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**Research Paper No. 271**

## **Ceasefires and durable solutions in Myanmar: a lessons learned review**

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## **Commentary: IDPs and refugees in the current Myanmar peace process**

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March 2014



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ISSN 1020-7473

# Ceasefires and Durable Solutions in Myanmar: a lessons learned review

Kim Jolliffe

## Introduction

Over six decades of ethnic conflict in Myanmar have generated displacement crises just as long. At the time of writing there are an estimated 640,747 internally displaced persons (IDPs) in Myanmar,<sup>1</sup> and 415,373 refugees originating from the country.<sup>2</sup> However, these figures are not fully indicative of levels of forced migration, as obtaining reliable data for IDPs remains difficult, while millions of regular and irregular migrants have also left the country, often fleeing similar conditions to those faced by documented refugees and IDPs.<sup>3</sup>

Since a new government came into power in 2011, it has managed to secure fresh ceasefire agreements with the majority of the country's ethnonationalist armed groups (EAGs), potentially inching one step closer to a lasting solution for the country's hundreds of thousands of refugees and IDPs. As the possibility for voluntary return and resettlement of displaced people opens up, there is a lot to learn from a look back at past ceasefire periods in Myanmar where movements of such populations have taken place. Focusing on the cases of the Kachin Independence Organisation (KIO) ceasefire in 1994, and the New Mon State Party (NMSP) ceasefire in 1995, which had very different impacts on the displaced populations affected, this paper aims to provide lessons for the current transition.

Since UNHCR's inception, a central feature of the agency's policy and advocacy has been the concept of 'voluntary repatriation in safety and dignity' as a universal standard for the return of refugees to their country of origin. Despite this emphasis, it has not always been achieved in practice, even where UNHCR has attempted to carry out its protection mandate. In the two cases explored in this study, the UNHCR had only the most limited access, leaving the displaced without any form of formalised international protection. Examining these events thus reveals much about the challenges of international protection and the role of local agency among displaced in Myanmar, providing key lessons on how such protection issues are perceived by communities and some clues as to how international agencies could support existing informal mechanisms to provide better protection in the future.<sup>4</sup>

### *The conflict and displacement context in 1990s Myanmar*

Ethnic conflict has afflicted the state of Myanmar since its formation in 1948.<sup>5</sup> Ethnic tensions had been long standing, along linguistic and cultural lines as well divergent societal structures, in particular between the sedentary agrarian kingdoms of the lowlands and the

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<sup>1</sup> For a more detailed breakdown of estimated IDP numbers, see: IDMC, Myanmar Country Page, [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/59F29664D5E69CEF802570A7004BC9A0?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/59F29664D5E69CEF802570A7004BC9A0?OpenDocument)

<sup>2</sup> UNHCR, Myanmar Page, <http://www.unhcr.org/pages/49e4877d6.html>

<sup>3</sup> There are an estimated 2.3 million Myanmar migrants in Thailand alone; International Organisation of Migration, 'Assessing Potential Changes in the Migration Patterns of Myanmar Migrants and Their Impacts on Thailand', p.vii

<sup>4</sup> For a comprehensive overview of the concept of voluntary return in UNHCR policy and practice, please see Long (2013).

<sup>5</sup> It was founded as Burma, a name that was officially changed in 1989.

more nomadic people of the surrounding mountainous regions. While violent hostilities already existed, it was not until the colonial era that these ethnic identities were solidified, politicised and nationalised, having been far more protean for centuries.<sup>6</sup> The country's foundation was ultimately led by the majority ethnic group, the Bamar,<sup>7</sup> despite the existence of countless competing nationalist movements which sought independence or greater autonomy.<sup>8</sup> Decades of insurgency ensued along most of the country's borders, and was intensified significantly as a coup d'état in 1962 paved the way for 49 years of Bamar military rule. These conflicts continue today while the majority of the EAGs, including the KIO and NMSP, hold aspirations for a federal and democratic Myanmar in which the right to self-determination and power-sharing among all ethnic groups is enshrined in the constitution.<sup>9</sup>

Since the 1960s, Myanmar Armed Forces (Tatmadaw) doctrine has had an explicit emphasis on targeting the civilian populations on which EAGs depend.<sup>10</sup> Myanmar's many cultures typically place great emphasis on the role of patron-client community structures, as well as on ethnic identity. Therefore, EAGs have often gained support not just for their particular political aims, but also as a result of the ties between communities and the elites of their particular ethnic group. Often engaging their enemies in difficult and unknown terrain, Tatmadaw counter-insurgency tactics made little distinction between soldier and civilian and instead aimed to devastate entire communities in EAG territories, and thus cut the enemy's main source of support. This policy was manifested in widespread scorched earth campaigns in which entire settlements would be burned to the ground, while food stores and other necessities would be taken or systematically destroyed. Inevitably, these armed conflicts have been a source of widespread displacement, especially for populations living under the patronage of EAGs.

In 1988, a coup d'état brought to power a new military regime, which undertook a number of broad policy reforms. Among these, the new junta set out to broker ceasefires with the many EAGs which flanked the country's borders. Ethnic conflict had plagued the country since independence, and had proven impossible to end by brute force alone, so a new approach was adopted. Led by intelligence chief, Gen. Khin Nyunt, government negotiators offered the EAGs non-comprehensive settlement plans that provided the armed groups with semi-autonomous territories, called Special Regions, as well as opportunities for business. In some cases, civilians who had been displaced from EAG territories were thus able to return to these areas, while others who had been hiding within them in areas inaccessible to the Tatmadaw, were able to return to some level of normality.

Given the nature of these patronage structures, much of the responsibility for supporting the displaced to return or resettle, and then to reintegrate, fell on the civil administration bodies of the EAGs, which in many cases were formed and aimed to operate like government departments. Their approaches to this task varied greatly and depended significantly on external forces, both those aiming to support them, such as international aid organisations, and those applying pressure, such as the authorities of neighbouring countries.

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<sup>6</sup> Walton (2013), p.4

<sup>7</sup> Also referred to as Burmans in English.

<sup>8</sup> Walton (2013), pp.9-10

<sup>9</sup> Kramer (2009), p.5

<sup>10</sup> For more on the history of the Tatmadaw, including the development of its doctrine and approach to strategy, see Maung Aung Myoe (2009).

In all cases, the dynamics of displacement changed considerably when conflict was brought to a close. However, continued rule by a majority ethnonationalist military government created severe protection issues for civilians in many of the post-conflict areas, including persistent human rights abuses committed by the Tatmadaw, forming a primary hindrance to successful reintegration. Further, abject poverty across the entire country, which was at its worst in conflict areas, hindered access of populations to livelihoods and other benefits of inclusive development. A range of political complications also thwarted international access complicating matters further.

These are among the issues that this study will aim to cover, with a particular focus on the ceasefires of the KIO in 1994 and the NMSP in 1995. In the former case, up to 70,000 people had been displaced from a KIO stronghold on the China border in 1987, most of whom had been unable to return until years after the ceasefire. Drawing on the narratives and perspectives of dozens of people who were displaced at the time, as well as interviews with local and foreign academics and experts, this paper aims to document the long process of spontaneous return and resettlement undertaken by the displaced with very little support and in a context of severe humanitarian and protection risks. It will then explore events surrounding the 1995 NMSP ceasefire which saw over 10,000 people forcibly repatriated from Thailand, over half before a ceasefire had been signed. Facing further attacks, and a second round of displacement following which they were again forcibly repatriated back into Myanmar, these displaced people suffered severe trauma and only began to feel settled years later.

### *Methodology*

This study draws mainly on primary data collected by the author. Research trips were carried out to EAG territories in Mon and Kachin states in Myanmar, as well as to Bangkok, Chiang Mai, Sanghlaburi, and Mae Sot in Thailand in September 2013. In Kachin State, five focus groups and six individual interviews were held with formerly displaced people, providing the detailed narratives of 13 people, and supplementary data from a further 14. Further interviews were held on this trip to document the experiences and perspectives of five local relief workers, members from two IDP camp management committees, three religious leaders, one IDP education leader, a senior KIO politician and a Kachin Independence Army (KIA) General.<sup>11</sup>

In Mon State, two focus group sessions and individual or single-family interviews were carried out, providing the detailed narratives of seven former IDPs and supplementary data from nine others. Interviews were also carried out in IDP camps in that region or in the opposite Thai town of Sanghlaburi with three local civil society organisations, the village administration committees of two IDP settlements, and five executive members of the NMSP, involved with ceasefire negotiations and the management of displaced people at the time.

Elsewhere in Thailand, interviews were held with four international aid workers, one foreign journalist, and one foreign researcher all present on the Thailand-Myanmar border in the mid-1990s; the respective General Secretaries of both the KIO and the NMSP; one Kachin civil society leader; and members of two other EAGs. Data collection was also carried out via email correspondence with 17 other foreign and Myanmar academics and practitioners.

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<sup>11</sup> The KIA is the armed wing of the KIO.

Finally, previous studies, including reports by civil society, NGOs and academics were drawn on for complementary data and to corroborate the narratives obtained through primary data collection.

### **The 1994 Kachin Independence Organisation (KIO) ceasefire**

Between 1971 and 1994 the civil war between the KIO and successive military governments of Myanmar affected an unknown number of civilians across Kachin State and northern Shan State. Sustained offensives around Manje in 1982 and Danai in 1983 among others almost certainly caused mass displacement, but little record of what happened to these people is obtainable. Far away from borders, it is assumed that many of these people fled into nearby remote areas. There was also widespread forced relocation, as part of Tatmadaw ‘four-cuts’ operations through these decades. As the Tatmadaw took areas west of Myitkyina in the 1980s, entire populations were forced to relocate, often to the sides of major railroads where the government could control them and restrict their interaction with the KIO. These are just snapshots of the many displacement crises of this period that will likely go undocumented.

This study will focus on parts of Kachin State’s eastern border with China affected most acutely between 1987 and 1994. The majority of the people in this area had been under the patronage of the KIO for a generation, and most of the cases examined here are of communities of Jinghpaw ethnicity, the dominant of five Kachin ethnic sub-groups.

#### *Mass Displacement in Eastern Kachin State*

In 1987, an offensive on the KIO headquarters (HQ) in Pa Jau, an area northeast of today’s Laiza and near the towns of Laisin and Sama, forced populations from over 40 villages from their homes. Many of these were settlements in lowland areas along along the Myitkyina-Bhamo road, as well as other villages in the more rugged regions to the West spreading right up to the China border. These attacks included the use of bombing and strafing by airforce jets, which according to one displaced man, ‘sent everyone across the region fleeing in different directions.’<sup>12</sup> A number of the formerly displaced interviewed for this study noted that they had fled immediately from shock and had left all of their possessions behind, making the displacement and post-displacement periods significantly more difficult.

Initially, the majority appear to have gone to China, though a number died during flight.<sup>13</sup> Many fled to Jinghpaw settlements just over the threshold, especially those who had friends and family there, while others scattered into the hills. Five Jinghpaw villages in particular received many of the initial refugees: Lung Hpraw Yang, U Ra, Hpun Dun and Na Bang. Here, camp-like settlements were formed on the periphery of the established villages. Most of the displaced built temporary bamboo houses, which typically last about two to three years. Two displaced persons camps formed very close to Pa Jao itself, one called called Hkaw Pa Cha on the China side and the other called Jan Mai Yang on the Myanmar side. These jointly housed around 1200 people, mostly KIO families. Over following years, the majority of the

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<sup>12</sup> An elderly man displaced from Nam San; interviewed at his current home in Laiza, 21/09/13.

<sup>13</sup> Accounts from four people displaced in 1987 noted that dozens travelling with them had died, some from starvation or drinking impure water while hiding or travelling slowly through remote areas. Another account noted that between 30-50 people had fallen from a cliff during an exodus of around 4,000 people from the Nam San region.

displaced people moved multiple times, often switching between areas on the Myanmar and China sides of the border.

Further south, the HQ of the KIO's 3<sup>rd</sup> Brigade was also attacked in 1987, displacing a similar number of villages in Mai Ja Yang District. Here, the Tatmadaw took positions very close to the border, forcing almost the entire population to cross it. Some of these travelled north to the aforementioned settlements, but the large majority spread out into the hills to hide and find ways to forage for food. Similar hill communities also began to emerge on the Kachin side of the border in following years, in areas where the Tatmadaw had little access.

In 1989, the Tatmadaw withdrew from a number of positions, allowing people to tentatively move back to lower parts of Mai Ja Yang District close to the border. However, in 1992, some battalions were able to secure access to the area again, and began patrolling regularly, often harassing any locals they came across, or taking the able-bodied to use as porters. This forced almost the entire population to China again, where most stayed until after the ceasefire in 1994. Most of these were living in tarpaulin shelters spread throughout the mountains, where they could engage in shifting cultivation, or right on the border where they could sneak back to their farms when the patrols were away.

The total number of those displaced in the late 1980s will never be known. South estimates that there were around 60,000 IDPs and 10,000 refugees in total by 1994.<sup>14</sup> Interviews for this study brought back a number of similar estimates for periods of heightened conflict such as 1987-1990, but it appears many of the displaced had returned prior to the 1994 ceasefire. One account appears to largely match South's estimates:

*The whole of the border was full of [displaced people] on both sides. All the villages along the border today were partly formed by [displaced people] from that time. About 60,000 people fled to this area initially, along the entire KIO border.*<sup>15</sup>

Baptist Pastor based in Laiza

*'We had never even heard of assistance at that time'*

Overall, the displaced received very little support. The KIO provided some basic necessities such as rice, especially to those in the camps near Pa Jao. This was administered initially by individual battalions in a very ad hoc way, before the KIO established the Kachin Refugee Relief Committee (KRRC) in 1990 to manage the assistance. This was only provided to very limited number of displaced, whom the KRRC claims were the most in need.<sup>16</sup> The only displaced person interviewed for this study who noted receiving any support from the KIO at this time, was the wife of a KIO civil servant, and a key member of the KIO Party's Kachin Women's Association (KWA).<sup>17</sup>

These minimal relief programmes were funded entirely by the KIO, as there was virtually no support coming from outside. A little relief came from a Canadian Church that had

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<sup>14</sup> South 2008.

<sup>15</sup> Rev. Lahpai Shing Rip, Baptist Pastor; interviewed at his residence, 23/09/13.

<sup>16</sup> Interview with Do Pyi Sar, former member of the KRRC and KRDC, current Chairman of the IRRC; Laiza, 21/09/13.

<sup>17</sup> Retired member of the KWA; Interviewed in Mai Ja Yang, 26/09/13.

connections to missionaries who had been in Kachin State prior to the civil war. In 1992, Health Unlimited, a British NGO, began providing some basic essential items.

This lack of formalised assistance during and after the displacement period appears to be largely due to a dire lack of resources within the KIO or Kachin society. Poverty ran deep through all strata of society following decades of war in a climate of severe economic degradation, positioned between post-Maoist China and Myanmar in the aftermath of Ne Win's ruinous socialist reign. As a now-retired KIO civil servant who was serving at the time explained:

*The KIO leadership and us were all struggling to survive ourselves. We were out there focusing on the resistance and had little means to support our people in the border areas.*<sup>18</sup>

This was iterated by a local Pastor who noted that the KIO were focusing on providing security to many of the areas that people had fled to:

*Civilians and the KIO were all in the same situation at that time, so the KIO members were in trouble themselves. Also, they were providing security to ensure that the Tatmadaw could not get to the IDP areas.*<sup>19</sup>

Baptist Pastor based in Laiza

According to a woman who fled with her three children to a mountainous region on the Myanmar side of the border:

*We received no assistance; the KIO provided no help. We had never even heard of assistance at that time. There were no religious groups or anything... As far as we could see, the KIO itself was in need of assistance at that time! They were really struggling.*<sup>20</sup>

Church networks also felt largely helpless as their leaders were among the displaced, but aimed to strengthen community resilience:

*The Church was unable to do anything. All the Church members were IDPs too so we just encouraged each other, and tried to build up the community spirit. We built huts together, we shared everything. We encouraged the community to share tools and develop rotation farming systems so each day everyone would support a different family's small plantation, to ensure no one went hungry.*<sup>21</sup>

Baptist Pastor based in Laiza

*I had been displaced myself for the second time but was still ministering along the border – there were so many IDPs. They were scattered throughout the jungle in shelters made of plastic. I had no resources or money but I could just visit them to*

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<sup>18</sup> Zaw Jan, IRRC leader for Mai Ja Yang District, and retired KIO District officer; interviewed in Mai Ja Yang, 25/09/13.

<sup>19</sup> Rev. Lahpai Shing Rip, Baptist Pastor; interviewed at his residence, 23/09/13.

<sup>20</sup> Elderly female IDP residing in No.3 Laiza Market Camp, Laiza; Part of a group discussion No.3 Laiza Market Camp, 23/09/13.

<sup>21</sup> Rev. Lahpai Shing Rip, Baptist Pastor; interviewed at his residence, 23/09/13.



*give encouragement and pray for them. After all, without any NGOs, it was only by the grace of God that any of us were allowed to survive.*<sup>22</sup>

Employee of local NGO, Wunpawng Ninghtoi (WPN) and former Pastor

This dearth of assistance could also be attributed to a lack of distinction between the displaced and other civilians, in part because leadership structures had no exposure to internationally established practices and standards. As explained by former secretary of the KRRC:

*We of course knew that a lot of people had fled the violence, but we did not distinguish between displaced people and locals – we just saw them all as our people.*<sup>23</sup>

Do Pyi Sar, former member of KRRC and KRDC

This environment gave birth to a wide range of community responses, initially in the context of displacement and then during attempts to return or resettle.

