hospital and clinic don’t have medicine. Some villagers here came and asked for treatment but I didn’t learn enough in camp and cannot help them much. It’s a shame. So I want to send the message to refugees in camps to learn as much knowledge and skills as possible to reduce difficulties when you return.”

Kayan Female, UNHCR facilitated returnee, Kyauk Su, Mese Township

“If people in the camps come back, many won’t have land for housing and even their villages may have already disappeared. The political situation is not stable yet and we don’t know when armed conflict will resume again. I would like them to come back when the situation is peaceful here. Otherwise they will face many difficulties. But if a systematic resettlement plan exists, if there is housing provided, and if they receive enough assistance, then come back! The most important things are education and health.”

Karen Female, Spontaneous Returnee, Thay Su Leh, Demawso Township

“If people in the camps want to come back, learn first where you will settle and consider whether the place is suitable? Can the place get good a product of rice or sesame? I don’t want them to come back like me because I faced a lot of difficulties. If they (refugees) want to return, discuss with UNHCR so that they can provide support. They (UNHCR) can ask Myanmar government to provide more support. It is good if they (refugees) want to come back but preparedness is very important. For example, if they don’t have house registration and ID cards, they need to learn first how they can get those documents, and they should come back when these documents are already in their hands. Otherwise, if they return, they have to struggle for their livelihood, and at the same time for house registration and ID cards, requesting recommendation letters from authorities, then it will be time consuming and you cannot properly re-establish their livelihood.”

Kayah Female, Spontaneous Returnee, Daw Leh Khu, Shadaw Township

“I want to say to refugees in the camps that if you want to come back, I want to suggest return through the legal process. Contact UNHCR so that return will be more secure and sustainable. When you return, try first to get the civil document.”

Kayah Male Amputee, Spontaneous Returnee, Htee Theh Kloe, Demawso Township

“I reckon they (refugees) can return and stay here like me. Some are still afraid, some people want to return and some people want to remove their names from the camp lists. Regardless, make your own decision. As for me, I invite all of them to return and start building their life here. I don’t think our leaders are sluggish in building peace. They will step up and if there is peace, there will be stability. We want to be legal citizens.”

Karen Male, Spontaneous Returnee, Ah Myar, Dawei Township

"If they [other refugees] want to return, they can. No problem, but prepare first before you return. We want other organizations to help us".

Karen Female, UNHCR facilitated returnee, Ta Lor Thaw, Hlaing Bwe Township

"I don't want people who will return later to copy us. We didn't get any support and there are a lot of problems. We want to go back into camp but our rations have already been removed. We have to struggle like this. People talk about peace but there is no stability. We are not supposed to stay here, we came here for work but when our rations were removed, we just remain here. We didn't go back for the check-up, so our rations were withdrawn. I want to give a message to them [refugees] not to come back like me. It is not time to come back yet. If time is up, you can come back. But don't come back in the way I did."

Karen Male, Amputee, Spontaneous Returnee, Ta Lor Thaw, Hlaing Bwe Township

4.7 Suggestions

While returnees suggested numerous ways in which government, EAO and international donors could support return and reintegration, an effective mechanism for land restitution for both housing and agricultural purpose was the most common request. It was also recommended that cash transfers needed to cover food costs for at least a year if the intention is to facilitate initial reintegration. Broad visions about deepening the peace process so that the causes of conflict and displacement are resolved were also highlighted by returnees, as well as the importance of maintaining support for refugee camps so that vulnerable groups are not left further behind. In addition to these key themes, a range of needs and required services relating to accessing citizenship cards, transitions in education, employment creation and water supply infrastructure were raised.

"I think the government needs to provide a piece of land for each family who returns so that we can stand by ourselves for the long term. ... We will try to work our best if the government can create livelihood opportunities here."

Kawyaw Female, UNHCR facilitated returnee, Htu Du Ngan Tha, Loikaw Township

"Now our housing land has no title and the government wants to expand the car road and asked to move our house back. We have already moved it once but we hear that they will ask again. We also want the title for our rotational cultivation fields."

Kayan Female, UNHCR facilitated returnee, Kyauk Su, Mese Township

"It will be very good if they can support sustainable education. If the education in the camp and education here can be linked, it will be better. In the camp, though Burmese language was not taught well, English language is strong. But here it is opposite; they have to learn a lot of Burmese but not much in English. So it is good if they can make both languages stronger."

Kayan Female, UNHCR facilitated returnee, Kyauk Su, Mese Township

"It would be better if someone finds some job for us. Maybe establishing a water supply system and other things will be better."

Karen Male, Spontaneous Returnee, Lay Kay Kaw, Myawaddy Township

"I would like to ask authorities to issue an ID card and provide a piece of land so I can build my house. And it will be also a good example for the ones who want to come back later. Now I don't have any document and no one recognizes me so I don't know how to ask for support."

Kayah Male, Spontaneous Returnee, Daw Leh Khu, Shadaw Township

"If they (refugees) return in a big group, I think land issue will be the biggest problem. If one or two people come back in a time, it seemed fine to me. In this case, government and KNPP should support the returnees and provide the land. ... I want to request that organizations who have power and other related stakeholders to please try to make the country peaceful because there are a lot of people who want to return to their own village, own land and own country."

Kayah Male, Spontaneous Returnee, Daw Leh Khu, Shadaw Township

"I have heard that Thai authorities will force the refugees to return into Myanmar. So Myanmar government should provide land for them to live, issue ID cards, and provide assistance for up to three years. If they don't have land for housing and farming it will be very difficult. When they can stand on their own, then leave them. So I would like to request government to provide assistance for three years. We are also facing a lot of difficulties but don't know how to approach to the authorities or donors. ... The support they (UNHCR and both governments) provided is useful but for the short term only. They should consider longer term support. To establish a new life within three months is not easy. So it will be better if they can provide support for at least a year. ... To the donors, I would like to say, please do not abandon the people in Site#1 and Site#2. On the surface, it may look like some people can stand on their own feet but many cannot. There are also people facing domestic violence and lots of trauma, so please look after them."

Karen Female, UNHCR facilitated returnee, Thay Su Leh, Demawso Township

"Both Karen government and Myanmar government are negotiating for their people not to be displaced from their homes. We want peace and stability in the country and to recognize us as citizens with dignity. As other countries have citizen ID card, we also want to have it like them".

Karen Male, Spontaneous Returnee, Ah Myar, Dawei Township

"I was a refugee and I have UNHCR's card, so does UNHCR have any responsibility for me now? I used to ask other organizations to support but they said it is UNHCR's responsibility. When I tried to contact UNHCR, they didn't accept my contact. I want to ask why?"

Kayah Male Amputee, Spontaneous Returnee, Htee Theh Kloe, Demawso Township

"They said they would support us for six months before, but now I don't see anything. As for UN [Thai side], they already said they won't support us. The other side said they will support us. They said to call them when we face problem, but we can't. We don't have their phone numbers. If the NGOs like TBC or UNHCR come and support us, it would be great. There are a lot of problems".

Karen Female, UNHCR facilitated returnee, Ta Lor Thaw, Hlaing Bwe Township

"There are so many organizations, this is a Peace Council area but KNU, BGF and Tatmadaw soldiers are also here. Sometimes we need to be patient. There is no war but we have to be afraid of the Tatmadaw. Sometimes they pass through our plantations. Sometimes we can't travel freely. For all my brothers and sisters who want to leave the camp and have a plan to come back here, I want KNU and also Peace Council to help them, to stand up for them, with support such as land for housing and agriculture".