### *Clinging to survival*

Aside from a few one-off pushbacks during the initial influx, the Chinese authorities were largely absent from the border area at that time. Former refugees interviewed for this study noted that they were at times told to return but were not subject to extreme pressure in most areas. Others noted that they were restricted from cutting trees or taking other traditionally-used materials from the forest, making everyday life very difficult.

Some families moved continuously to avoid the authorities, as they were unable to find villages like those noted above where they could settle. For those coming from lowland areas in Kachin State, this involved a shift in livelihoods, away from the more reliable practice of wetland farming to that of depending on seasonal plants in the hills, and shifting agriculture.<sup>24</sup> In these conditions, the displaced would subsist on what they could find or produce while moving around the hills and, when safe, travel down to market towns on both sides of the border to trade materials like cane, bamboo, or useful grasses.

In order to sustain themselves throughout periods of displacement, those who were able would stay within accessible distance of their homes – sometimes still across the border – so that some family members could travel back during the daytime to tend to their fields. This exposed them to severe protection risks, at times having to hide from Tatmadaw patrols seeking out combatants and their supposed supporters. In a few cases, communities formed entirely new villages on the Myanmar side of the border, where they would have some basic vegetable gardens, but continue to live in refugee sites in China where they had no access to land but had greater security.

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<sup>22</sup> Employee of local NGO, WPN and former Pastor; interviewed in Mai Ja Yang, 26/09/13.

<sup>23</sup> Do Pyi Sar, former member of the KRRC and KRDC, current Chairman of the IRRC; interviewed in Laiza, 21/09/13.

<sup>24</sup> The practice of shifting agriculture is common in South East Asia, and is sometimes called swidden, or slash-and-burn.

### *Testing the water*

Throughout the conflict period, the above survival strategies also allowed the displaced to keep track of the situation in their areas of origin or other prospective resettlement locations. There was a clear correlation between the amount of time the displaced chose to spend in such areas and the perceived level of security. As things felt more secure, families would start to move back stage-by-stage, with the most vulnerable people staying until last, always ready to flee again.

According to one man, whose house was burnt down three times prior to 1994, and again since 2011:

*Every time we tried to return home during [the period 1987-1994] we faced the risk of being arrested for supporting the KIO. So that was our biggest fear – more than a lack of food or anything like that.<sup>25</sup>*

According to another male IDP, from Ban Sau - a small town that later became a site for a KIO sustainable development project - he and his community had survived between 1987 and 1994 by hiding in forest areas surrounding their farms. As tensions began to ease, they tested the water incrementally, by occasionally spending the night and by providing occasional gifts to the Tatmadaw battalions that had moved into their area.

*We hid in the jungle whenever the Tatmadaw were in the area. There were a lot of patrol operations at first so we were always moving. We came and went for a long time and would give the local battalion offerings of cattle, and request that they treat us peacefully. It continued like that until the ceasefire.<sup>26</sup>*

Others displaced in 1987 aimed to find new places to settle before the ceasefire in 1994. Some moved to government-controlled areas away from frontlines along which residents were under constant suspicion of supporting KIO. A lady who had newly born children at the time described her decision to move back to a government-controlled village called Daw Phum Yang, following four years in China and along the border:

*We had few opportunities to use the land [in Daw Phum Yang] because it all belonged to people, but we moved there because as long as there was fighting we felt safer than we would have done in the areas on the frontline.<sup>27</sup>*

Others looking for somewhere safe to settle prior to the ceasefire moved towards the very few areas held exclusively by the KIO, where the Tatmadaw was unable to access. One of the main such areas was that surrounding the contemporary town of Laiza. In the late 1980s, the village in its place was Allen Yang, consisting of around 40 households which were relatively spread out. Between 1990-1993 this doubled in size, and the surrounding mountains became home to hundreds more families. A number of these had fled to China from villages along the Myitkyina-Bhamo road, but had been unable to settle. Others had come directly to the area

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<sup>25</sup> 63-year-old IDP, residing in Hpun Lum Yang Camp, near Laiza; Part of a group discussion Hpun Lum Yang Camp, 21/09/13.

<sup>26</sup> Middle aged man residing in Je Yang Camp, near Laiza; Part of a group discussion at Je Yang Camp, 21/09/13.

<sup>27</sup> Middle aged woman residing in Hpun Lum Yang Camp, near Laiza; Part of a group discussion Hpun Lum Yang Camp, 21/09/13.

following the 1987 offensive. The town had a thriving traders market by the early 1990s that attracted displaced people hiding in the hills on both sides of the border. By 1993, this was open every day, and made the area a hub for displaced people looking for somewhere to settle.

*We had come from much more difficult areas, and we finally felt safe in Laiza, even at that time... the market was good and improved our lives. The main difficulty was transportation, even into China. We had to use horses and donkeys.*<sup>28</sup>

A man who moved to Laiza at that time

*We decided to live in Laiza because we were afraid of the Unlawful Associations Act Article 17(1) [which outlaws any form of support to be provided to outlawed organisations such as armed groups]. There were no guarantees anywhere the Myanmar authorities could access so we would always be scared... Cultivation around Laiza did not provide enough though so we continued to sneak home when we could to take produce from our old abandoned farms.*<sup>29</sup>

An elderly man who had fled to the region in 1987 with his family

*My son and my husband died whilst we were fleeing, and moving around numerous locations in China [including U Ra]. I wanted to start over somewhere new so I could forget, and Laiza felt safe... We built bamboo houses at first just to test the area... we started collecting cane from the forest and could sell it at the market... We had lost everything, it was terrible, but at least there we could work for our survival... We had no support from anyone and things stayed like that for a long time.*<sup>30</sup>

Middle aged widow and now grandmother who arrived in Laiza in 1990

*I estimate 10,000 people or so came here after 1987, mostly to the China side at first before they were driven back within a day or two, but they did not all settle here. Some went to towns in government-controlled areas, others moved into the jungles to forage and engage in shifting agriculture.*<sup>31</sup>

Baptist Pastor based in Laiza

### *Ceasefire talks: 'no guarantees for the people'*

As ceasefire talks began between the KIO and the Myanmar Government in 1992, the level of conflict decreased, and Tatmadaw battalions pulled back from some areas close to the border. This allowed a gradual and tentative process of spontaneous return to take place and encouraged more people towards areas like Laiza. However, there appears to have been very little or no discussion at the ceasefire talks of arrangements for displaced people to return or resettle once conflict could be halted.<sup>32</sup> According to a local Pastor who was in Laiza at the time:

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<sup>28</sup> Middle aged man residing in Je Yang Camp, near Laiza; Part of a group discussion at Je Yang Camp, 21/09/13.

<sup>29</sup> Elderly male resident of Laiza; interviewed at his home, 21/09/13.

<sup>30</sup> Middle aged widow and grandmother; interviewed at her home in Laiza.

<sup>31</sup> Rev. Lahpai Shing Rip, Baptist Pastor; interviewed at his residence, 23/09/13.

<sup>32</sup> Though no one involved with the talks directly was available for interview, discussions with numerous KIO officials who were active at that time confirmed this.

*We were sceptical as to whether they were discussing the civilian situation at all or not... They did a lot negotiating, talking, eating, shaking of hands, and acted like it was all OK, but there were no guarantees for the people, it seems.*<sup>33</sup>

Baptist Pastor based in Laiza

There were, however, consultations held by the KIO with civilians regarding the decision over whether to sign a ceasefire or not.

*We held many conferences with civilians at that time regarding the ceasefire discussions... From 1993 onwards, we had help from the Shalom Foundation [local NGO] and the churches and so on to arrange it so we could hear people's opinions... The lower level officers would visit the settlements – both displaced and other ones – and then the most prominent members of the villages would come for the conferences, including senior KIO officers.*

*... Most of the civilians at that time demanded a ceasefire. The public opinion was very clear: fighting had been going on for a very long time and had not achieved anything so they wanted a ceasefire so we could speak to the government and try to achieve political improvements that way.*<sup>34</sup>

Zaw Jan, IRRC secretary and former KIO civil servant

According to one participant of such consultations who was displaced in the hills along the threshold of the border close to Mai Ja Yang:

*There was no distinction between displaced people or other civilians for these consultations. The KIO sent officers to all the settlements they knew about and could access and invited us to go and talk to them. They stated that they were considering the signing a ceasefire and could then clear all the landmines... Displaced people and all other civilians were the same – we unanimously favoured the signing of a ceasefire – we needed the difficulties to stop.*<sup>35</sup>

A ceasefire was signed on 24 February 1994 and spontaneous movements began taking place shortly after. But given the lack of a distinction between the displaced or other locals among government and KIO authorities at the time, there was very little in the way of formalised repatriation. No specific return, resettlement or reintegration programmes were undertaken by the KIO or any humanitarian agency.

*There was no big plan for resettlement. We just allowed them to go home. The majority of the displaced families received no support. They just went their own way, without any help, and established their own livelihoods... They had no help to build their houses or anything like that.*<sup>36</sup>

Do Pyi Sar, former member of KRRC and KRDC

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<sup>33</sup> Rev. Lahpai Shing Rip, Baptist Pastor; interviewed at his residence, 23/09/13.

<sup>34</sup> Zaw Jan, IRRC leader for Mai Ja Yang District, and retired KIO District officer; interviewed in Mai Ja Yang, 25/09/13.

<sup>35</sup> A middle aged male resident of Mai Ja Yang; interviewed in Mai Ja Yang, 25/09/13.

<sup>36</sup> Do Pyi Sar, former member of the KRRC and KRDC, current Chairman of the IRRC; interviewed in Laiza, 21/09/13.

*No systematic return took place. People just settled here or there depending on their own livelihoods.*<sup>37</sup>

Hkam Ja Dup, medic leader and former secretary of the KRRC

### *Tentative returns*

Spontaneous return and resettlement was tentative at first, due to uncertainty among the displaced regarding the situation at their places of origin.

*People were still very scared at first and just started going back one-by-one. They had had many bad experiences with the Burmese soldiers so they had a lot of doubt... People were anxious not just for security reasons, it was also because they had nothing at their homes; everything had been taken or destroyed... Also the agreement between the KIO and the government was still not that secure and contained no guarantees that the people would be supported and protected.*<sup>38</sup>

Baptist Pastor based in Laiza;

In areas where they had access, the KIO began reaching out to communities directly to discuss the ceasefire. In some cases, discussions were had about where people would like to live but these were of an ad hoc nature and did not necessarily lead to specific arrangements.

*After the ceasefire, the KIO went around to all the settlements spread through the mountains, explained they had achieved a ceasefire agreement and encouraged people to return home... But they did not say directly that it was safe yet, as they were unable to guarantee it or provide them proper protection.*<sup>39</sup>

La Rip, Relief Action Network for IDPs & Refugees (RANIR)

*During the conflict period, the KIO was very busy and rarely had any interaction with the people. But after the ceasefire, they had some meetings and we all discussed where would be a good place to live. The KIO never told us where we should live but talked about it with us and we chose by ourselves.*<sup>40</sup>

IDP mother who had fled to the mountains near Laiza

As the displaced along the border began to regain their confidence, many of those still in China crossed back, while thousands residing in the mountains came down in search of settlement. As part of its ceasefire agreement, the KIO was provided with five 'Special Region' territories to administer semi-autonomously. One of these was along the southern part of Kachin State's eastern border with China and encompassed settlements along the Myitkyina-Bhamo road, where most of those displaced in 1987 had come from. This slowly allowed for an improvement in the security situation and led to a very gradual process of spontaneous return.

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<sup>37</sup> Hkam Ja Dup, former member of the KRRC and KRDC and current medical leader for the IRRC; interviewed in Laiza, 21/09/13.

<sup>38</sup> Rev. Lahpai Shing Rip, Baptist Pastor; interviewed at his residence, 23/09/13.

<sup>39</sup> La Rip, Coordinator 1 of RANIR; interviewed in Laiza, 21/09/13.

<sup>40</sup> Elderly female IDP residing in No.3 Laiza Market Camp, Laiza; Part of a group discussion No.3 Laiza Market Camp, 23/09/13.

But this road was close to the frontier of the Special Region. Thus, the Tatmadaw maintained a presence nearby restricting people from the area's confidence to return at first.

*Most of us went back to our areas where there was wetlands as soon as we could, but we were not sure if it was safe straight away.*<sup>41</sup>

Mother who returned home with three children

*The frontier area was still not safe in 1994 because the Tatmadaw was still treating people like before... they were still killing villagers... Some families started to test the water in 1995 and others would observe, see how they got on and then make a decision. It was a slow transition.*<sup>42</sup>

Middle aged male father

*Every village in that area was different. Before and after the ceasefire, villagers from all of them were sneaking back only during the daytime to farm, with no immediate change in 1994. Some villagers had a Tatmadaw camp nearby, others didn't. In ones without a camp, people were able to start staying overnight.*<sup>43</sup>

Male IDP

As late as 1996 and 1997 there were still some people living in temporary camps near their villages and farms rather than attempting to move back.

*In 1995-1996 there were still a few temporary camps with tarpaulin and bamboo shelters close to the Myitkyina-Bhamo road, where people stayed, and sneaked back to their farms when they could... Around 1997-1998 people started getting resettled and the area became more developed again.*<sup>44</sup>

Middle aged female IDP

*Our village was very close to the border of the Special Region and was not safe at all in 1994, so we waited until 1997.*<sup>45</sup>

Elderly female IDP

Around this period, some people began returning or moving from government-controlled urban areas too, some out of preference for living under the KIO.

*I had been taking refuge with family in Myitkyina since 1987, but I returned in 1996 to my village [along the Myitkyina-Bhamo road].*<sup>46</sup>

Middle aged female IDP

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<sup>41</sup> Middle aged IDP mother of 3 residing in Woi Chyai Camp; interviewed as part of a group discussion at Woi Chyai Camp, 22/09/13.

<sup>42</sup> Middle aged male IDP residing in No.3 Laiza Market Camp, Laiza; Part of a group discussion No.3 Laiza Market Camp, 23/09/13.

<sup>43</sup> Male IDP residing in No.3 Laiza Market Camp, Laiza; Part of a group discussion No.3 Laiza Market Camp, 23/09/13.

<sup>44</sup> Middle aged female IDP residing in No.3 Laiza Market Camp, Laiza; Part of a group discussion No.3 Laiza Market Camp, 23/09/13.

<sup>45</sup> Elderly female IDP residing in Woi Chyai Camp; interviewed as part of a group discussion at Woi Chyai Camp, 22/09/13.

<sup>46</sup> Middle aged female IDP residing in No.3 Laiza Market Camp, Laiza; Part of a group discussion No.3 Laiza Market Camp, 23/09/13.

*I had been living in government-controlled area for 3 years, because there we were not suspected of supporting the KIO. But after the ceasefire, I wanted to move to the KIO area. I faced so much torture in my life – as long as there is peace, I feel safer under the KIO.*<sup>47</sup>

63-year-old male IDP

One of the most notable changes to the security situation once the ceasefire was implemented was that Tatmadaw soldiers began doing fewer patrols away from their camps, so locals could at least keep track of where they were positioned. However, without proper advice from the KIO or anyone else on matters of security, there was still a level of uncertainty.

*After the ceasefire, we were able to keep track of where the Tatmadaw was positioned at least so we could decide whether our areas were safe or not. During the conflict-period we had no idea, so we just stayed away.*<sup>48</sup>

Male IDP in his 40s

*We all shared information so most people knew where the Tatmadaw camps still were after the ceasefire.*<sup>49</sup>

Elderly female IDP

*I don't remember getting any info from the KIO about the security situation. [Group agrees]. We had no advice from anyone about the security situation. That would have been very helpful indeed, if we had gotten advice like that [a lot of commotion and agreement].*<sup>50</sup>

Middle aged female IDP as part of a group discussion

Further south, people who had fled to parts of China opposite Mai Ja Yang District also began tentative homeward movements, that were facilitated in some areas by KIO development projects.

*After the ceasefire, the KIO began building roads, and investing in development, education and so on across the region. So things got better. So we travelled back home [to Bum Wa, some distance from the border]... Some people were never again able to live like they had before they fled. They'd had nice houses, owned by their ancestors with good teak, which had been destroyed. With such limited resources they were never able to revive the situation.*

*... But as the Tatmadaw had backed off, people regained access to the market... We all had an understanding about whose land was whose and as the Burmese had not moved in we still had it all.*<sup>51</sup>

Employee of local NGO, WPN and former Pastor

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<sup>47</sup> 63-year-old IDP man, now residing in Hpun Lum Yang Camp; interviewed as part of a group discussion at Hpun Yum Lang, 22/09/13.

<sup>48</sup> Male IDP in his 40s residing in No.3 Laiza Market Camp, Laiza; Part of a group discussion No.3 Laiza Market Camp, 23/09/13.

<sup>49</sup> Elderly female IDP residing in No.3 Laiza Market Camp, Laiza; Part of a group discussion No.3 Laiza Market Camp, 23/09/13.

<sup>50</sup> Middle aged female IDP residing in No.3 Laiza Market Camp, Laiza; Part of a group discussion No.3 Laiza Market Camp, 23/09/13.

<sup>51</sup> Employee of local NGO, WPN and former Pastor; interviewed in Mai Ja Yang, 26/09/13.

*Everything had to be built from scratch... [The Tatmadaw] had burned everything and destroyed all our kitchen materials and so on... We had left everything behind in 1987 because we didn't think they would get to the village... The most difficult thing at first was getting basic food. Most of our time was spent farming desperately, allowing us little time for other things, so we continued to live bamboo huts for years, having no time to build proper housing.<sup>52</sup>*

Middle aged man, current resident of Mai Ja Yang

In Mai Ja Yang District, where the Tatmadaw had had a strong presence since 1992 but was unable to gain total control, antipersonnel landmines were also a severe impediment to return.