Karen Male Amputee, Spontaneous Returnee, Ta Lor Thaw, Hlaing Bwe Township

CHAPTER 5

CIVIL SOCIETY PERSPECTIVES

***Coal mining
in Ban Chaung, Dawei,
2014, TRIPNET***



***Palm oil plantation,
Tanintharyi,
2016, TBC***



5.1 Civilian Ceasefire Monitoring in Kayah State

Kayah State Peace Monitoring Network

There has been limited public participation during the peace process in Kayah State to date due to a lack of opportunity, suspicion of government intentions, and fears about being blacklisted for associating with ethnic armed organisations (EAOs). The inability of the Government of Myanmar (GoM) and the Karenni National Progressive Party (KNPP) to build on their bilateral ceasefire so that KNPP can ratify the Nationwide Ceasefire Agreement (NCA) has not helped. For these reasons, broadening local ownership and building public confidence in both the process and the authorities remains a key challenge to promoting sustainable peace.

Previous ceasefire agreements have broken down in part due to lack of public awareness of, and participation in, their implementation. There is similarly a risk the current peace process will be undermined by the refusal to permit non-partisan third party observers and mediators. The resurrection of tensions between conflicting parties has pushed the negotiation process into difficult phase in Kayah State.

Civil society organisations (CSO) in Kayah State have not been very successful in facilitating informed public discussion, soliciting community inputs and communicating with government and EAO authorities so far. However, CSO representatives continue to monitor events and adjust our collective vision to the dim light of the peace process.

The primary challenge to civilian ceasefire monitoring has been the lack of trust between the Government of Myanmar (GoM), EAOs and CSOs. Ideally, civilian ceasefire monitors should be independent and able to operate freely without threats to safety. There should be no restrictions on capacities to monitor both the Government and EAO's performance in implementing the bilateral agreement. However in Kayah State, this concept of civilian ceasefire monitoring has been replaced by stereotypes about third party peacekeeping. There is a perception amongst the parties to conflict that peacekeeping is their mutual responsibility. Public participation is perceived as an unnecessary distraction which should be limited.

Since independent ceasefire monitoring is totally new in the history of Myanmar, it is difficult for local CSOs to strengthen networks both within and outside the country. However, local CSOs have been the public's pillar throughout this crisis by motivating the survivors of violence and abuse to be active participants in the peace process. Since early 2012, CSOs have found themselves in great demand to get involved in civilian ceasefire monitoring and civilian protection monitoring missions. The key to these missions has been to localise concepts and practices based on the needs and context in Kayah State.

Common obstacles for civilian ceasefire monitors in Kayah State include the following:

- Trust between the government and EAOs is lacking, but reconciliation among KNPP, Border Guard Forces and militia groups is also required.
- Political trauma still exists in the community. Most people are skeptical about the peace process due to their past experiences. They worry that the ceasefire will be broken again. CSOs have been working closely with community and tried to reduce their fear.
- Some CSOs prefer development rather than peace activities, as they are not willing to directly deal with the peace process. It makes CSOs weak in conflict transformation and the change process toward sustainable peace and development.
- The current ceasefire monitoring mechanism from the government and EAOs is centered on a joint monitoring mechanism. There is no direct mandate for independent CSOs to engage in civilian ceasefire monitoring.

- Civilian ceasefire monitoring duties are not widely respected while CSO reports and advocacy are not very influential with some stakeholders.
- Many local communities are preoccupied with everyday struggles against poverty and for their own livelihoods.

Key achievements and opportunities for civilian ceasefire monitoring include the following:

- 15 CSOs have formed the Kayah State Peace Monitoring Network (KSPMN) to pursue. One of the objectives of KSPMN is to establish a State-wide civilian ceasefire monitoring network that is composed of local CSOs, community leaders and individuals.
- Based on local realities and the conflict context of Kayah State, KSPMN have developed and localized procedural guidelines and mechanisms for monitoring, reporting, complaints, communication, security, networking, lobbying and referral.
- KSPMN has also created a platform for networking, sharing and learning among communities to enhance responses to violations of the bilateral ceasefire agreement.
- Communication and coordination mechanisms between village, village-tract and township monitors have created clear channels for sharing information, joint monitoring, reporting. It has also built trust, good relationship and strong networking among monitors and community members.
- Through various trainings, the capacity and confidence of monitors and community members are being increased. The basic technical training is very useful for monitors in identifying problems, analysing incidents and dealing with various actors.
- A national level platform has been created for networking, sharing and learning amongst civilian ceasefire monitoring groups working in different states.

5.2 War and Peace in Karen State

Karen Peace Support Network

On March 14th 2018, the Tatmadaw began its largest single troop deployment in Karen State for almost ten years. More than 1,500 Tatmadaw troops entered into Karen National Union (KNU) controlled area of northern Hpapun Township. The troop movement broke the terms of the National Ceasefire Agreement (NCA) and resulted in armed clashes with the 5th Brigade of the Karen National Liberation Army (KNLA). Over 3,000 villagers were forced to flee their homes, becoming internally displaced persons.

Many of those displaced had only recently returned to try to rebuild their lives after the previous decades of conflict. Saw O Moo, a local villager and community leader, was shot and killed by the Burma Army while travelling home from a meeting to coordinate humanitarian assistance for those who had been displaced.

The renewed conflict, although relatively brief, reinforced fears that the ceasefire may only be a pause in conflict rather than a pathway to peace. It reflects a larger pattern of ceasefire violations elsewhere in Hpapun, other parts of Karen State and in other ethnic states. This systematic breaking of ceasefire terms is undermining trust and support for the current peace process among conflict affected communities.

The Karen Peace Support Network (KPSN) has documented multiple breaches of the terms of the 2012 and 2015 ceasefire agreements by the Tatmadaw. This includes entering KNU controlled territory without prior agreement, often to engage in infrastructure projects such as building roads. By expanding and upgrading its presence in areas it could not access before the ceasefire, the Tatmadaw is imposing control over land and natural resources. Increased and more permanent military infrastructure is an obstacle to building peace and trust, and prevents many refugees and displaced people from feeling safe enough to return to their original land and homes.

Hpapun Township is home to the Salween Peace Park, a unique and ambitious project whereby indigenous Karen communities are actively promoting and protecting their land, environment and culture. 70,000 people live within the Peace Park, although the perimeter is now under threat by Tatmadaw plans to expand its road network. These new roads are not helping with development of the region. Local villagers are too afraid of coming into contact with, or being indiscriminately targeted by, the Tatmadaw troops to even use the roads. So the new roads act as a barrier which restricts movement, rather than facilitating villagers' access to markets and fields.

Since the KNU's bilateral ceasefire in 2012, international donors began reducing humanitarian assistance to internally displaced and conflict-affected people. Support has shifted away from border based civil society in favour of organisations registered with the Government of Myanmar (GoM). This has had several negative impacts. Predominantly using government-registered organisations, some of which have not come from the affected communities, has provided the GoM and Tatmadaw more control over who receives aid and what type of aid they can receive.

Indigenous civil society organisations were not only delivering humanitarian assistance, but were also documenting human rights violations and ensuring the voices of conflict-affected communities were heard at national and international levels. Many government-registered organisations are unwilling or unable to document these kinds of violations. Reductions in rights-based documentation of vulnerabilities have led to less protection-sensitive analysis which has inadvertently perpetuated further reductions in humanitarian support.