*As we struggled to get resettled, landmines restricted our movements and security a lot.<sup>53</sup>*

Male Church assistant

*The Tatmadaw left many landmines so we had to try and clear them all before people could return. We didn't even need a detector, there were so many, we just had to go around and do them one-by-one.<sup>54</sup>*

Zaw Jan, IRRC secretary and former KIO civil servant

#### *Development planning and reintegration*

After the ceasefire, the KIO initiated a number of development initiatives, self-funded at first but with increasing external support. According to one local NGO worker associated with the KIO, whose father was involved in the programmes, the projects aimed to encourage people to live and stay in the KIO Special Region.<sup>55</sup> The projects, which were spearheaded by the newly formed Kachin Relief and Development Committee (KRDC), were aimed at all civilians whether they had been displaced or not. Nonetheless, for some displaced populations these served the purpose of resettlement and reintegration programmes.

The largest projects were initiated in two areas with an abundance of fertile wetlands, named Ban Sau and Ban Daung. They aimed to provide civilians with opportunities and skills for sustainable agriculture and income generation. Similar projects were later setup in numerous locations along the Myitkyina-Bhamo road with support from a local NGO, the Metta Foundation, which was founded by Kachin civil society actors who had been working along the border since the ceasefire was signed. In his works on the role of civil society in conflict, Ashley South has since noted this growth of civil society along the Kachin-China border as a notable 'peace dividend' resulting from the ceasefire.<sup>56</sup>

In Ban Sau, the population rose from around 60 to over 200 households in 1995-2005. In Ban Daung, it rose from a similar number to more than 600. High schools, clinics, and roads were built and all families were provided with land, often up to ten acres each, via a committee of locals in coordination with the KRDC. Materials and skills-based training were provided by the KRDC, to improve livelihoods and income generation and to put the fertile lands to use.

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<sup>52</sup> Middle aged man, current resident of Mai Ja Yang; interviewed in Mai Ja Yang, 25/09/13.

<sup>53</sup> Middle aged male Church assistant; as part of a group discussion in Mai Ja Yang, 25/09/13.

<sup>54</sup> Zaw Jan, IRRC leader for Mai Ja Yang District, and retired KIO District officer; interviewed in Mai Ja Yang, 25/09/13.

<sup>55</sup> La Rip, Coordinator 1 of the RANIR; interviewed in Laiza, 21/09/13.

<sup>56</sup> South (2003), South (2007).



According to one woman who had moved to one of the smaller sites at Mai Sak Pa, the transition was a lot of work but had been very successful. Participants had a large degree of ownership, investing their own savings and working to build villages themselves from scratch, with assistance.

*I had been moving around the forests nearby since the 1987 offensive, in a community of around 30 households, engaging in shifting cultivation. We knew about the wetlands there – everybody did – and we soon heard about the KIO's development plan.*

*... Though there had been a village on the opposite side of the river, the whole area was overgrown and we had to clear it and build it from scratch... We already had some basic tools such as axes, machetes, ploughs and had to do it by hand.*

*... One basic condition set by the KIO was that we had to have some small savings we were willing to use to buy a buffalo, going half price with them, which was necessary to tend to the rice fields... There were no further taxes... We used about two thirds of the rice in our families and sold the rest to roaming traders which gave us basic income for clothing and other food products... This was not quite enough though so we had to keep the family active and do other things to get by.<sup>57</sup>*

According to a resident of Ban Sau, who had lived there his whole life aside from temporary displacement in 1987, despite the rapid influx of families, the KRDC programme benefited his family too.

*We were happier after that because we had more people around and the KIO built better roads. The area had always been very good for farming but there had been no transport before. After the developments we could access the market much more easily.*

*... There was plenty of space, the influx was no problem. Our local land committee allocated the land fairly to the new arrivals and they didn't ever have to touch ours.*

*... There were minor social problems at first but later we became unified, to live as one people, with one spirit. There were Jinghpaw, Shan, Burmese and people of various other Kachin tribes too.<sup>58</sup>*

A decade later, in 2005, more families were invited to resettle in Ban Sau, this time coming from northern Shan State where they had faced harassment and extortion from both the Tatmadaw and the newly formed Palaung State Liberation Front, who had recently begun fighting. These 100 or so families initially stayed in others' houses, as arranged between village heads from each community but were provided land and a year's supply of food by the KRDC.

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<sup>57</sup> Middle aged female IDP residing in Woi Chyai Camp; interviewed as part of a group discussion at Woi Chyai Camp, 22/09/13.

<sup>58</sup> Middle aged man residing in Je Yang Camp, near Laiza; Part of a group discussion at Je Yang Camp, 21/09/13.

*When we first arrived we had a few problems – new land, new circumstances, new neighbourhood. But we had no problems for food because of [KRDC's] support...I got all the materials to build our home from the jungle but for the first three months it all felt very strange, and at times I really considered going home or moving again... I didn't want to ask anything from anyone, but over time I made friends and was very happy... I was happy to be under the leadership of my race.*<sup>59</sup>

Father of three

Expansion of what have become the KIO's two main towns on the China border, Laiza and Mai Ja Yang, had a variety of impacts on displaced people who had fled to the border areas for sanctuary.

Laiza's growth sped up rapidly following 1994, as the KIO made the decision to place its new HQ nearby and develop the city into the region's commercial capital. Considered a safe area, where the Tatmadaw had no access, the region continued to attract new displaced people. But among those who had already found sanctuary there prior to ceasefire, some considered the town's urbanisation to be helpful to their integration, while others were pushed out, or opted to move away, often returning home. According to one man who had been roaming the hills around the area since he was displaced in 1987:

*The population doubled to about 80 households in the 1992-1993. But after 1994 - I don't know where they all came from – but so many people came, from Mai Ja Yang, Hkaw Pa Cha, everywhere! Many were from Nam San Yang too.*<sup>60</sup>

Middle aged male IDP, currently at Je Yang Camp

One such man who had migrated from Nam San Yang explained that although there was better farmland at his home, Laiza felt safer because of KIO control:

*The Tatmadaw had set up a base in Nam San Yang. After the ceasefire some people set up small bamboo settlements nearby to test the water – sneaking back to their wetland farms when they could, each time staying longer and longer. But I was too scared... Around Laiza we were only able to engage in shifting agriculture in the mountains which is much harder work... But I felt safe here, because it is the only place the Tatmadaw has never been.*<sup>61</sup>

According to a local Catholic Priest who moved to the area in 1995, the integration was not without great hardship:

*People were in a very desperate situation in 1995, and no one was here to support them. There was starvation and other health problems. There was no way for all of them to farm lowland crops, so many could not eat. Many youths dropped out of school. Their villages had been destroyed, and inevitably they were very poor.*<sup>62</sup>

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<sup>59</sup> IDP father of three residing in Woi Chyai Camp; interviewed as part of a group discussion at Woi Chyai Camp, 22/09/13.

<sup>60</sup> Middle aged man residing in Je Yang Camp, near Laiza; Part of a group discussion at Je Yang Camp, 21/09/13.

<sup>61</sup> Elderly male resident of Laiza; interviewed at his home, 21/09/13.

<sup>62</sup> Father Joseph, Catholic Priest; interviewed at his home in Laiza, 23/09/13.

Despite such difficulties, there was a continued lack of direct support for the displaced moving into the area. This was hindered further by tight government control of those coming in and out of the Special Region.

*We could help them a little, but not much. We could not bring them anything because we were watched very closely coming in and out of this area. This was at a time that kids were still being snatched on their way to school [if they were thought to have links to the KIO].*<sup>63</sup>

Father Joseph, Catholic Priest

Nonetheless, as development plans gained traction, conditions for some did start to improve:

*Over time, my kids were able to go to school and we settled down. Our conditions improved as we were able to build this home [a 2-story wood and brick 3-bedroom house]... Around 1998, we were able to open a small shop as more people came to the area.*<sup>64</sup>

Middle aged widow and now grandmother who arrived in Laiza in 1990

But the KIO's urbanisation programme also further displaced others, causing many of those who had been taking sanctuary in the area since the 1987 offensive to return home.

*The city grew in size but some people were leaving too, to go back to their homes along the Myitkyina-Bhamo road, as it became more safe... When the town started to expand the KIO confiscated my land because they wanted to build a road straight through it. So I went home.*<sup>65</sup>

Middle aged male

*The majority of the people who had been taking refuge here before went home, but then came a lot more people coming back from China, as well as KIO families, business people, and traders as the urbanisation process began.*<sup>66</sup>

Baptist Pastor based in Laiza

This growth continued to accelerate and the town of Laiza now has an estimated population of 7,000, with many more in the surrounding area. More notably, it acts as a commercial hub, especially for trade with China. It is one of very few towns in Myanmar with stable 24-hour electricity, provided by a local hydropower dam, and has relatively modern hotels with air-conditioning and cable TV.

The KIO also initiated an urbanisation programme in Mai Ja Yang, attracting approximately 100 IDP families to resettle, many with relations to the KIO. As elsewhere, such development did not take place instantly however and IDPs faced a number of difficulties.

*The most difficult thing at the beginning was housing, as although the whole area was jungle, the resources had been used up so we made very small huts at first... We also had financial problems at first but we were soon able to start selling at a market that*

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<sup>63</sup> Ibid.

<sup>64</sup> Middle aged widow and grandmother; interviewed at her home in Laiza.

<sup>65</sup> Middle aged man residing in Je Yang Camp, near Laiza; Part of a group discussion at Je Yang Camp, 21/09/13.

<sup>66</sup> Rev. Lahpai Shing Rip, Baptist Pastor; interviewed at his residence, 23/09/13.

*was setup by the KIO... The KIO provided land for every family – we all had to pay about 30 Yuan for 100 square feet just around their house for a vegetable garden... This was all they gave us, whether we had relatives in the KIO or not.*<sup>67</sup>

Retired member of the Kachin Women's Association (KWA)

Here too, expansion got underway and an area of forest became the eastern part of Mai Ja Yang town, which now contains large modern hotels, asphalt roads and air conditioned offices for local NGOs.

In all of the areas where the displaced settled down, reintegration was a long process and was never guaranteed.

*Slowly confidence developed but not until 2000 did people really start to settle... That's when people finally gained the confidence to start building concrete houses again.*<sup>68</sup>

La Rip, RANIR

*'The behaviour of the Tatmadaw did not really change'*

In areas near the borders or outside the Special Region, the primary obstructions to a smooth reintegration were ongoing protection issues in the post-ceasefire period. In some places, severe violence and exploitation by the Tatmadaw kept communities from ever feeling safe throughout 17 years of ceasefire. Although mass displacement came to an end, people continued to be forced to perform duties for the military such as portering and faced ongoing harassment for supposed connections with the KIO.

*The behaviour of the Tatmadaw did not really change after the ceasefire. They would often harass us, asking a lot of questions and slapping us, for info about the KIO. Our grievances are very deep... The whole village would never have to flee like during wartime but because of persecution, especially of strong looking men, all the young males would often have to flee when the patrols came near. This continued throughout the entire ceasefire period – I can't count how many times.*<sup>69</sup>

Male in his 40s

*After we returned, my brother was arrested from his home, tortured and then killed. This was about a year after the ceasefire had been signed... It was especially risky for men. They could be taken at any time and forced to be porters or do other smaller jobs. We were always under pressure. If they see people, they just call them on the spot and get them to do things for them.*<sup>70</sup>

Middle aged female

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<sup>67</sup> Retired member of the Kachin Women's Association; Interviewed in Mai Ja Yang, 26/09/13.

<sup>68</sup> La Rip, Coordinator 1 of RANIR; interviewed in Laiza, 21/09/13.

<sup>69</sup> IDP male residing at Pa Kahtawng Camp, near Mai Ja Yang; Interviewed at Pa Kahtawng Camp.

<sup>70</sup> Middle aged female IDP residing in No.3 Laiza Market Camp, Laiza; Part of a group discussion No.3 Laiza Market Camp, 23/09/13.

*The Tatmadaw's mentality is that everyone is their enemy, so any strong men or women are forced to work for them.*<sup>71</sup>

Elderly man

*In Nam San Yang, we were continually used as porters, usually to go to Pa Jau, up until 1997. It was not systematic, they would just call people randomly.*<sup>72</sup>

Mother who had fled to the mountains near Laiza

However, outside of wartime, such tasks were significantly less dangerous and the government was subject to a degree of scrutiny from the KIO, with whom it preferred to maintain cordial relations.

*During wartime, porters would be used on the frontlines, and were very likely to die. After the ceasefire, they still had to go with the military to carry things and so on, but not at risk of death... I think the Liaison offices helped a lot. They added pressure to the government and made local people in government-controlled areas feel a bit more safe.*<sup>73</sup>

Baptist Pastor based in Laiza

The level of threat from the Tatmadaw varied from area-to-area, largely subject to the attitude of particular commanders, who were rotated in and out periodically. In some group discussions, it was apparent that communities in some areas had had notably different relationships with their local battalions than others. Even in areas where relationships were amenable, human rights abuse still often took place

*Some of the nicer commanders wouldn't hurt anyone, but they would still enter the village and extort a lot of food and animals from the people.*<sup>74</sup>

Employee of local NGO, WPN and former Pastor

*The Tatmadaw were more suspicious of villagers during wartime, and would punish us after battles. But during the ceasefire, suspicions were relaxed. If they had a permanent position then they might form some level of friendship with villagers. They still regularly called us for portering and so on – this was very regular – but the relationship depended on the individual commander, who were always changing.*<sup>75</sup>

Male IDP in his 40s

### *2011: Back to square one*

Despite the slow but sure progress made during the ceasefire period towards successful returns, resettlements and reintegration, all was lost within a matter of weeks in June 2011 when conflict once again erupted, displacing the large majority of the communities who had

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<sup>71</sup> Elderly man residing in Woi Chyai Camp; interviewed as part of a group discussion at Woi Chyai Camp, 22/09/13.

<sup>72</sup> Elderly female IDP residing in No.3 Laiza Market Camp, Laiza; Part of a group discussion No.3 Laiza Market Camp, 23/09/13.

<sup>73</sup> Rev. Lahpai Shing Rip, Baptist Pastor; interviewed at his residence, 23/09/13.

<sup>74</sup> Employee of local NGO, WPN and former Pastor; interviewed in Mai Ja Yang, 26/09/13.

<sup>75</sup> Male IDP in his 40s residing in No.3 Laiza Market Camp, Laiza; Part of a group discussion No.3 Laiza Market Camp, 23/09/13.

been impacted in 1987. For many of those interviewed for this study, this offensive was seen as much more destructive as the Tatmadaw systematically shelled and entered each village, as they closed in on KIO strongholds along the border. All of the communities along the Myityina-Bhamo road were displaced and are mostly now living in IDP camps close to the border.

This experience underlines the unavoidable reality that without a comprehensive solution to the conflict that displaced people in the first place, all other efforts at return, resettlement and reintegration risk being deeply undermined. Having undergone the protracted process of settling down despite being aware of the context's fragility once, the displaced are now struggling to imagine attempting it again without guarantees their safety. With evident despair and melancholy, such guarantees were iterated repeatedly by the displaced Kachin as their primary requirement prior to voluntary return. From the perspectives of many of these interviewees, security depended on a comprehensive solution being negotiated between the government and the KIO. Further, this was often tied to the requirement of autonomous Kachin rule without the presence of the Tatmadaw.

*Until there is a political solution, we cannot return... More than anything else we just need to be sure that some real changes will come after in the next agreement [between the KIO and the Government] ... Otherwise we will always be caught in the middle of their politics.*<sup>76</sup>

63-year-old male IDP in Hpun Lum Yang Camp, near Laiza

*We have nothing now. Everything we tried to build during the ceasefire is gone – all of our property is theirs now... In the next ceasefire agreement we need to know there is some kind of security for our lives, property and freedom from fear.*<sup>77</sup>

Male IDP in Pa Kahtawng Camp, near Mai Ja Yang, near Laiza

*We have lost everything so we will need a lot of assistance but aside from that we need a guarantee for peace, real peace, not just a halting of the armed battles – we need justice and protection.*<sup>78</sup>

Elderly female IDP in Woi Chyai Camp, near Laiza

*Right now it is very difficult to imagine how people will return voluntarily. They have lost everything again, and their areas are controlled by the Tatmadaw... Even if the Tatmadaw pulls back, it will be a long time. People are so deeply scared of investing again because last time there was a so-called ceasefire, they rebuilt, and then everything was destroyed.... The ceasefire must contain a guarantee for their security, or there is little chance people will choose to go home.*<sup>79</sup>

Employee of local NGO, WPN and former pastor

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<sup>76</sup> 63-year-old IDP man, now residing in Hpun Lum Yang Camp; interviewed as part of a group discussion at Hpun Yum Lang, 22/09/13.

<sup>77</sup> IDP male residing at Pa Kahtawng Camp, near Mai Ja Yang; interviewed at Pa Kahtawng Camp.

<sup>78</sup> Elderly female residing in Woi Chyai Camp; interviewed as part of a group discussion at Woi Chyai Camp, 22/09/13.

<sup>79</sup> Employee of local NGO, WPN and former pastor; interviewed in Mai Ja Yang, 26/09/13.

*We really miss our original villages [said while crying]. We really miss farming, and our lives. We want to go back. We want peace so much... But we are terrified of the Burmese soldiers. Even if there is a ceasefire we won't be safe if they are still there.*<sup>80</sup>

Middle aged woman in Hpun Lum Yang Camp, near Laiza

*I am very scared to return to my home [which is now in government territory]. I would like to live anywhere peaceful where there is land to farm... Most people don't want to live under the government, they want peace. We never heard of a KIO official raping one of our daughters, but its been done so many times by the government. We are too scared to go back.*<sup>81</sup>

63-year-old male IDP in Hpun Lum Yang Camp, near Laiza

*What we really need is freedom. That is more important than independence. Not just political freedom but actual freedom to use the land, to use its resources... Here in [KIO] areas we can do this, but in Myanmar, it is never like that.*<sup>82</sup>

Retired member of the KWA

Repeatedly, support from the international community in achieving these aims was requested, and at times prioritised above the need for humanitarian assistance.