At a national level, many participants and observers now accept that the peace process is stalled. While local communities have received some benefits, most do not feel secure and are still at risk of conflict and displacement. People are very aware of the parallels between the current ceasefires in Karen State and experiences in Kachin State, where the Tatmadaw used the 1994 ceasefire as an opportunity to increase and consolidate its presence before resuming hostilities again.

The Tatmadaw has dominance over the peace process. It is able to decide which issues can and cannot be discussed and by senior representatives failing to attend important meetings it is stalling progress. Commanders lecture ethnic armed organisations about adhering to the NCA, while repeatedly breaching the terms of the NCA themselves. NCA mechanisms supposedly designed to resolve disputes during the interim period are neglected, which obstructs a pathway to sustainable peace.

The Tatmadaw is acting against the spirit and the letter of the NCA. It is obstructing the current peace process at a national level, at the same time as undermining trust and confidence at local levels. Insisting on adherence to the 2008 Constitution narrows the scope for political negotiations required to secure a just and lasting peace.

The Hpapun crisis in 2018 was not a one-off isolated incident triggered by a particular situation in that area, but a reflection of a much broader systemic problem within the current peace process. A new political dialogue process must be established that can go beyond the 2008 Constitution. This will require addressing the continuing political dominance of the Tatmadaw.

Indigenous communities want a genuine and lasting peace, but their voices and concerns are not being heard and incorporated into policy or the current peace process approaches. Until their voices are genuinely listened to, the inherent flaws in the current peace process will not be addressed and peace will not be achieved.

5.3 Securing Land Tenure in Karen Communities

Karen Environmental and Social Action Network (KESAN)

The control, management and ownership of land are amongst the most complex issues in Myanmar, and are inextricably linked to the ongoing state of conflict. Successive central governments have sought to extend state control over the country's land and natural resources, a strategy that further entrenches a centralised system of governance across the country.

Existing legal frameworks have fortified this central government control over land, including the 2008 Constitution, the 2012 Vacant, Fallow and Virgin Land Management Law (VFV Law, revised 2018), the 2012 Farmland Law, the Special Economic Zones Law, and the 1894 Land Acquisition Act (under revision). The VFV Law in particular has facilitated the dispossession of smallholder farmers' lands and livelihoods, while promoting land as an opportunity for investment.

The land tenure insecurity faced by smallholder farmers has, unfortunately, been exacerbated by consecutive ceasefire agreements between the Government of Myanmar (GoM) and Ethnic Armed Organisations (EAOs). These agreements have done little, if anything, to address the root causes of armed conflict; they have also opened up formerly inaccessible conflict areas to major business actors targeting natural resources.

In Karen State, since the 2012 ceasefire, international financial institutions, investors, domestic conglomerates, and retired Tatmadaw officers have increasingly taken advantage of the opportunities presented by the ceasefires and permitted under the central government's land-related legal frameworks. This has resulted in significant investment in Myanmar's infrastructure and extractive industries, which are frequently developed at the expense of conflict-affected communities. Major flows of both international and domestic investment into industry, special economic zones, large-scale energy projects, agribusiness, and major infrastructure initiatives have catalysed new and renewed cycles of conflict, forced displacement and land grabbing.

Using the central government's land related legal frameworks, most notably the VFV Law, the Tatmadaw has strengthened its hold over significant areas of land in GoM-controlled and contested areas of Karen State. This current land reform process has left farmers more vulnerable to land grabs, while the peace negotiation process has enabled the GoM to attract investment. The combination of these two issues has exacerbated existing insecurities as smallholder farmers are caught between land laws that facilitate land grabbing and companies with increased access to highly contested territories.

A 2015 study by the national civil society network Land In Our Hands indicated that the Tatmadaw was the leading actor responsible for land confiscation, accounting for 47.7% of all land grabs surveyed, while government departments were involved in 18.8%, and companies in 13.9%.²⁵ Over the past five years, the Tatmadaw has “released” some of the confiscated land, but rather than being returned to its original owners, this land has routinely been leased out to investors and business interests, often through military-private partnerships.

The confiscation and commodification of land and natural resources in conflict-affected areas by the Tatmadaw, GoM, and private companies undercuts opportunities for IDPs and refugees to return home. Over the past three decades, hundreds of thousands of ethnic Karen have been forced to abandon their land to escape Tatmadaw campaigns. Due to protracted insecurity and ongoing militarisation, the vast majority of those forcibly displaced have been prevented from returning, even after numerous ceasefires. The few IDPs who have been able to return have since sought to restore their former farms and livelihoods, including their customary land management and community forest systems.

The Land and Forest Policies of the Karen National Union (KNU)—created following consultations with local communities and civil society—recognize collective ownership and community-based institutions governing land use and management. This allows communities to use and own land according to their traditional practices. KESAN’s work on land, resource rights, and biodiversity in collaboration with the KNU has empowered communities to secure rights to their land. Locals have led initiatives to formally demarcate community forest areas, wildlife sanctuaries, and have also strengthened institutions at the center of customary land management.

Recognition of the existing customary land management systems within local communities will remain essential if future political negotiations are to lay the groundwork for the realisation of genuine and sustainable peace.

5.4 Protecting Land Rights in Karen Communities

*Karen Human Rights Group*²⁶

Since the 2012 ceasefire agreement, Karen communities have witnessed an increase in infrastructure, extraction of natural resources and spread of agribusinesses on their land. Armed groups have also consolidated their presence through the construction of outposts, barracks for soldiers’ families, military training schools and confiscation of farmlands. The expansion of mixed controlled areas, where two land registration systems, court systems, and governance systems exist in parallel, has created a complex system of overlapping authority where land rights fall through the cracks.

Myanmar laws fail to adequately protect land and human rights. Courts typically provide limited access to remedies, and are perceived as discriminatory, plagued with unreasonable delays, special party interests, and a lack of enforcement. Although both the Myanmar government and the Karen National Union (KNU) have official land dispute resolution mechanisms, they fail to address land disputes in a transparent and accountable way.

²⁵ Land In Our Hands, 2015, Destroying People’s Lives: The impact of land grabbing on communities in Myanmar, p. 29 https://www.tni.org/files/article-downloads/lioh_research_report_eng_0.pdf

²⁶ Based on KHRG, 2018, Development Without Us: Village Agency and Land Confiscations in Southeast Myanmar <http://khr.org/2018/08/khr-2018-01/%E2%80%98development-without-us%E2%80%99-village-agency-and-land-confiscations-southeast>

KHRG's field researchers have noted that rural populations are taking the following steps to secure their land rights, and to seek justice in instances of land confiscations:

- Registering their land under both KNU and Government of Myanmar (GoM) to seek legal protection for their land;
- Submitting land dispute complaint letters to GoM and KNU to seek justice for existing cases of land confiscations, and to prevent confiscation in instances where land is threatened.
- Forming village committees to advocate for their rights especially land rights;
- Holding direct negotiations with authorities and companies to claim back their land and receive fair compensation; and
- Holding peaceful protests and prayer ceremonies against land grabbing by companies and calling for action to solve land related problems.