*We don't want this to keep happening over and over again, so if the international community could pressure or intervene, that would be very helpful. We would like to live freely and we would like to live independently.*<sup>83</sup>

Middle aged IDP in Woi Chyai Camp, near Laiza

*The Burmese leaders always see us as their enemy. Even the children – they just see someone who might grow up to be KIO. So we can never feel safe under this government. For us to feel safe, we need some kind of external judge. We need like a teacher who will mediate between the two naughty fighting children.*<sup>84</sup>

Elderly male IDP in Woi Chyai Camp, near Laiza

*If we have peace, and there is no more persecution, no more enemies, we won't need any more help from others. That's what we want... There is no choice but for us to live like this now [in IDP camps] because of the scary things in our village. So we need this to change... We don't need the international community to give us anything or build anything for us. We don't need houses or anything. We just need security. That is all. Just our security.*<sup>85</sup>

Middle aged male IDP in Je Yang Camp, near Laiza

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<sup>80</sup> Middle aged woman, now residing in Hpun Lum Yang Camp; interviewed as part of a group discussion at Hpun Yum Lang, 22/09/13.

<sup>81</sup> 63-year-old IDP man, now residing in Hpun Lum Yang Camp; interviewed as part of a group discussion at Hpun Yum Lang, 22/09/13.

<sup>82</sup> Retired member of the Kachin Women's Association; Interviewed in Mai Ja Yang, 26/09/13.

<sup>83</sup> Middle aged man residing in Woi Chyai Camp; interviewed as part of a group discussion at Woi Chyai Camp, 22/09/13.

<sup>84</sup> Elderly male residing in Woi Chyai Camp; interviewed as part of a group discussion at Woi Chyai Camp, 22/09/13.

<sup>85</sup> Middle aged man residing in Je Yang Camp, near Laiza; Part of a group discussion at Je Yang Camp, 21/09/13.

*For return, material support is not needed. What they need is a guarantee for their safety, so the international community needs to do everything it can to support this. That is all they need – no assistance from outside – they can build everything themselves. Currently, under this government there is no guarantee despite what they tell the international community... All we need you to do is push the government for real change.*<sup>86</sup>

Baptist Pastor based in Laiza

### **The 1995 New Mon State Party ceasefire**

In early 1990, a Tatmadaw offensive on the NMSP HQ near Three Pagodas Pass displaced thousands of local people, between 10,000 and 12,000 of whom fled to Thailand. They joined an unknown number of existing refugees and irregular migrants from the region, where conflict, human rights abuse by the Tatmadaw and chronic poverty had led to high levels of forced migration.

In 1990, the refugees were provided temporary asylum and received some humanitarian support from the Burmese Border Consortium (BBC) via the NMSP's relief committee, the Mon National Relief Committee (MNRC).<sup>87</sup> But they lacked stability as they were moved around numerous temporary locations in following years by the Thai authorities. By late 1993, around 8,000 of the 10,000 documented Mon refugees in Thailand were living in Loh Loe Camp about 40km south of Three Pagodas Pass.<sup>88</sup>

#### *Denied asylum*

That year, the refugees came under significant pressure from Thailand to return to the Myanmar side of the border. Local and foreign observers largely saw the move as driven by Thailand's political and economic interests. The Royal Thai Government's (RTG's) relationship with Myanmar had been strengthening considerably since the late 1980s, mostly around matters of economic cooperation.

Also in 1993, the NMSP began facing pressure from both sides to sign a ceasefire agreement that would provide it with a small patch of territory on the border in return for an end to hostilities. However, the armed group was insistent that an end to conflict must only come through political negotiations that provide for a greater democracy and ethnic equality.

This led to two years of largely inert negotiations, during which time numerous Thai authorities intensified their efforts to compel the refugees at Loh Loe Camp to return. As well as local authorities, these efforts were backed by a strategic committee, including the country's powerful National Security Council (NSC), and a number of businesspeople. Their primary aim was to seal a gas pipeline deal with Myanmar that would come to provide a sizeable portion of Thailand's natural gas for electricity. According to Nai Shwe Thein, who was Vice-Chairman of the MNRC and an NMSP negotiator at the time, RTG was motivated in part by requests from the Myanmar government.

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<sup>86</sup> Rev. Lahpai Shing Rip, Baptist Pastor; interviewed at his residence, 23/09/13.

<sup>87</sup> The initial humanitarian response is noted in BBC (1991) and BBC (1992).

<sup>88</sup> For monthly populations of Loh Loe documented and receiving support via the MNRC, see MNRC Monthly Reports, available at <http://www.burmalibrary.org>



*The [Myanmar Government] wanted the refugees to go back, firstly because they were an embarrassment at a time that it was trying to reform its image, and secondly, because they knew the NMSP would be forced to sign a ceasefire in order to protect these people.<sup>89</sup>*

According to an international aid worker who was working with the MNRC at the time, it was in line with common practice of central authorities at that time.

*The NSC had a policy of temporary asylum which in theory aimed to get [all refugees] back within three years. Although most in actuality stayed longer than this that was always the idea in Thailand, regardless of the situation... They were pushed back because [Thailand] didn't want the responsibility, and they were seen as a security burden. Also it was too visible and NMSP were using the camps as a stopping point.<sup>90</sup>*

### *Pushed back*

At first, talks between the NSC and the MNRC, with some mediation by UNHCR Thailand and the BBC, appeared to have settled that the refugees would be moved to a new location on the Thai side and that this could wait until the coming dry season. However, a local intervention by the Royal Thai Army's (RTA) 9<sup>th</sup> Division, saw 545 refugees forcibly repatriated to an area just past the border called Halockhani in April 1993 just before the annual rains began.<sup>91</sup>

Then, in October, 139 refugees were ordered to cross the border and clear an area for the others to return, as the region was overgrown and uninhabitable. Directives from the 9<sup>th</sup> Division gave a deadline of January 1994 for the return of all remaining refugees, and despite persistent appeals from the MNRC and refugees for them to be allowed to stay, a systematic repatriation process began that month as planned.

*We did not want to move. No one wanted to move. Even if we had to change locations we would have preferred somewhere else in Thailand, because the Tatmadaw was still attacking.<sup>92</sup>*

Middle aged male IDP in Balah Hani (one of five IDP settlements in Halockhani)

*If the refugees had been allowed they would have stayed, because the NMSP region was not safe. People wondered 'who will protect us?' This is the big question for everyone considering repatriation.<sup>93</sup>*

Nai Kasauh Mon, Former Secretary of MNRC

Thai authorities worked primarily through the MNRC, stating that the group was to coordinate returns to meet set quotas, or the refugees would be arrested. By April 1994, Loh

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<sup>89</sup> Nai Shwe Thein, NMSP; discussion with four NMSP Executive Committee members on 15/09/13, Thailand.

<sup>90</sup> International aid worker; interviewed in Thailand, 18/09/13.

<sup>91</sup> Locally Halockhani refers to a valley region spanning both sides of the border, but has become best known as the name of the IDP site on the Myanmar side.

<sup>92</sup> Middle aged male IDP in Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13,

<sup>93</sup> Nai Kasauh Mon, former MNRC secretary and current Director of the Human Rights Foundation of Monland (HURFOM); interviewed in Thailand, 13/09/13.

Loe had been cleared entirely and destroyed by the RTA, with the large majority of residents being repatriated to three IDP sites under contested territories held largely by the NMSP. The largest of these at the time was Halockhani, which consisted of a number of small villages, housing just over 6,000.<sup>94</sup> The move was ultimately accepted by the international community ‘on the grounds that access for relief supplies and monitoring was still permitted, and because assurance was given that the refugees could return to Thailand if under attack.’<sup>95</sup>

The refugee communities had already become fairly established under the patronage of the NMSP and there appears to have been little question that they would be returned to areas under their dominion rather than that of the government. According to Nai Siri Mon Chan, then Secretary General of the MNRC:

*We wanted them to come back to our area so we could train them and support them.*<sup>96</sup>

According to the locally elected village chief of Balah Hani, who was repatriated during the push:

*Most villagers just follow the leaders. NMSP and MNRC negotiated it all with the [Thai authorities], and they were told we had to move.*<sup>97</sup>

Another elderly man in the same village explained:

*We chose to come here to the NMSP area because we don’t like the Government system. It is important to us that we live under the NMSP. That is what we want... Actually, we would be happy with any system of government that wants to rule here, as long as they are good and don’t harm us. Otherwise, we will run.*<sup>98</sup>

Three sites were chosen by the MNRC and presented to the refugees who were given the option of where to move to. One of these was Halockhani, and the others were called Bee Ree,<sup>99</sup> and Tavoy, though the latter was not used much until later years. Within each site there was also a choice of multiple villages.<sup>100</sup> The sites were chosen as they were close to the border, which was key to humanitarian access and to keep them as far away from conflict as possible. They were also chosen as they were in close proximity to well-held NMSP positions. Halockhani was in fact just a few hours from Tatmadaw positions in Three Pagodas Pass too but was chosen because it was easily accessible from Thailand, at just an hour and a half from Sangkhlaburi town by truck.

Some families said they chose the specific sites based on which was closer to home, others based their decisions on what they thought would be safest.

The challenges also varied depending on the area. Bee Ree sits on a wide and fertile section of the Ye River, and has plenty of land for wetland farming. Halockhani on the other hand is

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<sup>94</sup> By the end of April 1994, Halockhani had a registered population of 6072 and the other main site, at Bee Ree had 1013.

<sup>95</sup> BBC (1994a) pp. 2-3.

<sup>96</sup> Nai Shwe Thein (NMSP); discussion with four NMSP Executive Committee members on 15/09/13, Thailand.

<sup>97</sup> Male village chief of Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13.

<sup>98</sup> Elderly male IDP; Group discussion with three retired males in Balah Hani, 16/09/13.

<sup>99</sup> Bee Ree is also the site of the NMSP HQ.

<sup>100</sup> Five independent accounts of this were obtained from IDPs during interviews on 15/09/13 and 16/09/13.

positioned between two very steep mountains, and has no lowland, creating a dependence on foraging and shifting agriculture, or trade with Thailand. Tavoy has a mixture of land types but since then, and until the time of writing, it has been made insecure by a large number of local militia as well as the Tatmadaw and its proxy forces, all of which extract funds, resources and labour from the local population.

The majority of support for the initial move was provided by BBC via MNRC. Refugees were transported mostly by trucks belonging to the NMSP and MNRC in groups of around ten, though some walked much of the way too. The new sites were bare, meaning that there were no issues for locals having to accommodate the influx but that much work needed to be done. With only the most basic support from MNRC, many of the displaced struggled.

*There was nothing here when we came. It was very vacant land. There was no one here, so no problems for any locals.*<sup>101</sup>

Current village chief of Balah Hani

*The area had 300 huge trees so it was a lot work – really thick forest. It was so much work and we didn't have much food, so some people died.*<sup>102</sup>

Elderly IDP in Balah Hani

*We had no resources or means [of our own] to move to another place. We got blankets, mosquito nets, medicine, and very basic water. It was all OK but even during the period of moving we wished we had better education and proper sanitation. The [lack of the latter] caused minor health problems.*<sup>103</sup>

Middle aged male in Balah Hani

#### *Worst fears confirmed: the attack on Halockhani*

As had been feared, on 21 July 1994 the new settlements in Halockhani came under attack by the Tatmadaw, at the height of the rainy season. It was a Buddhist holiday, and early in the morning while the residents were at temple, around 100 troops from Tatmadaw Infantry Battalion (IB) 61 entered the village of Balah Don Pheid, sending the residents fleeing. They burned a number of homes and destroyed stockpiles of aid that had been provided by international donors. Such practices were, and remain, a common feature of counter-insurgency strategy of the Tatmadaw, which, unable to identify and target combatants directly, aims to disrupt armed groups' channels of support by destabilising entire societies under their patronage.

*They took livestock and food and burned what they couldn't take. We had produced no food yet, so that was all from MNRC.*<sup>104</sup>

Middle aged male in Balah Hani

*They burned our houses. We had been here for around a year but the houses were all still bamboo. We scattered around the area into the hills.*<sup>105</sup>

Current village chief of Balah Don Pheid

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<sup>101</sup> Male village chief of Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13.

<sup>102</sup> Elderly male IDP; Group discussion with three retired males in Balah Hani, 16/09/13.

<sup>103</sup> Middle aged male IDP in Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13,

<sup>104</sup> Ibid.

<sup>105</sup> Elderly male village chief of Balah Don Pheid; part of group discussion, Balah Don Pheid, 16/09/13.

As well as those who scattered, some hid in holes that had been pre-dug under their houses, in preparation for such an event.

*My father had dug a big hole under our house. Twelve of us hid in there for the whole day... I was just a child at the time.*<sup>106</sup>

Mother of two living in Balah Don Pheid

The Tatmadaw soldiers took around 60 villagers to use as human shields as they moved deeper into the camp, of whom most escaped during a clash with NMSP, but 16 were taken to a battalion HQ near Ye town. Captives and their families described some of their experiences:

*They slapped me and ripped out my earring. I escaped at the entrance to the next village.*<sup>107</sup>

Middle aged female resident of Balah Don Pheid

*They handcuffed me. They beat me up. They kicked and slapped me, and hit me with the butts of their rifles. They took us to the battalion at Ye. They didn't do anything to me there and then released us the next morning.*<sup>108</sup>

Middle aged male resident of Balah Don Pheid

*My son-in-law [then village chief] was arrested. He was handcuffed and blindfolded. They burned all of them with cigarettes, kicked them and tortured them, demanding information. After they took him away, he was used as a porter. He wore one set of clothes for the whole week - wet then dry, then wet, and so on. No shower, no change... We were so deeply scared back here, a lot of people had been captured, and my daughter and I hid all night under our house [in a hole that had been dug].*<sup>109</sup>

Elderly female IDP in Balah Don Pheid

The events drove all of the 6,000 IDPs to the border, where they set up camp at the threshold, immediately on the Thai side. Most of them arrived with the assistance of MNRC on 22 July, having emerged from their hiding sites and come down from the surrounding hills.

*We were so afraid, we were very relieved when the MNRC came to the village and helped us move to the border.*<sup>110</sup>

Elderly female IDP in Balah Don Pheid

*When we arrived on the border, the RTA came and guarded us and protected us. They stayed on the border in front of the refugees, protecting the border.*<sup>111</sup>

Current village chief of Balah Hani

The MNRC built large 'barracks-like' tents from bamboo and tarpaulin, for the displaced to shelter under. In these conditions, at the height of the wet season, the community suffered

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<sup>106</sup> IDP mother of two in Balah Don Pheid; interviewed at her house; 16/09/13.

<sup>107</sup> Middle aged female IDP in Balah Don Pheid; part of group discussion; 16/09/13, Balah Don Pheid.

<sup>108</sup> Middle aged male IDP in Balah Don Pheid; part of group discussion; 16/09/13, Balah Don Pheid.

<sup>109</sup> Elderly female IDP in Balah Don Pheid; interviewed at her house; 16/09/13.

<sup>110</sup> Ibid.

<sup>111</sup> Male village chief of Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13.

from diarrhoea, respiratory diseases, and mosquito-borne diseases such as dengue. Fortunately, support from BBC and Medicins Sans Frontiers (MSF) helped to control the situation.<sup>112</sup>

To make matters worse, within days of their arrival the RTA 9<sup>th</sup> Division began pressuring the refugees to return once more, while the local government authorities stated that they were regarded ‘only as illegal immigrants’.<sup>113</sup> Some members of the MNRC began a public movement in Bangkok and Sangkhlaburi to protest against a second forced repatriation, while the BBC made repeated appeals for them to be granted further asylum. However, the Thai authorities continued to insist on return, as the 9<sup>th</sup> Division began to make humanitarian access increasingly difficult for international agencies.

At the same time, ceasefire negotiations between the NMSP and the Myanmar Government had come to a complete deadlock. While the NMSP leadership vied to accept only a comprehensive political settlement, government negotiators led by the junta intelligence chief, Gen. Khin Nyunt said that was out of the question and that only a military ceasefire would be discussed. Numerous Thai actors were also increasing the pressure on the NMSP leadership to sign the ceasefire, in order to improve trade along the border. Not only was the gas pipeline deal close to being signed, a recent ban of teak logging in Thailand was also seen as an incentive for forcing an end to armed hostilities to facilitate greater cross-border trade.

According to Nai Shwe Thein, the NMSP felt that the attack had been orchestrated in order to apply further pressure for them to sign the deal, with governments on both sides knowing that such a settlement would be the only humanitarian solution

*I think the Tatmadaw purposely attacked Halockhani to force us to sign the agreement... At the same time, the Thai Ministry of the Interior and the NSC had forced us to re-engage in peace talks. The refugees were constantly mentioned by them as a reason to sign the ceasefire... It was like a subtle threat.*<sup>114</sup>

Meanwhile, the Tatmadaw’s military campaign was intensifying and increasing numbers of displaced people were moving toward the border. As well as those fleeing ongoing conflict, thousands more were moving to escape intensive forced labour demands for the construction of a new railway between Ye and Tavoy towns.

The last straw came on 31 August, when the 9<sup>th</sup> Division locked and blockaded a warehouse on the Thai side of the border where food and other basic supplies provided by BBC were being stored. They refused to allow any humanitarian agency access until the refugees were repatriated. International and local aid workers at the time stated that the refugees were being ‘starved’ back.<sup>115</sup> Local and international actors appealed to the RTG for greater leniency, while the UNHCR stated that it would refuse to call it a ‘voluntary repatriation’.<sup>116</sup> Regardless, by 9 September the site had been cleared and razed, despite continued abject fear

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<sup>112</sup> Mon National Relief Committee Monthly Report, August 1994; available at: <http://www.burmalibrary.org/docs11/MRDC1994-08.pdf>

<sup>113</sup> Quoted by the MNRC in a private statement documented in Lang (2002), p. 112.

<sup>114</sup> Nai Shwe Thein (NMSP); discussion with four NMSP Executive Committee members, 15/09/13, Thailand.

<sup>115</sup> Lang (2002), p. 112.

<sup>116</sup> South (2003).

among the refugees. Interestingly, this was the very same day a memorandum of understanding was established for the sale of Myanmar gas to Thailand.<sup>117</sup>

*The second time we went back we were in constant fear they would attack again.*<sup>118</sup>

Current village chief of Balah Hani

*We knew it wasn't safe. We were totally forced and we feared we would be attacked.*<sup>119</sup>

Middle aged female IDP in Balah Don Pheid

Amid this climate of fear among the returned, there was no access to formalised protection and a lack of awareness of their rights.

*From our perspective, we had no choice. The NMSP had guns and even they could not deny the Thais' orders. How on earth could we?*<sup>120</sup>

Current village chief of Balah Hani

*We did not want to come back at that time but they forced us. They ordered us and we could not resist.*<sup>121</sup>

Middle aged male IDP in Balah Don Pheid

*After that we wanted to be refugees in Thailand; we had a very strong burning fear that it would happen again.*<sup>122</sup>

Current village chief of Balah Don Pheid

Further adding to the trepidation was a lack of information provided to the displaced regarding the reasons for their return and the broader political context.

*We were sent back because of some political events at the time but we don't know the details as we are just villagers, not politicians.*<sup>123</sup>

Current village chief of Balah Hani

### *Without international protection*

By any measure, the manner in which these first 6,000 Mon refugees were returned to Myanmar falls far short of the UNHCR concept of 'voluntary repatriation in safety and dignity'. Not only was it involuntary, refugees were being returned to an extremely fragile security environment, where they had faced targeted attacks less than 50 days prior. Given the nature of Tatmadaw strategy at that time - to purposely target civilian populations thought to be under the patronage of the NMSP - the decision to force the displaced back to a site within hours of a Tatmadaw frontline position could constitute refoulement.

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<sup>117</sup> Ibid.

<sup>118</sup> Male village chief of Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13.

<sup>119</sup> Middle aged female IDP; part of group discussion; 16/09/13, Balah Don Pheid.

<sup>120</sup> Male village chief of Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13.

<sup>121</sup> Middle aged male; part of group discussion; 16/09/13, Balah Don Pheid.

<sup>122</sup> Male village chief of Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13.

<sup>123</sup> Ibid.

Nonetheless, the repatriation went ahead and the Mon refugees slowly settled into the sites of Halockhani as did those further south in the Bee Ree and Tavoy areas, who had not had to flee. Those who had lost their homes rebuilt them, along with the support of the MNRC, once again from bamboo.

UNHCR has since been criticised for not doing enough, as they did almost nothing to advocate for the protection of the displaced people. UNHCR's involvement on the Thailand-Myanmar border had until then been limited to sporadic missions, loosely on a quarterly basis, but the Halockhani incident helped to galvanise the agency's engagement with the RTG. According to an interview with UNHCR Bangkok's regional representative of the time, those events paved the way for the UNHCR to begin taking a greater role as mediator in affairs related to refugees from Myanmar.<sup>124</sup> However, this made no difference to the displaced Mon who had already been pushed back.

### *Ceasefire agreement and return of the remaining refugees*

Around 4,000 Mon refugees remained on the Thai side of the border by then, in one camp named Paw Yaw Camp, who soon began facing pressure from the RTA 9<sup>th</sup> Division to also cross the border into NMSP territory. This time around, as ceasefire negotiations between the Myanmar government and the NMSP recommenced, the displaced people featured briefly on the agenda. According to Nai Siri Mon Chan, who was Secretary General of the MNRC and on the NMSP negotiating team:

*Future repatriation played a small part in the ceasefire talks. We discussed how we would return them to our area, and discussed potential locations and so on... We told them all our plans for the refugees and they accepted them, but just in words, nothing on paper.*<sup>125</sup>

Other NMSP leaders interviewed for this study had not remembered the issue featuring in talks, suggesting discussions on the matter were less than comprehensive. Nonetheless, with Thai pressure increasing too, concern grew among the Mon actors and the international community that a pushback of the remaining 4,000 was inevitable following any form of ceasefire, even if the security of the refugees could not be guaranteed.<sup>126</sup>

With its military strength diminishing, and the Tatmadaw having made significant gains against other EAGs in the region, the NMSP became wary that it could lose its territory altogether. So on 29 June 1995, a 'gentleman's agreement' was made, without signatures, that gave the NMSP two semi-autonomous 'Special Regions', one of which encompassed all of the IDP sites. Independent social services continued to be provided by the NMSP, including Mon national schools. Government offers to build a school under the national system with foreign backing were treated with scepticism and rejected by the NMSP.<sup>127</sup> The negotiations also achieved a verbal commitment from the Myanmar Government to reduce

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<sup>124</sup> Lang (2002), p. 113.

<sup>125</sup> Nai Siri Mon Chan (NMSP); discussion with four NMSP Executive Committee members, 15/09/13, Thailand.

<sup>126</sup> South (2003).

<sup>127</sup> Ibid.

the levels of forced labour it had been subjecting Mon civilians to, but it made no concessions to completely end the Tatmadaw's forcible conscription of porters in the area.<sup>128</sup>

UNHCR was allowed by the RTG to visit Paw Yaw Camp but any involvement in cross-border support for the repatriation would have depended on permission from the Myanmar Government. UNHCR met with Myanmar's Gen. Khin Nyunt in 1995 to request permission to monitor the movement, but this was denied. Thus, in November 1995, the Mon Resettlement Committee was formed to oversee the process.<sup>129</sup> UNHCR's intervention was seen as helpful, however, in securing an agreement with the Thai Ministry of the Interior for three year access to cross-border relief agencies. This was critically important according to the MNRC, but one of their former staff feels more could have been done by the agency.

*UNHCR and Western governments were incredibly important in securing the initial 3-year agreement. They helped to soften the RTA's stance... But they could have done greater consultation with the local actors. They were only there for 6 months from late 1995 until March/April 96.*<sup>130</sup>

Nai Kasauh Mon, former Secretary of MNRC

### *From refugees to IDPs*

Between December 1995 and the following March, the remaining 4,000 refugees were moved across the border. MNRC estimated that 80% of these settled immediately across from the Paw Yaw Camp into three IDP settlements while the remaining 20% went to Halockhani and Bee Ree. Most of these people were moved by the NMSP in four-wheel and ten-wheel trucks. At the same time, more displaced Mon families were arriving monthly. When the MNRC announced the completed repatriation in March 1996, they also stated that 250 newly displaced families had arrived at the Tavoy sites that month, mostly fleeing forced labour.<sup>131</sup>

In all these areas, an interim arrangement remained whereby refugees became IDPs rather than being able to return home, even after the ceasefire. Further, despite a notion among some UNHCR staff that it could be considered a 'spontaneous return',<sup>132</sup> all primary accounts documented for this study as well as a host of secondary accounts considered it a forced repatriation if not refoulement.<sup>133</sup> According to one international aid worker, as recently as 2012, similar assumptions were apparent among some UNHCR staff who had been referring back to the repatriation as a good example of how spontaneous return had taken place following a ceasefire.

Regardless, despite continuing fragility of the political and security environment, over the following years these populations became increasingly settled. In Halockhani, where farmland was scarce, the IDPs began foraging in the forests nearby for wild vegetables and

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<sup>128</sup> Lang (2002), p. 117.

<sup>129</sup> Ibid. p. 116.

<sup>130</sup> Nai Kasauh Mon, HURFOM, formerly MNRC; interviewed in Thailand, 13/09/13.

<sup>131</sup> Mon National Relief Committee Monthly Report, March 1996; available at: <http://www.burmalibrary.org/docs11/MRDC1996-03.pdf>

<sup>132</sup> South (2003).

<sup>133</sup> For some secondary examples: South (2003), Lang (2002), Lang (2001), NCGUB (1997), JRS (1996), ACFOA (1996).



basic materials. They were able to find some things to sell to Thai traders, such as bamboo shoots. Once they had settled, residents were able to register land they had begun using with the NMSP. There was enough land for families to claim as much as they could farm, but as it was mostly on mountain hillsides, the level of productivity was, and remains, limited. Having come from wetland areas, villagers had to adapt their lifestyle around different farming methods and yearly cycles.

*We could just use the land as we pleased at first, so we went searching for bamboo shoots and other things to eat and sell. Later we registered plots of land with the NMSP.*<sup>134</sup>

Current village committee member of Balah Hani

*There was a lot of land so families could get 5-10 acres depending on family size but it was mostly mountainous in that area so it would not always produce enough... The [displaced people] would seek out their own area and then go to the NMSP to register. They granted them land titles... Most of the families were from lowland areas so they had to change their lifestyle around slash-and-burn farming practices.*<sup>135</sup>

Nai Kasauh Mon, former Secretary of MNRC

### *The struggle for livelihoods*

For the first three years, aid was supplied with official permission from the RTG and was considered adequate by the populations in Halockhani, but was not always sufficient for those in Tavoy and Bee Ree sites, which were harder to access, especially in the wet season. After that period, the levels of aid decreased but BBC and some other agencies continued to provide support via MNRC under agreements arranged locally with Thai authorities along the border.

In Bee Ree especially, IDPs were able to develop independent livelihoods, as lowlands allowed them to grow rice and sell the surplus, and in later years begin cultivating oranges and rubber. Continued displacement led to increasing populations in mountainous Halockhani, who faced difficulties in sustaining livelihoods. Continuing to depend on aid, some income generation was achieved via the collection of bamboo shoots in the wet season and special grasses used for making brooms during the cold season. Others managed to start small independent enterprises too, but generally living conditions have improved very little.

*Over the years our living conditions have not changed that much but some people have been able to start businesses.*<sup>136</sup>

Current village chief of Balah Don Pheid

Further, the incursion of some large-scale business has had positive and negative impacts on livelihoods, creating some jobs but also hindering access to traditionally-used materials.

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<sup>134</sup> Male Balah Hani village committee member; part of a group discussion, Balah Hani, 15/09/13.

<sup>135</sup> Nai Kasauh Mon, HURFOM, formerly MNRC; interviewed in Thailand, 13/09/13.

<sup>136</sup> Male village chief of Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13.

*Jobs have been created on rubber plantations. We also have a few of our own crops to sell. But we still rely on assistance.*<sup>137</sup>

Middle aged male resident of Balah Don Pheid

*Logging companies have taken all the trees so we are unable to get leaves for our roofs so we have to buy them.*

Current village chief of Balah Don Pheid

As inclusive economic development has not been achieved, many IDP families have become dependent on some members finding work away from home to send back remittances. According to a retired man in Balah Hani:

*Some people have gone to Three Pagoda's Pass [a border area now mostly controlled by the government with presence of some Karen armed groups] and others to Thailand for work. The men mostly work on rubber plantations, others in construction, on fishing boats. Women mostly work in sardine factories, a cake factory, or in shrimp factories in Thailand.*<sup>138</sup>

In the same discussion, another man explained some complications and risks involved:

*If there were more jobs here then they wouldn't want to go there anymore. It is really expensive to go to Thailand. We want to stay here. Also there are many risks for women travelling there, such as rape. So we really want our people to stay here all the time.*<sup>139</sup>

The lack of development has also caused problems for travel and transportation. Roads throughout the camps are mostly mud and at best shoddily laden with stone or brick. Sitting in a valley that has been logged considerably over the years, Halockhani especially suffers from landslides and thus sporadic road damage that can have harmful impacts on people's lives.

*Some years are better than others. This year the road has been destroyed so we have many problems, like emergency healthcare. We need some kind of a system for carrying people because we can only carry them by hand [approximately five miles up steep hills to get to the next useable road en route to hospitals in Thailand].*<sup>140</sup>

Current village chief of Balah Don Pheid

### *Governance in the Special Regions*

This severe lack of inclusive development can be attributed largely to poor government policy across Myanmar, as well as the knock-on effects of the entire south-east region having been plagued by conflict and often under de facto martial rule. However, the absence of a robust economic policy of the NMSF is also a factor. Nonetheless, unlike some other areas of non-state governance in Myanmar, there were no signs that the residents saw their patrons as

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<sup>137</sup> Middle aged male IDP; as part of group discussion, Balah Don Pheid, 16/09/13.

<sup>138</sup> Elderly man; as part of group discussion with three retired males, Balah Hani, 16/09/13.

<sup>139</sup> Second elderly man; as part of group discussion with three retired males, Balah Hani, 16/09/13; corroborated by Middle aged male; as part of group discussion, Balah Don Pheid, 16/09/13.

<sup>140</sup> Male village chief of Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13.

predatory or exploitative. While vulnerable populations were encouraged to register and utilise land, they were rarely taxed unless making significant profit.

*NMSP does not require much tax from our produce. If we are not making much profit they don't ask. Only if people have big businesses, maybe they then have to pay. But for ordinary villagers there are no taxes.*<sup>141</sup>

Relatedly, current village leaders also brought up the role of the NMSP when discussing efforts to curb potential social problems, and other difficulties, during difficult periods.

*We all came from different places but it worked out because of the leadership of the NMSP who took care of criminals etc... Communities took care of social issues internally, and because the village chief was provided authority by the NMSP, things worked out... Without that discipline, there could have been problems.*<sup>142</sup>

Current village chief of Balah Hani

*The patronage of the NMSP has been very important whenever we've moved. This has helped a lot because they deal with crime, they helped us with transport and provided protection.*<sup>143</sup>

Current village chief of Balah Don Pheid

Interviewees also pointed to the strength of community due to the struggle the displaced had endured together, highlighting the agency of internal community support mechanisms.

*There were no big social issues as everyone had been through the same struggle so bonded and took care of each other. No one had to lock the door or anything like that. There was a minority of Karen and Dawei ethnics too, but all ethnics were equal.*<sup>144</sup>

Current village chief of Balah Hani

This appears to have been supported by the establishment of village chief and secretariat systems of a democratic nature, under the guidance of the NMSP.

*When we got here, we elected a village head. There are no candidates in our elections. Everyone just writes the name they want but can't write their own. We now elect every two years. Before it was every year. One house gets one vote – you chose who goes, usually the father. The top five all get positions. The first is village head, then the others become secretaries and they all form a leadership committee.*<sup>145</sup>

Retired man living in Balah Don Pheid

These are however evidently predicated on a patriarchal community structure, which one male community worker noted is common throughout Mon society and indirectly contributes to high levels of domestic violence.<sup>146</sup>

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<sup>141</sup> Elderly man, during group discussion with three retired males; 16/09/13, Balah Hani.

<sup>142</sup> Male village chief of Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13.

<sup>143</sup> Male village chief of Balah Don Pheid village, Halockhani; interviewed in Balah Don Pheid, 16/09/13.

<sup>144</sup> Male village chief of Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13.

<sup>145</sup> Retired male IDP in Balah Don Pheid; interviewed independently at his house; 16/09/13; the particulars of the voting system were checked and corroborated.

<sup>146</sup> Nai Kasauh Mon, HURFOM, formerly MNRC; interviewed in Thailand, 13/09/13.

### *Protection and solutions for IDPs?*

Over the years, the security concerns of IDPs - that were described as having been a ‘strong burning fear’<sup>147</sup> around 1994 and 1995 – began to ease off, though not immediately after the ceasefire. Today, the sense of security is notably different family-by-family.

*After the ceasefire, we started to feel safer, but only a little bit... Over the years we began feeling more secure, but that was much later.*<sup>148</sup>

Current village chief of Balah Don Pheid

*For a long time, Tatmadaw troops were positioned far away from their garrison and very close to our area so we were terrified they were going to break the ceasefire... We started to feel more secure over time.*<sup>149</sup>

Current village committee member of Balah Hani

*I feel completely safe here. I started adding brick to my house bit by bit, and now it is a permanent house.*<sup>150</sup>

Retired man living in Balah Don Pheid

*We always fear that we will have to flee again though. Until there is no more conflict, we will always fear that we have to flee.*<sup>151</sup>

Middle aged female resident of Balah Don Pheid

Even following the ceasefire, some instances of fighting continued, as did sporadic incursions into the IDP areas. The most notable security issues for the IDPs in the post-ceasefire period took place around the Tavoy IDP sites, where a breakaway faction of the NMSP maintained its insurgency. In following decades, other splinter groups came and went in this area, often perpetuating abuses on civilians. Also in Halockhani, minor incursions by the Tatmadaw took place on occasion.

*They attacked again in 1996, entering from the north, and requested porters but everyone rejected so they passed through.*<sup>152</sup>

Current village chief of Balah Hani

In 2010, fears of a relapse to conflict rose as relations between the government and the NMSP temporarily broke. At the same time, a splinter faction of the Democratic Karen Buddhist/Benevolent Army (DKBA) began launching raids and ambushes on government forces in Three Pagoda’s Pass area. As a result of both events, more people fled to Halockhani.

According to the Mon Relief and Development Committee (MRDC), which now administers the IDP settlements, there have been no cases documented of return to villages of origin. This was reiterated by members of the IDP communities, though some have gone to Thailand and

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<sup>147</sup> Male village chief of Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13.