Due the weakness of existing Myanmar land laws, weak rule of law, systemic corruption within the government bodies responsible for resolving land disputes, only a small number of land disputes are resolved by administrative or judicial processes. The main challenges identified amongst rural populations in accessing justice include:

- The failure of Myanmar land laws to recognise customary land tenure systems, as well as KNU-issued land titles.
- Lack of knowledge about laws and lack of information about the legal process at the community level.
- The financial burden of legal representation and transportation to courts is significant for households dependent on subsistence agriculture and/or daily labour.
- Perceptions that the Myanmar legal system is systematically corrupt and the unequal application of laws make rural communities reluctant to use the court system.
- Experiences of being threatened with arrest for occupying their own traditional lands has led to perceptions that the justice system may be used to punish rather than protect them.

Land disputes are not only a threat to the long-term livelihoods of the local populations, and the establishment of sustainable peace. They are also a warning to KNU and Myanmar authorities about a failure to secure access to justice for rural populations. KHRG's recommendations for resolving land disputes thus reflect broader calls for promoting access to justice. To ensure access to justice, the Myanmar government, the KNU and local authorities should:

- apply the law equally to the local population, without bias with regards to the rights of different ethnic groups.
- develop the capacity of government bodies responsible for monitoring and resolving disputes relating to land confiscation and property damage.

To improve the access of the local population to grievance mechanisms including domestic complaint and adjudication bodies, the Myanmar government should:

- ensure that land dispute mechanisms are community-based and established according to customary practices.
- bring the Myanmar National Human Rights Commission in line with the Paris Principles by providing them with the autonomy and the tools necessary to resolve disputes.
- improve the functioning of the Central Committee for Rescrutinising Farmlands and Other Lands by:
 - i. conducting a public awareness campaign to ensure that the public knows how to access the committee.
 - ii. ensuring that the committee provides regular and timely updates to its claimants.
 - iii. building the capacity of the Committee to conduct fair and quality investigations.
 - iv. ensuring that land confiscation cases are settled at the regional level, as intended.

To improve the access of the local population to grievance mechanisms including domestic complaint and adjudication bodies, the KNU should fast-track the establishment of its Human Rights Commission, ensuring that it is established in accordance to the Paris Principles.

To improve accountability, the Myanmar government, the KNU and/or local authorities should:

- commit to addressing accusations of corruption and bribery in the legal system.
- empower the Myanmar Anti-Corruption Commission to investigate systemic corruption involving land issues.

5.5 Access to Justice in Mon Communities

Human Rights Foundation of Monland

Fighting reduced and tensions eased after bilateral ceasefire agreements were signed in 2012 by the Government of Myanmar with the New Mon State Party (NMSP) and the Karen National Union (KNU) respectively. While both KNU and NMSP were involved in negotiating the Nationwide Ceasefire Agreement (NCA), KNU signed in 2015 and NMSP waited until 2018.

Regardless, military activities decreased in Mon communities after the bilateral ceasefire agreements. There have also been decreases in human rights violations targeting suspected “sympathisers” of ethnic armed groups with arbitrary arrest, extra-judicial killing, forced disappearance, forced portering and forced relocation. However, the Mon State, Karen State and Tanintharyi Region authorities have not been able to stop the rise of new forms of human rights abuses.

Some abuses are still committed by members of Tatmadaw. Indeed, the ceasefire offers an advantage for the Tatmadaw troops as they can travel wherever they like, including areas they never reached previously. On 9 March 2018, a captain from Light Infantry Battalion (LIB)# 280 shot and killed two villagers in Magyi Chaung Wa village, located in Mon State’s Khaw Zar Sub-Township, in Southern Ye Township. Then on 16 May 2018, a captain from LIB #587 detained a local resident of Kalagoke Island in Ye Township who was subsequently killed on a military base.²⁷

Both of these extra-judicial killings occurred after NMSP signed the NCA in February 2018. However, the perpetrators were brought before secret military tribunals and neither case was transferred to the civil courts. The families of these victims have not been informed about any judicial actions, findings or sentences delivered in the military courts. This lack of transparency remains a challenge for the administration of justice, especially when military personnel are involved.

After the ceasefire, the western coastal areas of Mon State have become increasingly vulnerable to land grabbing. Domestic companies have tried to capitalize on the relative stability in remote areas by collaborating with local authorities to seize land for the sale of concessions to foreign investors. For example, local landowners in Kyaikmayaw Township were coerced into selling over 1,000 acres well below market rates. Concessions were then sold to foreign companies to build a coal power plant and cement factory. As relevant provisions under the Foreign Investment Law and Environmental Conservation Law were not enforced, local livelihoods have been looted.

²⁷ <https://www.bnionline.net/en/news/man-killed-kalagoke-island-after-tatmadaw-captain-took-him-away-nrc-inspection>

Land restitution is also a big challenge for internally displaced persons, refugees and irregular migrants who would like to return from Thailand and Malaysia. Attempts to re-establish livelihoods and reintegrate into Myanmar are so much more difficult after protracted displacement and/or mixed migration when former homes and agricultural lands have been claimed by other settlers in the meantime. State and Regional Governments, as well as the Ministry of Border Affairs and National Races, offer generalized assistance for reintegration. However, there is a gap in terms of providing restitution, or even compensation, for families who have lost their land.

Sexual harassment against girls and women remains a widespread concern. There are two problems in seeking justice for the survivors and holding the perpetrators to account. Firstly, communities in rural areas have limited awareness of, and access to, information about laws and legal procedures. Even though some legal assistance groups are developing, they have very limited funding. Secondly, the justice system in Myanmar is notoriously corrupted which discourages victims of crime (and particularly survivors of sexual assault) from engaging with the system. However, civil society advocacy has at least led the Mon State Parliament to form a “Women and Children’s Rights Affairs Committee” in order to monitor sexual violence and gender-based discrimination.

Apart from stopping abuses and preventing reoccurrence in the future, there is also the challenge of recognizing the survivors and promoting justice for human rights violations committed in the past. Transitional justice issues are particularly challenging because the Constitution provides immunity for Government and Tatmadaw authorities accused of committing human rights violations prior to 2008. However, many human rights violations committed after 2008 have not been brought to the courts for justice and many perpetrators still enjoy impunity.

In summary, the new human rights challenges are to protect the rights of local communities to manage their natural resources and protect their environment. However, past human rights abuses remain as scars in the hearts and minds of survivors.

5.6 Sustainable Agriculture in Tanintharyi Region

Tanintharyi River Indigenous People’s Network

Water, forests and land are crucial for a thriving local sustainable agricultural system; the basis of food security. People in Tanintharyi region face a range of challenges related to sustainable agriculture and food security: pollution of water from mining operations; water shortages caused by deforestation; lack of land rights; conflict-related land grabbing; and the introduction of chemical-intensive agricultural models.

Access to water is crucial for agricultural communities. In Tanintharyi, as in the rest of Myanmar, the June-October rainy season deposits water directly on agricultural lands as well as feeding the rivers, streams and creeks that local communities use for irrigation. With the expansion of mining operations in Tanintharyi Region, water sources upon which local people depend are becoming polluted. The Banchaung coal mine, Heinda tin mine, and riverbed-dredging gold mining operations have all polluted vital local water sources. In addition, timber plantations and industrial agriculture are driving deforestation and are significant factors contributing to local water shortages.

It is common sense that agricultural communities cannot exist without access to farming land. The lack of a comprehensive land rights framework in Myanmar, either individual or community based, causes insecurity for agricultural communities. Top-down conservation initiatives, such as the proposed Lenya and Tanintharyi National Parks, compromise the land rights and traditional agricultural practices of indigenous people living within the proposed park boundaries. At a time when Tanintharyi Region is being inundated by commercial investment projects, the prospect of massive infrastructure developments such as the Hteekee-Dawei roadlink for the Dawei Special Economic Zone project further compound this sense of insecurity among local people.