<sup>148</sup> Ibid.

<sup>149</sup> Male Balah Hani village committee member; part of a group discussion, Balah Hani, 15/09/13.

<sup>150</sup> Retired male IDP in Balah Don Pheid; interviewed independently at his house; 16/09/13.

<sup>151</sup> Middle aged female, and her daughter; interviewed at their house, Balah Don Pheid 16/09/13.

<sup>152</sup> Male village chief of Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13.

other towns in Myanmar for work. However, some of the displaced have been able to visit their homes on occasion, often to pay respect to their elders, a practice which is very important culturally. Many of those interviewed in Halockhani had accepted the area as their home, largely because of the lack of violence faced.

*This is the first time in our lives that we have stayed in one place. As long as we don't have to run again this is where we stay.*<sup>153</sup>

Middle-aged couple living in Balah Hani

*We are happy here. We grew up here. It's peaceful here, so we are staying.*<sup>154</sup>

Single mother of three living in Balah Don Pheid

*I am happy to stay here and raise my child.*<sup>155</sup>

Mother of a newly born child in Balah Don Pheid

This indicates to a degree that the resettlement and integration process has been successful. However, a number of protection concerns persist as the primary reasons for not returning. Thus, while many residents appear to have accepted the IDP sites as their new homes, this is largely due to a perceived lack of choice.

*People stay here because we are free. Back there we have to always pay tax; we face abuse and corruption. It's not stable.*<sup>156</sup>

Elderly female resident of Balah Don Pheid

*We are scared about what will happen in the future if we are over there. There is no security.*<sup>157</sup>

Mother of two living in Balah Don Pheid

*They are stuck there because of the Tatmadaw – people are afraid of them. Everyone has lost family members and experienced abuse so they are scared.*<sup>158</sup>

Nai Kasauh Mon, Former Secretary of MNRC

Further, the majority of the population is still dependent to a degree on aid and have limited livelihood opportunities.

*We currently receive enough aid for three months per year but its not enough. We still need more support for our livelihood. For women, children and old people, this is particularly serious.*<sup>159</sup>

*We are lucky that although we have been able to integrate them to a degree, aid has continued. People can't go outside the resettlement sites safely. They are remote and cut off so there is no movement, no real trade, so aid has been crucial. It's been*

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<sup>153</sup> Middle-aged couple; interviewed at their house, Balah Don Pheid, 16/09/13.

<sup>154</sup> Single mother of three; interviewed at her house Balah Don Pheid, 16/09/13.

<sup>155</sup> Mother of a newly born child who had been repatriated at age 3; interviewed at her mother's house Balah Don Pheid, 16/09/13.

<sup>156</sup> Ibid.

<sup>157</sup> Mother of two; interviewed at her house Balah Don Pheid, 16/09/13.

<sup>158</sup> Nai Kasauh Mon, HURFOM, formerly MNRC; interviewed in Thailand, 13/09/13.

<sup>159</sup> Male village chief of Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13.

*terrible for many but we are very lucky to stay in our own land and still get support.*<sup>160</sup>

Nai Kasauh Mon, Former Secretary of MNRC

The sustainability of current arrangements depends crucially on political developments too. Related to the above security concerns, many of those interviewed emphasised their desire to live under the NMSP as a primary reason for their willingness to stay.

*The NMSP only gets involved in severe criminal issues, but over there [in government areas where I come from] the police are involved in every single social issue and aspect of life.*<sup>161</sup>

Current village chief of Balah Don Pheid

*We are much more free and happy under the NMSP.*<sup>162</sup>

Middle aged female resident of Balah Don Pheid

*We are much, much, much more comfortable living under the NMSP than the government. Down there we face many problems.*<sup>163</sup>

Current village chief of Balah Hani

However, after 18 years of ceasefire, there is still no clear sign of a sustainable solution that will allow the NMSP to continue to administer the region. Further, lack of integration into the broader political economy of Myanmar has deprived the IDPs of certain rights as citizens, such as identification cards that will allow them to register land officially and travel more freely. Though such registration was treated with suspicion in the past, the political transition that began in 2011 appears to have encouraged a new interest among IDPs.

*We want to get ID cards. Three years ago, the government offered them but we all refused because it was not clear who we were registering with or why. There were also many rumours that it was a trick.*<sup>164</sup>

Retired male resident of Balah Don Pheid

*ID registration is very important. It has not been provided yet for the IDPs yet. It is also important that people are able to register their land, so community organisations are helping them to do that.*<sup>165</sup>

Nai Kasauh Mon, Former Secretary of MNRC

## Conclusions – lessons learned

In the context of both ceasefires, the core determinants of success or failure for return and resettlement have been hinged on broader political issues. In both cases, almost 20 years since return and resettlement was attempted, the majority of the populations remain displaced, or have become so for a second time. The fragility of ceasefires, and their inability

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<sup>160</sup> Nai Kasauh Mon, HURFOM, formerly MNRC; interviewed in Thailand, 13/09/13.

<sup>161</sup> Elderly male village chief of Balah Don Pheid, Halockhani; interviewed in Balah Don Pheid, 16/09/13.

<sup>162</sup> Middle aged female; as part of group discussion, Balah Don Pheid, 16/09/13.

<sup>163</sup> Male village chief of Balah Hani village, Halockhani; interviewed in Balah Hani, 15/09/13.

<sup>164</sup> Retired male resident of Balah Don Pheid; interviewed at his house, Balah Don Pheid, 16/09/13.

<sup>165</sup> Nai Kasauh Mon, HURFOM, formerly MNRC; interviewed in Thailand, 13/09/13.

to ensure displaced populations' protection in the long term, appear to be the main factors hindering a durable solution. This was not helped by a lack of discussion during conflict negotiations of arrangements for the return, resettlement or protection of IDPs. Further, there were no apparent efforts by any of the parties to consult displaced people specifically or to ensure their particular concerns were reflected in their negotiation strategies.

The many challenges faced by displaced populations around the time that ceasefires were signed were compounded significantly by an almost total lack of international presence. Such intervention could have facilitated the needs of displaced people being included in ceasefire negotiations and supported the emergence of protection mechanisms to ensure greater safety of those returning or resettling. In the case of the Kachin, there is no indication of any UNHCR involvement whatsoever in Kachin State or bordering China. In the case of the Mon, the UNHCR had an extremely limited operational role in Thailand at the time, and was unable to provide any form of protection for the Mon refugees who were forcibly repatriated numerous times.

### *The role of patron-client politics*

Despite the lack of international coordination, both ceasefires did lead to large-scale movements of displaced populations, in very different ways from each other, providing a number of crucial lessons. There is much to learn particularly regarding the needs and behaviours of refugees and IDPs based close to borders, in which there are often patron-client relationships with EAGs. Significantly, very similar relationships with EAGs are experienced by IDPs in much of the south-east, the Shan and Kachin states, as well as the refugees residing in 'temporary settlements' in Thailand.

These political dynamics have shaped displaced people's decisions significantly, firstly due to the pivotal role that EAGs and their associated agencies play as collective decision makers and secondly in the way that the populations have been persistently targeted and harassed by the Tatmadaw, partly as a result. In the case of the Mon, where a top-down repatriation programme was carried out by the MNRC, the displaced appear to have followed with little or no resistance, seemingly exploring no other independent strategies. While no broad coordination of displaced people was undertaken by the KIO, a wide array of strategies were employed, usually defined by explicit efforts to avoid the Tatmadaw at all costs. In both cases, decisions were shaped largely by community ties to EAGs and experience of abuse by the Tatmadaw.

Once conflict was brought to a close, EAG Special Regions provided a finite sanctuary from ongoing drivers of insecurity and a political space under the often-desired minority ethnonationalist rule, thus allowing limited reintegration and rehabilitation to take place. However, the temporary nature of their constituency and isolation from the mainstream political economy of Myanmar constrained their ability to provide a permanent solution. As spaces constructed primarily around the boundaries of a decades-old conflict, the Special Regions were, and are, inevitably fragile, as displayed most dramatically by the Tatmadaw offensives of 2011-2013 in Kachin State, which re-displaced tens of thousands of people just as they had started to become integrated. Political and security conditions surrounding the NMSP Special Region too have kept the displaced restricted to spaces where complete reintegration remains unfeasible due to economic and geographic factors.

Without steps towards a comprehensive political solution that provides for adequate protection of local communities, the space for voluntary repatriation will remain limited, while attempts at reintegration of IDPs will be continually undermined. It is crucial that the political and geographic spaces facilitating solutions for displaced people are provided a level of permanence by ceasefire and peace negotiations. Ideally the enhancement of such spaces should be a key aim of such talks and not just a by-product. However, the kind of compromises that could allow such spaces seem extremely far away, as the state's military strategy has long centred on the manipulation of the movements and loyalties of populations, and its approach to nation-building has been staunchly unitary. Nonetheless, to support the protection of displaced communities and to ultimately facilitate durable solutions, these negotiations should take careful account of what the expectations of these populations are.

### *Protection concerns a priority for the displaced*

While the main drivers of initial displacement have in both cases stemmed primarily from incidences of armed conflict, they are viewed primarily by the displaced as part of a broader campaign of violent oppression against them as an ethnic group. Indeed, the majority of conflict-driven displacement in Myanmar is not a by-product of armed engagements but rather a central aim of the state's approach to counter-insurgency. Thus, from the perspectives of the displaced, a lasting 'solution' to conflict and displacement is contingent not just on reductions of armed clashes but on comprehensive reform of the national military and on the emergence of institutionalised protection predicated on their specific needs. These experiences and perceptions of the displaced must also be carefully considered when assessing the potential efficacy of resettlement plans driven by the government.

The space for international actors to influence reform remains unavoidably limited for political reasons, with many international actors still treading carefully and patiently building their relationships with the new Myanmar Government. Nonetheless, further pressure applied at the diplomatic level in this area could represent much-needed preventative action. Even a modicum of progress towards security sector reform that abates levels of abuse directed at ethnic minority civilians could prove more worthwhile than much vaster investments in humanitarian support. As shown in this study, international support of this kind is greatly sought by displaced people, and at times was said to be of greater necessity than humanitarian assistance, especially in Kachin State, where conflict has been most recently experienced.

### *Strengthening informal and formal institutions for protection*

Alongside such intervention, or in its absence, options for supporting the evolution of formal and informal protection mechanisms must be explored as a priority, to allay ongoing threats and pre-empt future ones in order to create space for voluntary return. Top-down initiatives will be key, and could in the long-term support broader security sector reforms, but it is likely that support of community protection mechanisms at the grassroots level, in connection with broader civil society schemes, will provide the most locally-legitimate and sustainable forms of protection assistance.

In terms of top-down institutions that could be engaged, national level bodies such as the Myanmar Human Rights Commission and various land commissions are perhaps the most obvious. However, token capacity-building programmes or other non-comprehensive forms



of engagement could risk adding a veneer of legitimacy to what appear to be otherwise superficial initiatives. Other more viable state-related partners might be the Myanmar Red Cross, the Fire Brigade, and in the future perhaps even the police force. In some areas these bodies have a greater presence locally and could be viewed as more legitimate by local populations if able to work sensitively and reform to become more independent of the Tatmadaw.

Unavoidably though, in many of the areas worst-affected by displacement these institutions too will be treated with great scepticism, while more legitimate top-down approaches could be encouraged through EAGs. As noted above, the placement of a notable level of trust in EAGs, alongside near-absolute avoidance of the state authorities, has defined many of the protection strategies engaged by displaced people. The most obvious avenue would be to engage specific EAG line departments and committees focusing on relief and development. Local human rights bodies based in EAG areas, often further detached politically, are also keyed in to these issues and have established relations with abuse-affected communities. Further, new bodies could potentially be encouraged and supported to deal specifically with protection issues in the post-conflict environment.

#### *Ceasefire and human rights monitoring*

Some individual ceasefire agreements have provided for the formation of ceasefire-monitoring bodies to keep a check not just on military-to-military affairs, but also on abuse of civilians by armed actors. Such mechanisms are likely to be included in a nationwide ceasefire accord too. A model for such arrangements proposed by the KIO during current negotiations has aimed to establish bodies at numerous levels including at the community level, but there has been scepticism from the government thus far, which has claimed such bodies would be biased in favour of EAGs. Despite some risks of politicisation or elite capture, such bodies could provide a new level of confidence if genuinely in the hands of communities and backed by oversight by international humanitarian actors. Such oversight could meet some of the prerequisites for voluntary return stated by the displaced, and should be encouraged by humanitarian actors able to influence parties to negotiations.

There may also be a place for direct international monitoring, which has been put forward by EAGs in numerous negotiations. While distrust of the government runs high, many of the displaced in Kachin State pointed directly to the potential for presence of international NGOs to enhance the level of protection afforded to them. Many felt that the mere existence of UN or other international offices or would increase their confidence to return home. Local and international media were also highlighted as potential forms of protection, as they often are in other abuse-affected communities in Myanmar.

#### *Supporting community protection strategies*

Without international oversight being provided in the past, and only limited protection able to be ensured by EAGs, community protection strategies have acted as a lifeline, and today maintain significant capacity to build resilience to crisis and facilitate safe return and resettlement. There are a number of ways in which international agencies can support these strategies, both at the stage of decision-making and throughout the return and resettlement processes themselves.

In all the cases explored, displaced people sought to find a balance between livelihood needs and the security risks involved in pursuing them. A similar approach to decision-making has been noted with regards to IDPs across south-east Myanmar.<sup>166</sup> Another key trend, displayed most clearly by the Mon, was that where EAG support networks made plans for return or resettlement, they were largely followed with little resistance. This highlights the unavoidably central role that EAGs will play in the movements of displaced populations with links to them. Crucial is that these dynamics are understood, respected and utilised by international actors but that steps are taken to ensure communities themselves define the conditions of their return and that policy discussions are guided by international frameworks. As EAGs have the potential to be directed by self-interest, this is critical to protect against political factors undermining protection standards.

In terms of security considerations, which in all cases appear to have taken priority, the decisions of displaced communities under the patronage of EAGs have been persistently tied to the aim of avoiding all contact with the Tatmadaw. Such considerations typified the majority of self-determined strategies of return and resettlement in Kachin State and remain a central reason that those in the NMSP Special Region are yet to return home.

Some in Kachin State, determined that settlement close to the international border and away from the Special Region border would be the safest option. For others, the need for improved livelihoods in the lowlands led to more risky strategies being engaged. Those who had decided to return or resettle to the area surrounding the Myitkyina-Bhamo road, where the potential for wetland farming was great but the Tatmadaw was still a threat following the ceasefire, purposely staggered their movements. This typically involved firstly setting up a camp nearby in order to sneak home during the daytime to farm, and to slowly test the water prior to permanent settlement. Precautionary measures to withstand future violence were often among the first measures taken, such as amongst the Mon IDPs who dug hiding holes under their homes in anticipation of an attack by the Tatmadaw.

Such strategies were engaged before and after the ceasefires, but undoubtedly the agreements did improve the security situation overall, particularly within the Special Regions. Though they did not halt a number of forms of human rights abuse, particularly forced labour, extortion and harassment for supposed connections with armed groups, they did largely bring an end to destruction of civilian settlements and lessen other forms of persecution. Also, in some areas, Tatmadaw battalions became more stationary, making it easier for populations trying to resettle to track local battalions' movements. Furthermore, as levels of abuse often depended on the personalities of different commanders, who were rotated in and out of different locations, some areas were safer than others at different times.

#### *Enhancing access to information on security concerns*

Community efforts were made to monitor all these potential threats and could have been enhanced considerably by greater access to information and logistical support. Little comprehensive advice was provided by the NMSP or the KIO to their displaced constituents regarding either the political or security situation at any stage of their displacement cycles. In order to create space for genuinely voluntary return to safety, it is crucial that displaced

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<sup>166</sup> South (2010), p.4

communities are empowered to make informed decisions regarding their own movements. Focus groups held with IDPs in both Special Regions found there was a significant interest among the displaced in programmes for distributing information on security issues regarding potential sites of resettlement or return.

The kind of information needed would likely include the positions and patrol-routes of state and non-state militaries, potential flashpoints for conflict, trends of abuse and exploitation by military actors, among others. While issues regarding the neutrality of such information would be a notable challenge, local media and civil society would both be potential sources. Such programmes have already been initiated in the refugee camps in Thailand, and if the right model for sharing such information can be found, they could support community protection strategies significantly.

### *Supporting slow migration processes and building trust*

In all cases, having made the decision to attempt return or resettlement, the displaced would start in a new location by building temporary housing from bamboo and foraging for food, before slowly developing their homes and tentatively investing in sedentary forms of agriculture. Such practices are part of an unavoidably protracted confidence building process that is borne of both practical and psychological factors. Humanitarian actors facilitating return should support such tentative processes, if their programmes are to be sustainable and ensure community ownership of, and commitment to, the new settlement. Supporting this process involves allowing communities to make collective decisions about the design and pace of their own reintegration, and by helping to build faith in the security environment through protection mechanisms discussed above.

Whilst attempting to return to areas where Tatmadaw battalions had assumed nearby positions, some communities in Kachin State attempted to provide them with tribute, such as cattle, to request that they not be harmed. Such practices relate largely to South East Asian practices of giving offerings to ‘higher’ powers, but also represent the simple practice of reaching out to potentially hostile actors as a show of good faith to try to build trust.

Trust-building initiatives – which preferably avoid the need for IDPs to give such valuable possessions – could prove crucial to ensuring protection. Some Kachin IDPs noted that they had experienced varied relations with the Tatmadaw following the ceasefire, while others made it clear they had continued to avoid them at all costs. Given the current political climate in Myanmar, international intervention at a community level to facilitate trust building between communities and their local battalions could be extremely beneficial. Such initiatives have been undertaken in pilot project areas by the Myanmar Peace Support Initiative and could be used as a model for other such intervention. Currently, the General Administration Department (GAD) of the military-headed Ministry of Home Affairs is expanding into many areas influenced by EAGs with support from numerous UN agencies. To avoid being perceived as a potentially harmful intruder by displaced and other conflict-affected communities, the GAD could be encouraged to facilitate such dialogue too, to help normalise relations between local communities and the often predatory infantry battalions scattered throughout post-conflict regions.

The most successful, though only temporary, attempts at return or resettlement following the ceasefires appear to be those carried out by the EAGs and their relief and development

departments. Even in cases in Kachin State where IDPs had returned entirely independently, the existence of the Special Regions and the protection provided by the KIO were pointed to as crucial factors. Aside from the protection provided through hard power, these traditional structures displayed great capacity for responding to displacement crises and facilitating voluntary returns and resettlements. This was visible not just in the distribution of relief and development but also in supporting local governance structures to manage social issues. Of course, international engagement with such actors must be managed carefully to avoid facilitating elite capture of humanitarian programmes or the strategic relocation of populations to suit political objectives. Nonetheless, the efficacy of short, medium, and long term solutions will depend on their buy-in and empowerment while any attempts to bypass, undermine or subvert them would have the potential to aggravate conflicts further.

### *Livelihoods, economics, and existing communities*

In facilitating such initiatives, some practical lessons can be learned from the programmes that did support the displaced Mon and Kachin in the mid-1990s. Sustainable development programmes in Kachin State helped the displaced significantly to regain access to subsistence. While the KRDC was able to provide people with land, skills and a year's supply of food to get them off on the right foot, the displaced enjoyed ownership of their new livelihoods from the beginning, having contributed to the construction of villages and then investing their own savings in essentials for farming like buffalo. Such successes were also dependent on broader development taking place across the region, as roads allowed greater access for traders and commercial growth. The provision of adequate food for the first year appears to have been particularly crucial when compared with the experiences of those that received no assistance and were initially unable to invest in any other aspect of life, such as the construction of proper housing.

In contrast, a level of aid dependency is apparent in the NMSP IDP areas even 18 years after the last people were returned. This was largely due to difficult terrain, and the continuation of civil conflict surrounding the Special Region until 2012. This has been worsened by a lack of movement of commerce or labour in and out of the Special Region, as people have suffered from a lack of options for improved livelihoods or social mobility. Nonetheless, more could have been done by the NMSP and associated agencies to encourage inclusive economic growth and opportunities for income generation. Not only are most local jobs poorly paid day labour positions, there is also a hard-felt lack of roads or other infrastructure. Informal conversations with the MRDC indicated a reticence to encourage business given its close association with the extractive and other exploitative industries in the region. Such scepticism is present in many of Myanmar's rural regions following decades of predatory business activity perpetuated by the government, EAGs and neighbouring countries. Unavoidably though, smart economic policy will be crucial to future reintegration efforts and could be supported by international agencies.

The success of programmes undertaken in or around existing settlements could depend to a large extent on the inclusiveness of their benefits for local populations. As emphasised interviewees in Ban Sau, where the KRDC implemented one of its sustainable development initiatives, locals will get behind such initiatives as long as they also benefit. The acceptance and welcoming attitude of the host community has proven crucial for successful integration. While for external actors, the level of cohesiveness within a community can be hard to gauge,

as a rule, it will be enhanced by encouraging the full participation, ownership and benefit of all stakeholders.

### *Summary*

Durable solutions have yet to be achieved in either area almost 20 years since resettlement and return got underway. A greater commitment from the international community at the time and since could have improved conditions significantly. In future efforts to support such solutions in Myanmar, very little can be done unless the primary determinants of insecurity can be addressed. Such a commitment from the international community would involve broaching sensitive issues at the diplomatic and local levels, but would represent critical steps towards preventing future crises and allowing space to encourage voluntary movements of today's displaced. Above, broad guidance has been provided for supporting the emergence of stronger top-down and community-centered protection mechanisms.

Much of this depends on sensitivity to local political dynamics and awareness of the roles that EAGs can play, where they are considered legitimate authorities by displaced populations. In supporting decisions-making processes and then return or resettlement programmes directly, a deep understanding of community response strategies and how they can be supported will be critical. Beyond these political and security challenges, effective reintegration programmes should include robust economic policies and ensure local ownership and participation of all stakeholders in order to ensure their sustainability.

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## **Commentary: IDPs and refugees in the current Myanmar peace process**

### **Ashley South**

This commentary reflects on some key findings emerging from Kim Jolliffe's paper on lessons learned from previous ceasefire agreements in Myanmar, and examines how issues relating to refugees and internally displaced persons (IDPs) have been addressed in the current ceasefires and emerging peace process in Myanmar. The main focus of both papers are the Kachin situation (past and present), a case study of historic forced migration and attempted solutions in Mon areas, and the current situation in Karen areas. Comprehensive treatment of these issues would have to take into account (inter alia) the contexts in western Myanmar, and Shan and Karenni/Kayah areas.

### **Lessons learned from previous ceasefires**

Kim Jolliffe's paper explores previous patterns of forced migration and attempts at durable solutions in Myanmar. Many of these themes are relevant to the situation of IDPs and refugees in and from Myanmar today. Drivers of forced migration include not only armed conflict, but also more generalised counter-insurgency activities on the part of the Myanmar Army (the 'four cuts'), as well as generalised human rights abuses, 'development-induced displacement' and inadequate livelihoods.<sup>167</sup>

It is important to recognise that different actors will have varying recollections and versions of historic events and different (sometimes contested) views on issues such as political legitimacy. This is illustrated by the emphasis in both case studies on the (albeit often contested) legitimacy of Ethnic Armed Groups (EAGs), as perceived by ethnic nationality communities. The Kachin Independence Organisation (KIO) and New Mon State Party (NMSP) enjoy significant legitimacy among Kachin and Mon civilians - especially IDPs, who can be said to have 'voted with their feet', by entering EAG-controlled areas; thus the need to engage with EAGs, and particularly their 'line departments', which often deliver fairly substantial programmes, for example in the fields of health and education - to ensure respect for human rights, participatory-governance etc. Engagement with local actors is particularly important, given that communities, EAGs and Community-Based Organisations (CBOs) have been at the forefront of community rehabilitation in the Kachin and Mon case studies.

Jolliffe's paper describes and illustrates the importance of patron-client links within displaced ethnic nationality communities. These resilient social networks constitute important reservoirs of social (and political) capital. It is important that external interventions understand and support these capacities, and do not inadvertently harm local rehabilitation and peacebuilding efforts. If durable solutions are to be sustainable (really 'durable'), it is important that these build on local initiatives, and are fully owned by affected populations.

Jolliffe's paper also clearly illustrates the limits of international assistance and protection in the historic Kachin and Mon case studies. In the case of Kachin, this was primarily because of the remoteness of sites, and restrictions placed on access by the Myanmar and China governments. In the Mon case, limited international assistance is explained by the constrained

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<sup>167</sup> The Myanmar Army pursues a policy of 'self-reliance', especially in front-line areas, which leads state military forces to demand provisions and labour from vulnerable civilian populations.

UNHCR mandate in Thailand (especially before 1997), and failures of UNHCR at the time to respond effectively to the Mon repatriation crises, leaving refugee assistance (and protection) to private charitable agencies;<sup>168</sup> and also by Thai pressure in the context of the Yadana and Yetagun gas pipelines (running through NMSP-influenced areas), and the ASEAN regional grouping's policy of 'constructive engagement.'<sup>169</sup>

The limits of international assistance and protection highlight the importance of local agency. The Kachin and Mon historic case studies illustrate some of the ingenious and often inspiring ways in which conflict-affected communities (returnees, and those in-displacement) support family livelihoods, and protect themselves and others.<sup>170</sup> The Kachin study describes the important roles played by the KIO (which has a good record in terms of community consultation), and Kachin CBOs and churches, in supporting the rehabilitation of displaced communities. The Mon study describes the roles of the NMSP, the Mon Relief and Development Committee (an NMSP-organised 'EAG-NGO') and Mon civil society actors. Important elements of local protection include behind-the-scenes advocacy on the part of community leaders, including monks and pastors, and village headmen and women, who are sometimes able to engage with powerholders and local authorities, in order to mitigate the impacts of abuses.

In order to ensure just and sustainable durable solutions for displaced people, outside actors need to better understand, explore and support such local coping mechanisms and cultures. Especially in situations of protracted and repeated displacement, local people have well-developed coping strategies, including short and longer-term episodes of migration, and local information and resource-sharing, based and building upon social capital. Outside interventions should seek to understand and support such activities, rather than substituting with international (or state) agency. Often what is required is access to information, and for obstacles to be removed (such as predatory and restrictive practices on the part of state and military actors, and sometimes unhelpful external interventions). Nevertheless, local agency often has limited impacts on the protection of vulnerable groups, given the lack of state or international action (in a context where state agents are the main perpetrators of threat).

There are both similarities and differences between ceasefires of the 1990s, and current peace process. Jolliffe's paper documents the continuation of human rights abuses post-ceasefire in the 1990s, but generally at a lower level and with fewer of the most serious types of abuse. Natural resources extraction and infrastructure development projects, and limited livelihood options, drove post-ceasefire forced migration in Kachin; forced labour and taxation drove post-ceasefire displacement in Mon. Will such patterns repeat today?

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<sup>168</sup> Primarily the Burmese Border Consortium - now The Border Consortium - for which this consultant worked from 1994-97, and in 2002.

<sup>169</sup> Citing a lack of clarity among key stakeholders, UNHCR did not become involved in the Mon refugee situation and repatriations, before and after the 1995 NMSP ceasefire. This was at a time when UNHCR had a very limited operational role regarding the protection of displaced people from Myanmar in Thailand. There were some differences of opinion within NMSP regarding whether it was safe for the refugees to return. UNHCR Thailand used these differences to claim that there was confusion regarding the political and security situation. Therefore UNHCR did little to advocate on behalf of the displaced Mon (although there was some behind-the-scenes advocacy). The informal arrangement with the Thai authorities was for BBC to continue cross-border support to the Mon returnees, in exchange for BBC and NMSP (and a reluctant MNRC) acceptance of the resettlement/repatriation: South (2003/2005).

<sup>170</sup> Local agency in the context of natural disaster and armed conflict in Myanmar is documented by the Local to Global Protection Project: [www.local2global.info/](http://www.local2global.info/)



In the 1990s Myanmar experienced very limited (frustrated) prospects for national/elite-level political change; today, ceasefires and an emerging peace process are occurring in the context of historically significant, government-led reforms. The success of efforts to promote durable solutions for refugees and IDPs in Myanmar will ultimately depend on the outcome of elite/political-level discussions.

The Myanmar Peace Support Initiative (MPSI)<sup>171</sup> Documentation and Listening Project in Karen, Karenni and Mon areas aims to listen to the experience of conflict-affected communities (especially women), before and after ceasefires. Preliminary findings from eastern Bago Region indicate that communities are experiencing the benefits of peace (freedom to travel, and spend time on farms without fear or having to bribe Myanmar Army personnel; less taxation and fewer checkpoints; greatly reduced incidence of human rights abuses; improving livelihoods). However, many people expressed widespread concerns regarding durability of the ceasefire, and fear of a return to fighting.<sup>172</sup>

Community concerns in the peace process include widespread land-grabbing (facilitated through 2012 land-laws) and mega-infrastructure projects (implemented without proper consultation or impact assessments). These concerns point to need to consolidate ceasefires, by agreeing rules/roles for Myanmar Army and EAGs ('Code of Conduct'), and proper monitoring mechanisms. It will also be necessary to move from the current, still problematic, peace-making phase, towards peace-building, including substantial discussion of political issues.<sup>173</sup>

Compared to the 1990s, there is greater awareness in Myanmar today of IDP and refugee issues - among local and national actors, and also key international organisations - and a stronger operational role for UNHCR (on the Thailand border, and in Myanmar). Furthermore, today there is a significantly greater presence of international organisations in Myanmar (including in some conflict-affected areas) than was the case in the 1990s. These factors contribute towards a hope that future initiatives to achieve durable solutions for IDPs and refugees will be explored in an environment more aware of forced migrants' rights.

An important set of issues which will help to draw clearer comparisons and contrasts between the ceasefires of the 1990s and the present emerging peace process relates to the future of EAGs. Particularly for the larger armed groups, substantial disarmament is unlikely, at least in the short-to-middle term, other than as a result of military pressure or fragmentation. Nevertheless, some EAGs or individual leaders may establish (or back) above-ground political parties. Key EAG leaders have called for the incorporation of their organisations into a reformed, 'federal' Myanmar Army. Regardless of how realistic this position may be, in the meantime questions remain regarding the roles of and jobs for young men, who might previously have joined armed groups and could now be tempted by criminality.

Another set of questions relates to the forms of governance likely to prevail in previously armed conflict-affected areas. Will the current round of ceasefires see the continuation of (relatively) territorially-bounded ceasefire zones, controlled by EAGs with little state interference; and/or will there be a process of negotiated 'convergence' between state and non-state areas of authority (and systems of service delivery); and/or will the coming years see the expansion of state authority (and associated service delivery), into previously (semi-)

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<sup>171</sup> See [www.peacedonorsupportgroup.com](http://www.peacedonorsupportgroup.com)

<sup>172</sup> Further research and report forthcoming.

<sup>173</sup> For a critical overview of the peace process in Myanmar, see Ashley South (in press – ed. Steinberg 2014).

autonomous, conflict-affected areas? The Myanmar government's legitimacy is still highly questionable for many ethnic stakeholders - and particularly displaced people; the Myanmar Army is widely perceived and experienced as a violent and predatory force. International actors should therefore exercise caution, to ensure that their support for government policies to rehabilitate forced migrants do not inadvertently harm the peace process, by seeming to support the government's military-political objectives. In seeking to 'do no harm', outside actors should also take into account the likely significant impacts (positive, but also negative) upon 'traditional' societies, and forms of livelihood, of the expansion of markets and opening up of remote, conflict-affected areas to forces of 'modernity'.

The geo-politics of 1990s ceasefires played out in the context of legacies of the Cold War (EAGs in Myanmar may be regarded as a hangover from the failures of South-east Asian state-building) and the ASEAN and Thailand policy of 'constructive engagement.' The geo-politics of today include the rise of China, and US policies of 'containment' - in the context of Myanmar's ASEAN Chairmanship in 2014.

As Jolliffe notes, the successes and failures of previous attempts to address forced migration crises in Myanmar have largely been determined by political events. The ceasefire agreements of the 1990s contained little on refugee and IDP issues - in part because of political pressures on EAGs (e.g. Mon). Furthermore, these case studies reveal very limited participation in talks on the part of displaced people - other than the relationships which exist between conflict-affected communities and EAGs. The sustainability of current ceasefires will rest in large part on whether a substantial political process can be initiated, addressing key concerns of ethnic nationality communities.

Assessments of, and action to support, the emerging peace process also need to consider the right economic policies and environment - to deliver 'peace dividends' to communities, and job opportunities and the right kinds of vocational training for young people (particularly young men). The international community largely failed to support the ceasefires of the 1990s, leading to missed opportunities to move from an initially positive peace-making environment, towards substantial peace-building. It is important that these opportunities are not missed again, in the current round of ceasefires. Nevertheless, assessments should also be realistic, and recognise the limited impacts of aid, in what is an essentially indigenous Myanmar peace process.

Jolliffe's paper focuses on the case studies of Kachin and Mon. Expanding the focus of enquiry to take account of the experiences of Karen refugees and IDPs, since the 1990s - might include, inter alia:

- Patterns of repeated/serial IDP displacement 'inside' Myanmar, in a context where many individuals and families have moved dozens of times (with some people experiencing over 100 episodes of forced migration).<sup>174</sup>
- Patterns of movement between internal displacement and refugee camps.
- Historic pattern of refugee pushbacks from Thailand (particularly in the 1990s) - with almost no international protection, and consequent impacts on perceptions of trust and confidence on the part of local communities.

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<sup>174</sup> See Ashley South, 'Burma: The Changing Nature of Displacement Crises' (Refugee Studies Centre, Oxford University, Working Paper No. 39, 2007).

- Examples of local integration in Thailand, among (mostly ethnic Karen) communities (a durable solution which is not endorsed by the Royal Thai Government).
- Issues of secondary displacement (for example, when displaced or otherwise vulnerable families are occupying land previously settled by current refugees and IDPs, in which case it is not clear that restitution to the original landowners is equitable).
- Land issues: drivers of landlessness; land-grabbing (including in the context of the 2012 land laws); issues of Restitution and Compensation; land and landmines.
- Landmines: prevalence (including 'self-protection' uses by local communities), mine risk education, landmine surveys etc.
- Linkages between refugee camps in Thailand, and 'inside' Myanmar, with families sending out exploratory groups (often young men), to explore the situation in areas of previous settlement and possible return (reports indicate that EAG elites are privately acquiring land in some border areas). Research should be undertaken with IDPs and refugees who have already attempted resettlement, in order to understand their strategies, concerns and hopes.
- Perceptions among (existing and potential) host communities, in relation to possible in-migration of IDPs and/or returning refugees.
- Positions and capacities of Karen and other refugee committees.

A comprehensive account of forced migration in and from Myanmar should also address the situation (vulnerabilities, needs, aspirations and hopes) and prospects of some 2-3 million migrant workers from Myanmar, in Thailand (many of whom are Karen and Mon).