Armed conflict complicates access to land and the local agricultural system. For agricultural communities from eastern Tanintharyi, the reality of protracted armed conflict has been displacement. Many have been forcibly relocated to government controlled areas while others fled from their home villages and agricultural lands to avoid conflict. Households from these uprooted communities have either relocated to other areas of Myanmar as internally displaced persons (IDPs) or resettled across the border in Thailand as refugees.

Following the 2012 Region-level and 2015 Union-level ceasefire agreements, some of the people who had fled as IDPs or refugees began to return to their villages and farmlands to rebuild their lives. In many cases, returnees found that their land had been occupied by new people; often at the invitation of the local Myanmar military commander or the Myanmar government. For IDPs and refugees who want to return to their home villages, the occupation of their land by people from other parts of Myanmar or private corporations establishing large-scale palm oil or rubber plantations is a major challenge. Disputes between former landowners and recent settlers are also common among local communities, with no comprehensive mechanism for restitution established yet by the Government of Myanmar (GoM).

Since 2013, two official Myanmar - Thailand border crossings have been opened in Tanintharyi Region: the HteeKee - Kanchanaburi crossing and the Maw Taung - Prachaup Kirikhan crossing. The opening of these border checkpoints has led to an increase in border trade; with agricultural products being one of the main commodities traded across the border. The border crossings have led to an influx in the volume of products from Thailand's industrialized and chemical intensive agricultural sector (especially fruits such as apples, grapes, pineapples, dragon fruit and lamyai) into Tanintharyi Region which have high levels of chemical residues.

This has been accompanied by the increased adoption of chemical-intensive and export-oriented agricultural models, which have left farmers vulnerable to global price fluctuations and struggling in debt. The communities of Sin Phu Dine and Amo now cultivate cash crops such as corn, pumpkin and cassava using a mono-crop system requiring herbicides, pesticides and chemical fertilizer. Promised a good profit on their investment in these chemical inputs, many villagers are now complaining about the low prices they are receiving for their produce. Some farmers have complained of health issues, which they link to the heavy use of chemical inputs.

TRIP NET works with agricultural communities in Tanintharyi Region to face these sustainable agriculture and food security challenges. Activities include protection of forests and watersheds; capacity building and empowerment for community-based land management; seed saving initiatives; and experimentation and demonstration of ecological agriculture techniques providing an alternative to the chemical intensive model.

5.7 Natural Resource Management in Kayah State

Karenni Evergreen

Kayah State is rich in natural resources, such as, minerals, teak and water resources. As a result, its resources have been exploited by successive governments, businessmen and different ethnic armed groups for decades until today. However, there are limited mechanisms by which Karenni people can speak up to promote our rights and protect natural resources which have been inherited from our ancestors.

In many cases, natural capital is over-exploited, with non-sustainable growth patterns. It is difficult for those affected to organize for more efficient and equitable resource management. Environmental concerns such as pollution, erosion and deforestation affect everyone, but local communities have the most to lose. They are impacted the most by environmental destruction, and have the fewest resources available to adapt.

Myanmar's Sustainable Development Plan (MSDP) identifies sustainable management of natural resources as one of five high-level goals for a peaceful, prosperous and democratic nation.²⁸ However, the existing legal framework will require extensive revision before this vision for development can be realized. Furthermore, the rights of local communities need to be guaranteed for the MSDP's objectives relating to healthy ecosystems, climate change resilience, access to water resources, energy generation and land governance to be achieved.

Rampant corruption within Myanmar's public service will also need to be addressed. Where regulations exist to restrict the extraction of natural resources and environmental pollution, the culture of paying "tea money" to government servants undermines law enforcement. This economic opportunism also reduces public confidence in the impartiality of bureaucrats, which in turn decreases the motivation of local communities to collaborate with government departments in forest management projects.

Competition to control the exploitation of natural resources has been one of the key factors which has fueled and escalated civil war. Mining and logging are the main extractive industries in Kayah State and almost all parties to the conflict have vested business interests involved in these enterprises. However, local communities are largely excluded from the benefits of wages and profits while disproportionately burdened by the environmental and social costs associated with these ventures.

On a smaller scale, widespread poverty has pushed local villagers into exploiting forests and rivers. Collecting forest products such as leaves for roofing thatch, reeds for brooms and wood for cooking fuel are common coping strategies for poor rural households, which nonetheless deplete ground cover and soil nutrition if not managed. Households with more access to capital may also resort to cutting trees and sawing wood for furniture production.

Karenni Evergreen (KEG) utilizes a participatory approach to promote and support community engagement in sustainable and equitable natural resource management. This includes raising awareness about environmental and biodiversity protection, supporting village committees to manage natural resources and building networks for joint advocacy. KEG provide trainings on community forest management, land management and surveying wildlife to strengthen community capacities to manage their own natural resources through sustainable means.

²⁸ Ministry of Planning and Finance, 2018, Myanmar Sustainable Development Plan (2018 – 2030), http://themimu.info/sites/themimu.info/files/documents/Core_Doc_Myanmar_Sustainable_Development_Plan_2018_-_2030_Aug2018.pdf

5.8 Access to Clean Water and Sanitation

Back Pack Health Worker Team

The widespread prevalence of water borne diseases such as cholera and typhoid as well as other ailments such as diarrhea is common across conflict-affected communities in south eastern Myanmar. This reflects exposure to biological contaminants (such as human faeces) and chemical contaminants (from unregulated mining, logging and commercial agriculture) in domestic water supply. Contributing factors include the lack of household water supply and sanitation infrastructure, the commodification of natural resources and the limited access to preventative and curative health care.

In response to the limited access to clean water, ethnic health service providers are supporting the construction of shallow wells, gravity flow water supply systems, water storage tanks and multi-stage treatment facilities. Technical support for this construction is complemented by consultations with neighbouring village leaders to promote accountability to downstream communities about watershed management. Water sources, shallow wells and water storage tanks are protected by concrete fences from stagnant water and animals, while gravity flow water supply systems are laid in shallow trenches for protection from forest fires. Public water treatment systems are constructed using readily available natural resources such as gravel and sand for filtration and charcoal to absorb contaminants.

In response to widespread defecation in surrounding forests and fields, ethnic health service providers support the construction of wet latrines over a covered pit and protected in a bamboo or wooden out-house. The construction of wet latrines is accompanied by awareness raising about hygienic behaviours to reduce the spread of infectious diseases. Public awareness campaigns about boiling water prior to consumption and washing hands after defecation are incorporated into all water supply and sanitation projects.

In response to the limited access to health care services, ethnic health providers are pooling resources with local communities to coordinate village tract health clinics and roving community health workers. Community health workers are generally responsible for public health education, home visits, referral for clinical treatment and monitoring the maintenance of water supply and sanitation infrastructure. Village tract health clinics follow diagnostic and treatment protocols, but remain constrained during outbreaks of disease by the lack of medical supplies.

The commodification of natural resources is a larger challenge that requires ethnic health service providers to collaborate with human rights defenders and environmental activists. Industrial chemical waste contaminates ground water and is related to the prevalence of skin, respiratory and liver diseases. Similarly, the unregulated construction of roads and mega-dams as well as logging and mining contribute to deforestation and erosion which degrade soil nutrition and ground water quality.

The challenge for ethnic and government health service providers in south eastern Myanmar is to promote universal access to health care. Given the likelihood that peace negotiations will be protracted, it is vital that foreign aid donors build on the existing ethnic health care capacities to ensure that no one is left behind.

5.9 Access to Education in Mon State

Mon Women's Organisation

Decades of conflict have retarded economic and social development in Mon State, including health care and education. Most conflict-affected areas do not have schools and teachers provided by government. Instead, ethnic armed organisations (EAOs) such as the New Mon State Party (NMSP) and Literature and Culture Committees have been the primary education providers in collaboration with community support to cover school maintenance costs and teachers stipends. In some contexts, monastic schools and church based schools were also established.

Most of the local ethnic education providers based their systems on Mother Tongue Based–Multi Lingual Education (MTB-MLE). This way, ethnic nationality children can use their mother tongue in the first years of education. There is a lot of international evidence to show that this is the best way for children to start school. Once they have learned basic concepts in their own languages, it is easier for ethnic nationality children to transition into Burmese as the language of instruction in the middle and high school levels.

The underlying problem with the government school system is 'Burmanization'. This is reflected in the government's suppression of ethnic languages and the promotion of Burmese culture and historical narratives. This lack of formal support and commitment for MTB-MLE is combined with government and military threats to local communities which benefit from EAO-administered school systems. In some cases, local communities have been coerced into changing their schools to accommodate government funded teachers and systems.

As the Myanmar government does not recognize schools and education that are provided by ethnic education services and based on MTB-MLE, the international community has been the main donor subsidizing the support provided by local communities. This kind of funding model is not sustainable in the long term, but is necessary in the interim until the central government recognizes MTB-MLE systems. Ideally, this should be as part of a federal political solution to conflict in Myanmar, which recognises and supports locally owned and delivered education systems.

MTB-MLE policies and mechanisms have not yet been widely discussed as part of the peace process in Myanmar. EAOs, Literature and Cultural Committees, faith-based and non-formal education providers have been instrumental in broadening education opportunities for children affected by conflict. However, these leading stakeholders currently work with limited recognition and protection and need to be consulted in regards to education and language policies as part of the Union Political Dialogue Joint Committee process.

In the Mon context, Mon National Education Committee (MNEC) is the main actor promoting MTB-MLE and mobilizing community support. MNEC has been established since 1972 to fulfill the needs of children from the most conflict affected areas. MNEC is part of the NMSP and functions as the Education Department even though its operational system is independent. There are 133 Mon national primary, middle and high schools under their management. With limited support from the international community, MNEC has developed an education system which is a model for MTB-MLE in Myanmar. The leading role of women in developing education policy and systems, as well as ongoing community support, has been critical for MNEC's success.

5.10 Refugee Reintegration in Kayah State

Karenni Refugee Repatriation and Reconstruction Working Group

There are numerous issues and problems that need to be considered carefully when planning for return, regardless of whether refugees are returning of their own accord or with facilitation support from the United Nations High Commissioner for Refugees (UNHCR). Interviews with returnees across Kayah State have highlighted the following concerns:

- **Marginalisation:** most returnees feel insecure about being discriminated against if they are open about their status of having previously been a refugee. Most of them keep silent and are isolated. They are not yet willing to share their personal experiences and grief. None of the returnees interviewed knew of any activities or groups supporting social integration.
- **Land tenure:** most returnees have not been able to secure land either for housing or for agricultural purposes. The lack of agricultural land is the most concerning issue for returnees, as this directly challenges the sustainability of reintegration.
- **Civil documents:** Refugees who were supported by UNHCR's facilitated return process reported smoother and quicker process to have their citizenship card reinstated. Refugees who returned by themselves or did not have any bio data in the government system are facing more problems in acquiring proof of citizenship.
- **Education:** Children in primary and middle school do not appear to have experienced many problems enrolling in government schools to continue their education. However, numerous high school aged children have reported facing problems and some have already dropped out of school as a result. Concerns relate especially around differences in curricula, placement tests and tuition fees.
- **Health care:** Most returnees interviewed have returned to rural areas that have limited health care services. Even if a hospital or clinic exists, the transfer of health records from refugee camps to remote areas is difficult.
- **Livelihoods:** Multiple obstacles to re-establishing livelihoods include the lack of land for agriculture; the lack of opportunities to work for daily wages; and the lack of capital and marketing skills for establishing small enterprises.

The following obstacles exist in trying to address the concerns highlighted above:

- Myanmar land laws discriminate against customary tenure and fail to address issues of land restitution for displaced persons.
- There is no clear policy or plan for supporting the reintegration of returnees from either the Union or State Governments.
- There is a lack of community awareness about returnees' concerns and preparatory activities by Government agencies and non-governmental organisations (NGOs) generally exclude engagement with local communities.

KnRRRWG believes that potential entry points to address these problems include the following opportunities:

- The State Government could lead a consultation process with key stakeholders, including local community leaders, to draft a clear policy and plan for supporting both UNHCR facilitated and spontaneous returnees.
- KnRRRWG will continue raising awareness of returnees' concerns and supporting the development of small and medium enterprises with host communities in areas of potential group return.
- Government and social welfare agencies need to be sensitized to the stigma that refugees experience, so that the social reintegration of returnees is promoted.

APPENDIX 1: INTERNALLY DISPLACED POPULATION ESTIMATES

States, Regions, and Townships	Estimated IDPs (2012)	Displaced by conflict in past 12 months	Displaced by conflict in past 5 years	Displaced by natural disasters in past 12 months	Displaced by natural disasters in past 5 years	Returned or resettled in past 12 months	Returned or resettled in past 5 years	Estimated IDPs (2018)
SHAN STATE	64,900	n/a	180	n/a	n/a	n/a	n/a	5,800
Monghsat	31,000	n/a	n/a	n/a	n/a	n/a	n/a	2,650
Mongton	30,000	n/a	n/a	n/a	n/a	n/a	n/a	600
Mongpan	3,900	n/a	n/a	n/a	n/a	n/a	n/a	2,550
Mawmai	3,300	n/a	180	n/a	n/a	n/a	n/a	n/a
KAYAH STATE	34,600	0	0	0	1,580	140	9,710	26,800
Shadaw	1,140	0	0	0	0	140	980	500
Loikaw	3,220	n/a	n/a	n/a	n/a	n/a	1,170	2,050
Demoso	9,350	n/a	n/a	n/a	n/a	n/a	3,950	5,400
Hpruso	5,880	n/a	n/a	n/a	n/a	n/a	2,210	3,890
Bawlakhe	1,970	0	0	0	0	0	350	1,770
Hpasawng	8,570	0	0	0	1,580	0	300	9,470
Mese	4,470	0	0	0	0	0	750	3,720
BAGO REGION	44,200	0	0	28,000	28,000	28,000	44,400	22,200
Kyaukkyi	33,000	0	0	5,600	5,600	5,600	16,500	16,500
Shwegyin	11,200	0	0	22,400	22,400	22,400	27,900	5,700
KAYIN STATE	89,150	3,630	11,000	2,000	3,500	3,530	55,300	49,800
Thandaunggyi	16,000	0	0	0	0	0	6,700	10,000
Hpapun	41,000	3,430	4,000	500	500	380	19,000	24,000
Hlaingbwe	5,000	200	6,000	1,500	2,500	1,000	7,500	6,000
Myawaddy	4,150	0	0	0	500	750	3,800	1,000
Kawkareik	2,300	0	1,000	0	0	200	4,000	900
Kyain Seikgyi	20,700	0	0	0	0	1,200	14,300	7,900
MON STATE	35,000	0	0	300	1,200	2,000	18,200	18,000
Ye	35,000	0	0	300	1,200	2,000	18,200	18,000
TANINTHARYI REGION	71,650	0	0	4,500	4,500	4,060	34,440	39,900
Yebyu	23,500	0	0	0	0	350	8,700	14,800
Dawei	5,600	0	0	0	0	280	3,750	2,500
Thayetchaung	4,100	0	0	0	0	200	2,220	2,000
Palaw	14,540	0	0	500	500	900	7,780	8,450
Myeik	6,050	0	0	0	0	50	2,730	3,550
Tanintharyi	14,640	0	0	4,000	4,000	2,200	7,340	7,300
Bokpyin	3,220	0	0	0	0	80	1,920	1,300
TOTALS	339,500	3,630	11,180	34,800	38,780	37,730	162,050	162,500

APPENDIX 2: HOUSEHOLD FOOD SECURITY QUESTIONNAIRE

Enumerator's CSO:

Today's date:

Township:

Village Tract:

Village:

"Hello, my name is _____. I work for _____. My organization would like to learn more about your household's access to food and nutritional status. I do not need to know your name and all of your specific responses will be kept confidential. You will not be paid for participating in this survey and there are no promises that you will receive aid in exchange for your cooperation. Please be completely honest with your answers. Are you willing to take some time to answer these questions today?"

1. Sex of respondent?

☐ 1. Male

☐ 2. Female

2. In the past week, how many days have these types of foods been eaten in your household?

Food item	# days eaten in past 7 days
Rice & other grains: (including rice, noodles, wheat, bread, corn)	
Tubers: (Including yams, potatoes, white flesh sweet potatoes, taro)	
Pulses: (Including beans, lentils, peas, nuts, soy, soy milk, tofu)	
Milk & Dairy: (Including fresh or powdered milk & yoghurt but excluding tinned sweetened condensed milk)	
Flesh Meat: (Including fresh/tinned beef, pork, goat, chicken, duck, birds, insects, frogs, wild animals)	
Fish/Shellfish: (Including fresh, dried, salted, tinned fish or shellfish)	
Organ meat: (Including liver, kidney, heart or any other organ meat)	
Any Eggs	
Any Vegetables or Leaves	
Yellow Orange Vegetables: (Including pumpkin, carrots, capsicum, (red peppers), orange sweet potatoes)	
Dark Green Leafy Vegetables: (Including kale, pumpkin leaf, other dark green leaves)	
Any Fruits	
Yellow orange fruits: (Including mango, papaya and similar, but excluding oranges & bananas)	
Oils & Fats: (Including Cooking oils, margarine/butter, meat fat)	
Sugar: (Including sugar, honey, jam, cakes, sugary drinks/snacks, tinned sweetened condensed milk, 3-in-1 coffee, Milo/Ovaltine)	
Condiments / Spices: (salt, chili, tea, Rodi, Ajinomoto MSG, fish/Shrimp paste)	

3. What is the main source of water used by your household for drinking? (Mark only one box)

- (1) ☐ Protected water source (eg., deep tube wells, stone-line wells and fenced natural springs)
- (2) ☐ Unprotected water source (eg., surface water from rivers or ponds and unlined wells)
- (3) ☐ Don't know

4. What type of latrine does your household normally use? (Mark only one box)

- (1) ☐ Sanitary latrine (eg. Wet latrine or dry latrine with a covered pit)
- (2) ☐ Unsanitary latrine (eg Dry latrine with uncovered pit)
- (3) ☐ Other / don't know

5. What kind of agricultural land does your household use for cultivation? (Mark one box only)

- | | |
|--|--------------------------------------|
| 1. No access to land for farming | 2. small kitchen garden only |
| 3. less than 2 acres, with no irrigation | 4. less than 2 acres with irrigation |
| 5. more than 2 acres, with no irrigation | 6. more than 2 acres with irrigation |

6. How many children are aged 6 months up until 5 years of age in your household? (Mark one box only. Do not include children if they have already reached their 5th birthday)

- ☐ 1. One or more (Continue to Question 7)
- ☐ 2. None (That's all the questions you need to answer. Thanks for your cooperation)

Please answer the remaining questions separately for each child 6 months up until 5 years of age: (Do not include children if they have already reached their 5th birthday)

7. Sex of children

- | | | |
|----------|----------------------------------|------------------------------------|
| Child #1 | <input type="checkbox"/> 1. Male | <input type="checkbox"/> 2. Female |
| Child #2 | <input type="checkbox"/> 1. Male | <input type="checkbox"/> 2. Female |
| Child #3 | <input type="checkbox"/> 1. Male | <input type="checkbox"/> 2. Female |
| Child #4 | <input type="checkbox"/> 1. Male | <input type="checkbox"/> 2. Female |

8. Children's Date of birth

- | | | | |
|----------------------|-------------|-----------|---|
| Child #1: Year | Month | Date..... | <input type="checkbox"/> Don't remember |
| Child #2: Year | Month | Date..... | <input type="checkbox"/> Don't remember |
| Child #3: Year | Month | Date..... | <input type="checkbox"/> Don't remember |
| Child #4: Year | Month | Date..... | <input type="checkbox"/> Don't remember |

9. Children's Weight

- | | | |
|-----------------|----|--|
| Child #1: | kg | <input type="checkbox"/> Unable to measure |
| Child #2: | kg | <input type="checkbox"/> Unable to measure |
| Child #3: | kg | <input type="checkbox"/> Unable to measure |
| Child #4: | kg | <input type="checkbox"/> Unable to measure |

10. Children's Height/Length (If child is 2-5 years of age, measure standing height; less than 2 years of age, measure lying length.)

- | | | |
|-----------------|----|--|
| Child #1: | cm | <input type="checkbox"/> Unable to measure |
| Child #2: | cm | <input type="checkbox"/> Unable to measure |
| Child #3: | cm | <input type="checkbox"/> Unable to measure |
| Child #4: | cm | <input type="checkbox"/> Unable to measure |

11. How many months was each child fed only breast milk (no water or any other foods or liquid)?

- | | |
|--|--|
| Child #1: <input type="checkbox"/> 1. Less than 6 months | <input type="checkbox"/> 2. 6 months or more |
| <input type="checkbox"/> 3. Don't know | <input type="checkbox"/> 4. Never only breast milk |
| Child #2: <input type="checkbox"/> 1. Less than 6 months | <input type="checkbox"/> 2. 6 months or more |
| <input type="checkbox"/> 3. Don't know | <input type="checkbox"/> 4. Never only breast milk |
| Child #3: <input type="checkbox"/> 1. Less than 6 months | <input type="checkbox"/> 2. 6 months or more |
| <input type="checkbox"/> 3. Don't know | <input type="checkbox"/> 4. Never only breast milk |
| Child #4: <input type="checkbox"/> 1. Less than 6 months | <input type="checkbox"/> 2. 6 months or more |
| <input type="checkbox"/> 3. Don't know | <input type="checkbox"/> 4. Never only breast milk |

12. Edema (Both feet):

- | | |
|--|--------------------------------|
| Child#1: <input type="checkbox"/> 1. Yes | <input type="checkbox"/> 2. No |
| Child#2: <input type="checkbox"/> 1. Yes | <input type="checkbox"/> 2. No |
| Child#3: <input type="checkbox"/> 1. Yes | <input type="checkbox"/> 2. No |
| Child#4: <input type="checkbox"/> 1. Yes | <input type="checkbox"/> 2. No |

13. Weight-for-height z-score (Refer to WHO table for z -score & referral.)

Child#1# ☐ 1. <-3 ☐ 2. <-2 ☐ 3. -2 ☐ 4. <-1.5 ☐ 5. >-1.5 ☐ 6. Don't know
 Child#2# ☐ 1. <-3 ☐ 2. <-2 ☐ 3. -2 ☐ 4. <-1.5 ☐ 5. >-1.5 ☐ 6. Don't know
 Child#3# ☐ 1. <-3 ☐ 2. <-2 ☐ 3. -2 ☐ 4. <-1.5 ☐ 5. >-1.5 ☐ 6. Don't know
 Child#4# ☐ 1. <-3 ☐ 2. <-2 ☐ 3. -2 ☐ 4. <-1.5 ☐ 5. >-1.5 ☐ 6. Don't know

14. Referred to:

Child#1: ☐ 1. Clinic ☐ 2. No referral necessary
 Child#2: ☐ 1. Clinic ☐ 2. No referral necessary
 Child#3: ☐ 1. Clinic ☐ 2. No referral necessary
 Child#4: ☐ 1. Clinic ☐ 2. No referral necessary

Note: The following questions were included in the initial questionnaire for IDP camps but removed from the survey of conflict-affected communities:

Where is your household planning to live in the year ahead? Mark one box only.

- (1) ☐ Stay in current IDP camp location (2) ☐ Move to town inside Burma/Myanmar
 (3) ☐ Move to village inside Burma/Myanmar (4) ☐ Move into Thailand
 (5) ☐ Some will stay in current IDP camp & some move to Thailand
 (6) ☐ Some will stay in current IDP camp & some move to Myanmar
 (7) ☐ Some will stay in current IDP camp, some move to Thailand & some move to Myanmar
 (8) ☐ Don't know (9) ☐ Other

What was your households' main source of cash income during the past month? Mark one box.

- (1) ☐ Daily wages (casual labour) (2) ☐ Salary job
 (3) ☐ Sale of agricultural crop (4) ☐ Sale of small animals & livestock
 (5) ☐ Petty trade / small retail store (6) ☐ Fishing / hunting
 (7) ☐ Collecting firewood or forest products (8) ☐ Aid or remittances
 (9) ☐ No cash income in past month (10) ☐ Other _____

In the past month, approximately what proportion of your total expenditure has been on food & other basic needs? Identify all expenditures, then use 10 stones to estimate proportions.

Expenditures	% Expenses
(1) No expenditures at all	
(2) Food	
(3) Clothing & shelter	
(4) Household goods (soap, kerosene, candles, etc.)	
(5) Health care / medicine	
(6) Education	
(7) Transport	
(8) Farming / business investments	
(9) Debt repayment	
(10) Other (specify)	
Total	100%

APPENDIX 3: INTERNAL DISPLACEMENT SURVEY GUIDELINES

Township name :

Background about key informants:

(1)

(2)

(3)

1. How many people have been displaced from their homes by armed conflict during the past 12 months?
2. How many people have been displaced from their homes by armed conflict during the past 5 years?
3. How many people have been displaced from their homes by natural disasters during the past 12 months?
4. How many people have been displaced from their homes by natural disasters during the past 5 years?
5. How many people have been displaced from their homes by large-scale development projects during the past 12 months?
6. How many people have been displaced from their homes by large-scale development projects during the past 5 years?
7. How many displaced people have returned to their homes or resettled nearby in safety and with dignity during the past 12 months?
8. How many displaced people have returned to their homes or resettled nearby in safety and with dignity during the past 5 years?
9. How many displaced people remain in this township but have been unable to return or resettle in safety and with dignity?

	Key informant #1 estimates	Key informant #2 estimates	Key informant #3 estimates	Best estimates	Explanations (eg, key events)
1. Conflict-induced displacement in past 12 months					
2. Conflict-induced displacement in past 5 years					
3. Natural disaster-induced displacement in past 12 months					
4. Natural disaster-induced displacement in past 5 years					
5. Development-induced displacement in past 12 months					
6. Development-induced displacement in past 5 years					
7. People who returned or resettled in past 12 months					
8. People who returned or resettled in past 5 years					
9. Remaining number of internally displaced persons					

Thankyou.

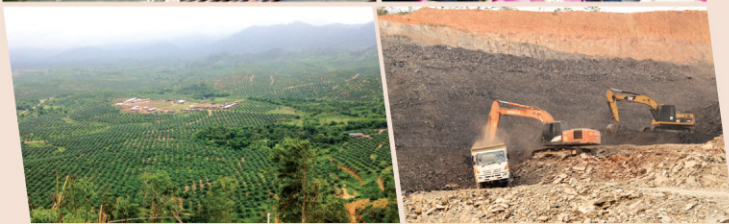
APPENDIX 4:

REFUGEE RETURNEE INTERVIEW GUIDELINES

“Hello, my name is _____. I work for _____. I would like to record your perspectives about return from Thailand and reintegration into Burma/Myanmar. We want to share your responses with refugees, aid agencies and local authorities so that other people can learn from your experience. You will not be paid for participating in this interview, and there are no promises that you will receive aid in the future. Please be completely honest with your answers. Are you willing to participate? Are you willing to be filmed?”

Note the village name, longitude and latitude on video before each interview.

- Can you please introduce yourself?
(Follow up questions could include why they originally fled to Thailand; which refugee camp did they stay in and for how long; when they returned to Burma/Myanmar, etc).
- What were the main reasons you decided to return to Burma/Myanmar?
(Follow up questions could relate to family connections, access to information, the peace process, reductions in aid to refugee camps, etc)
- Did you receive any support from UNHCR or the Government before, during or after your return?
(Follow up questions could relate counselling about options, information about conditions in the proposed area of return, logistical support for transport, financial support for reintegration, legal support for citizenship, referral to other agencies, etc)
- Did you receive any support from ethnic authorities (eg KNU, KNPP) before, during or after your return?
(Follow up questions could relate counselling about options, information about conditions in the proposed area of return, logistical support for transport, financial support for reintegration, legal support for citizenship, referral to other agencies, etc)
- Have you returned to your former village or resettled somewhere else in Burma/Myanmar?
(Follow up questions could relate to family or other connections with the place of return or resettlement; reasons for choosing this place)
- What have been your main challenges or obstacles since returning to Burma/Myanmar?
(Follow up questions could relate to housing, health care, education, food security, livelihoods, citizenship and/or social isolation)
- What have been your main successes or achievements since returning to Burma/Myanmar?
(Follow up questions could relate to housing, health care, education, food security, livelihoods, citizenship, family reunification, social cohesion, freedom of movement, etc)
- What lessons have you learnt that you would like to share with refugees about transition?
(Follow up questions could relate to information sources, self-confidence, family and community support structures, dealing with authorities, etc)
- How do you suggest authorities and aid agencies could support the return and reintegration process more?
(Follow up questions could relate to the preparatory phase, the logistics of return, the short term challenge of resettlement, the long term challenge of reintegration, etc)



The Border Consortium (TBC),
a non-profit, non-governmental
organisation, is an alliance of partners
working together with displaced and
conflict-affected people of
Burma/Myanmar to address
humanitarian needs and to support
community-driven solutions in
pursuit of peace and development.

www.theborderconsortium.org