These considerations focus above all on the importance of asking communities about their concerns, hopes and intentions - which will change according to the political-security situation, and available options of assistance/protection. Some (perhaps many) IDPs will prefer to stay in-situ, having found semi-durable solutions to displacement in a new location (the equivalent option for refugees being local integration). Others will want to return to a previous location - raising the question of which area is 'home', if an individual or family has moved dozens of times over decades (c.f. refugee repatriation). Other IDPs may consider options for organised resettlement, perhaps to a 'pilot project' site. As noted, people's hopes and fears, and intentions, will vary, both within and between families and communities, and also over time, depending on options available and the social, political and economic context.

### **Current policy frameworks**

This is not the place to explore the UNHCR mandate, or wider issues of IDP and refugee policy and practice. However, it may be useful to frame current policy discussions within the context of some Myanmar-specific UNHCR documents.

The depth of information gathered by UNHCR (e.g. the Village Profile Report) is impressive. This important body of data represents a significant effort to understand and analyse conflict dynamics and political economies and cultures in Myanmar, especially the south-east, where UNHCR has been active operationally for a decade. However, as these reports acknowledge, UNHCR access - and thus understandings - are mostly (although not entirely) limited to government-controlled areas. Furthermore, because of UNHCR's status and mandate, most activities are conducted in close partnership with the Myanmar government, with international staff sometimes accompanied by Myanmar Army personnel (although this type

of accompaniment is now required less frequently). This has serious implications for the type of information gathered, and relationships developed, by UNHCR personnel.

Turning to operational matters, the (draft) ‘Humanitarian Country Team Framework on Durable Solutions to Displacement in Kachin and Northern Shan State’ calls for support to be focused not only on IDPs or returnees, but on the broader conflict-affected community (including ‘host communities’). Across the country, and particularly in the south-east, nearly every community has been displaced at some point in the past half-century, making the distinction between forced migrants and others somewhat arbitrary. The 1999 ‘Guiding Principles on Internal Displacement’ offer limited guidance for when displacement comes to an end (or indeed, when the conditions which drive forced migration can be said to have ended) - although UNHCR operational guidelines do provide more clarity. Given the intimate bonds between displaced and ‘non-displaced’ communities in Myanmar, and the ways in which ‘host communities’ support and interact with IDPs (and returnees), it is important that support and protection is offered holistically, based on intensive consultations with a wide range of stakeholders - on the basis that beneficiaries will include in one form or another most of the civilian population of conflict-affected areas. The comments above touch on some of the issues I consider the most important in these discussions with local stakeholders, in Kachin and South-east Myanmar, in supporting durable solutions for displaced people.

It is further encouraging that the Kachin draft framework acknowledges the importance of a political settlement, in order to provide the right context for the return and rehabilitation of displaced communities - including the necessary levels of trust and confidence on the part of conflict-affected civilians. Also, encouraging is the understanding that the peace and political processes in Kachin still have a long way to go, before anything approaching a comprehensive settlement is achieved. It might be useful to develop - in partnership with IDPs and refugees, and other stakeholders - a set of indicators for the conditions and changes which would be necessary, in order to support organised resettlement.

In the meantime, the draft framework rightly identifies ‘local partnership’ as a key priority. This should involve talking to key stakeholders, in the design and planning phase of operations, not just eliciting local participation in already designed project implementation. It is not enough to design programmes within international agencies, in partnership with government (and donors). In order to support the peace process, and take seriously recommendations on supporting local agency, it is necessary to bring such actors in from the outset, in discussions to frame the type, extent and modalities of interventions. More than this however, it is necessary to understand and support the coping strategies already employed by IDPs (and, often in very different contexts, by refugees) - and also by ‘host’ communities. Rather than designing external interventions (even with high levels of local participation), it will often be more appropriate for outside actors to support local coping strategies.

The document ‘Supporting Durable Solutions in South-East Myanmar: A framework for UNHCR engagement’ also has much to commend it. This discussion paper cites research by The Border Consortium, finding that more than 37,000 IDPs had returned home or resettled in surrounding areas between August 2011 and July 2012.<sup>175</sup> If the peace process is consolidated, and can move forward in the next few months, we may see large numbers of displaced people on the move in the coming dry season, seeking land and other resources.

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<sup>175</sup> Little is known about who these people are, how and why they resettled, and what their strategies, concerns hopes might be.

One can imagine a ‘snowball’ effect, with initially small numbers of people triggering movement on the part of others (including in search of land). This could be a great challenge for communities, the government and EAGs, and national and international partners - not least due to the prevalence of landmines in many conflict-affected areas. Given that IDP communities are beginning to resettle in some areas, generally without much assistance, it is important that efforts to support durable solutions for displaced people seek to understand, empower and build upon such local activities. This is true for international agencies, such as UNHCR, but also for Myanmar national NGOs, many of which are not local to the areas in question, and can sometimes be perceived as (and act like) outsiders, or ‘gatekeepers’ to accessing protection and assistance, entering conflict-affected areas with their own agendas and assumptions.

As with the Kachin framework, it is encouraging to see UNHCR acknowledge the importance of “traditional community support and leadership structures ... in particular border-based organisations”. In order to support the peace process, it is necessary to promote activities which help to build trust and confidence on the part of key stakeholders. This would involve seeking out and supporting good practice on the ground (‘appreciative enquiry’ approach) - e.g. in the fields of education and livelihoods. Donors and policymakers should support ‘convergence’ between state and non-state governance regimes and service delivery systems, in ways which build on local practice - demonstrating to communities (and EAGs and civil society) that the peace process can create spaces to support local agency. Less helpful will be large-scale international assistance delivered only through government channels, without the participation of key stakeholders, including EAGs and conflict-affected communities, women and civil society actors. The political problem in Myanmar is not primarily (or only) a failing or weak state, which needs to be strengthened or fixed, but rather an urgent need to re-imagine and negotiate state-society relations - and in particular mend relationships between the Burman majority and ethnic nationality communities.

### **Durable solutions in the context of current ceasefire discussions, and the emerging peace process**

It seems that in most ceasefire negotiations so far, durable solutions for IDPs and refugees have been addressed only in passing and in terms of general principles. Nevertheless, local actors have serious concerns about sometimes secretive government and donor plans for the resettlement of forced migrants.

#### *Kachin*

The majority of nearly 100,000 Kachin IDPs currently reside in areas under the control or authority of the KIO (including in northern Shan State), with small numbers in China (under threat of repatriation).<sup>176</sup> Up to 30,000 are living in IDP camps in government-controlled areas. A consortium of Kachin NGOs provide most assistance to highly vulnerable IDPs in KIO areas (consisting of BRIDGE, Kachin Baptist Convention, Kachin Relief and Development Committee, Kachin Women Association, Kachin Development Group, Karuna Myanmar Social Services, Metta Development Foundation, Shalom Foundation and Wunpawng Ninghtoi). Requiring funding and capacity-building support, these organisations

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<sup>176</sup> ‘Humanitarian Situation and Response Update in Kachin and Northern Shan States’ (10 October 2013).

enjoy varying types of relationship with the KIO - ranging from close affiliation, to CBOs enjoying complete operational independence. The KIO has played an important role facilitating the work of local organisations. The Kachin CBO consortium has developed a set of 'Key Messages on Humanitarian Response in Kachin and Northern Shan States', which can serve as a basis for partnership with international organisations. These key messages focus on the importance of listening to IDP voices, and involving displaced people and their representatives in all phases of planning, decision-making and implementation. In particular, local agencies insist on their legitimate role as equal participants in discussions regarding durable solutions for Kachin IDPs and refugees. UN agencies have been able to provide some limited assistance across the 'front-lines' in Kachin. However, the amount of aid delivered has been very limited, and has done little to build trust and confidence on the part of conflict-affected communities or local agencies.<sup>177</sup>

A seven-point peace plan agreed between the government and KIO in Myitkyina on 30 May 2013 outlined the way ahead for talks between the two sides, and established a KIO Technical Assistance Team to that end. Further talks were held in October and in Myitkyina in early November, following conclusion of the EAG 'leaders Summit' in Laiza.

Although, since mid-2013, armed conflict has decreased in most Kachin areas, it has not stopped - with recent incidents of Myanmar Army incursions into Kachin-populated areas, and subsequent bouts of forced migration. Clashes since the agreement of a truce between the KIO/KIA and government forces raise serious concerns on the part of communities and other stakeholders, regarding the credibility of the peace process.

One of the key concerns in Kachin (and elsewhere) is for clarity regarding the roles and positioning of armed elements (Myanmar Army, pro-government militias and EAGs) - thus the urgent need to establish effective monitoring procedures. A number of models have been suggested, including international monitors (unlikely in any formal sense, but a role here for aid agencies on the ground, including mandated international organisations); joint monitoring between Myanmar government/Army and EAGs; and local monitoring, on the part of civil society actors. In principle, local networks could report any problems in the peace process to joint monitoring committees, established by the government and EAGs (as specified in the October 10 KIO-government agreement). One issue (among many) is whether such mechanisms would be monitoring ceasefire agreements between the government and EAGs (perhaps to be subsumed under a forthcoming National Ceasefire Agreement), or more general monitoring of the overall human rights situation in specific areas.

Refugee and IDP issues are addressed in article 2.c of the October 10 agreement between the government and KIO, which commits both parties "to develop basic principles and an operational plan for the return and resettlement of IDPs ... and to undertake pilot projects in at least four mutually agreed villages." Although these discussions are still at an exploratory stage, following the 30 May agreement between the government and KIO, state personnel reportedly visited IDP settlements in government-controlled areas, trying to persuade and cajole Kachin civilians to return to their original settlements. The KIO is seeking to identify areas for IDP resettlement, which can be accessed by both sides of the ceasefire 'front-line', but is unlikely to encourage displaced people to resettle, until there are some guarantees for their security.

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<sup>177</sup> Interesting questions remain regarding the status and positions of non-Kachin (e.g. Shan) communities affected by armed conflict in Kachin State and elsewhere in northern Myanmar.

## *Karen*

Based on TBC data, UNHCR estimates there are about a quarter-million IDPs in south-east Myanmar, plus approximately 130,000 refugees (officially, ‘displaced persons’) in camps along the Thailand border, of whom more than three-quarters are ethnic Karen (and about 10% Karenni).<sup>178</sup> There are also some 2 to 3 million migrant workers from Myanmar currently in Thailand, many of whom are ethnic minorities (including Karen and Mon), have left their home country for similar reasons to the refugees, and are highly vulnerable.

As noted above, some 37,000 IDPs have resettled, since the January 2012 KNU ceasefire, plus a small number of refugees.<sup>179</sup> In areas of KNU control or authority, limited assistance to IDPs (cash distributions for food, plus health and some education and community development activities) has for some years been provided by CBOs operating cross-border, and from the relief wings of EAGs - in particular the KNU-organised Committee for Internally Displaced Karen People, and KNU-affiliated Karen Office for Relief and Development. In areas controlled by other Karen EAGs (e.g. the DKBA), assistance on the part of border-based agencies has been less substantial - in part because non-KNU Karen EAGs tend to deploy less sophisticated human-rights and democratisation narratives, and have fewer fluent English speakers and limited connection to transnational networks. Myanmar-based CBOs, working out of government-controlled areas, also have some access to areas of recent armed conflict. Historically though, and in general still today, organisations working ‘inside’ the country have limited access to non-government-controlled areas - particularly international agencies. Therefore, until recently, there has been complementarity - rather than overlap - between the activities of border-based organisations, and those working inside the country. The peace process opens up the prospect of greater interchange, and possibly ‘convergence’, between these two sets of actors.

It is important that international efforts to find durable solutions for IDPs and refugees take account of and support existing local agency - especially in a context where international agencies have so far played very limited roles (beyond funding local actors).<sup>180</sup> Also, as noted above, national NGOs based in Yangon or Thailand may have limited understandings of and roots in conflict-affected communities. Furthermore, in some (particularly non-KNU) areas, local civil society is not well developed. In these contexts, outside actors should proceed with caution and patience, in order to engage with and support local agency. Outside interventions must proceed on the basis of consultations with local stakeholders, and endeavour to ‘do no harm’ to existing activities, and highly vulnerable communities. Among other concerns are whether stakeholders will worry that international organisations, working in partnership with state agencies, may support the expansion of government (and by extension, Myanmar Army)

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<sup>178</sup> ‘Supporting Durable Solutions in South-East Myanmar’ (UNHCR 2013).

<sup>179</sup> In Kayah State, some IDPs are returning from resettlement sites to re-establish villages in the conflict-affected hills. June and October 2013 talks between the government and KNPP identified a pilot project for IDP (and potentially refugee) return in Shadaw Township.

<sup>180</sup> The author works as a Senior Adviser to the MPSI (see [www.peacedonorsupportgroup.com](http://www.peacedonorsupportgroup.com)), which has implemented projects aiming to build trust and confidence in - and test - the peace process, in partnership with conflict-affected communities, the KNU, NMSP and KNPPP, and local CBOs (cross-border and those working ‘inside’ the country). Beneficiaries are mostly IDPs, and in the case of the MPSI Karenni pilot, the project is specifically designed to help ‘resettlement site’ residents return to their previous villages. In the Palaw pilot (one of four in Tanintharyi), IDPs have begun to return to their original village - although resettlement was recently disrupted by the incursion of a Myanmar Army column into an area controlled under the ceasefire agreement by KNU/KNLA 4 Brigade.

authority into previously inaccessible, conflict-affected areas, which could have significant negative impacts on local stakeholders' trust and confidence in the peace process.

An initial KNU ceasefire was agreed on 11 January 2012, marking a halt to what may be regarded as the longest internal armed conflict in the world. The subsequent 6 April 2012 12-point ceasefire agreement between the government and KNU includes a number of articles relevant to IDPs and refugees, including a commitment to “implement mutually-binding ceasefire Code of Conduct to guarantee livelihood and security of the people” (Article 2), “Implement resettlement programmes to restore normal livelihoods for IDPs” (Article 3), “Work on long-term needs for civilian population (demining; systematic relocation, repatriation, and resettlement of refugees; rules of law; sustainable economic development)” (Article 4), “Acknowledge land ownership agreements existing within the KNU and other ethnic organizations; find solutions in consultation for customary land ownership and other land rights issues for IDPs” (Article 10), and “Identify mutually-acceptable peace monitors to support durable peace process (Article 12).” Negotiations between the DKBA and government seem not to have addressed issues of IDP or refugee rehabilitation. However, private discussions between the DKBA and government (and some NGOs) have focused on the possibility of resettling IDPs and refugees.

There have been some limited consultations between the Karen/Kayin State government and the KNU-organised Karen Refugee Committee (KRC, which represents the refugee population in seven of the nine camps in Thailand, and works closely with international and national NGOs, CBOs and the UN). However, participation in the peace process on the part of civilian populations has been fairly minimal - although the KRC and Karen CBOs recently met with the KNU to form a working committee to assess and evaluate refugee issues.<sup>181</sup> Participation in such discussions should be broadened to include not only women's voices, but those of other potentially vulnerable groups, including the elderly and youth, the disabled, minority communities from other parts of Myanmar, and the camps' sizeable Muslim population. Particular attention should be drawn to the situation of some 10,000 Muslim residents of the camps in Thailand. Discussions of refugee repatriation should be sensitive to the vulnerable position of Muslim communities in Myanmar, in a context where members of some Karen EAGs (e.g. DKBA) have expressed strongly anti-Muslim sentiments.

The KNU leadership demonstrates awareness of general issues in relation to refugees and IDPs, many of whom are regarded as a 'base population' for the organisation. This, in a context where the refugee camps in Thailand have for many years served as rest and recuperation areas for KNU members and soldiers. As Jolliffe's paper notes, for many Karen civilians the KNU and other Karen EAGs enjoy significant legitimacy and credibility as military-political actors.

KNU leaders have stated that efforts to support durable solutions for IDPs should precede any moves to repatriate and resettle refugees - a policy in line with the positions of the Royal Thai and Myanmar governments. For the KNU, the first priority is to resolve armed conflict, by consolidating the ceasefire (including through agreeing a Code of Conduct, and provisions for ceasefire monitoring) and working towards a political settlement (through the proposed National Ceasefire Agreement?). Encouraging the resettlement of IDPs and refugees before a political agreement is reached (or at least underway) would be premature. Nevertheless, the

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<sup>181</sup> <http://karennews.org/2013/10/karen-state-govt-ministers-proposal-to-build-village-for-refugees-lacks-details.html/>



KNU has indicated its interest in testing the situation, by establishing pilot projects in some areas, to explore options for IDP rehabilitation. In this context, the KNU (CIDKP) is undertaking a survey of Karen IDPs' concerns and needs (particularly for livelihood security). In late 2013 or early 2014, discussions will likely commence with donors and possible partner organisations, to initiate some pilot projects. Engagement on these issues with the Myanmar government has so far been undertaken only at a very general level.<sup>182</sup>

The KNU leadership and Karen CBOs have expressed concern that the government, and some donors and aid agencies, may be moving ahead with plans to rehabilitate displaced populations, without adequately consulting IDPs and refugees, or other stakeholders such as EAGs and civil society actors. In this context, KNU (and other EAG) leaders are sceptical about the possibility of undertaking substantial needs assessments, or large-scale aid interventions, unless and until the ceasefire is consolidated, and a political process is demonstrably underway. The possible agreement of a National Ceasefire Accord should create a political environment in which it would be appropriate for the government, EAGs, other stakeholders (including refugees and IDPs, and civil society actors), and international agencies to discuss frameworks for assessing and addressing needs in conflict-affected areas.

In the meantime, KNU leaders are concerned that the government has developed plans, to establish several new sub-townships in south-east Myanmar, in order to receive returning IDPs and refugees. Karen stakeholders consulted in preparing this paper consider such activities to be premature and highly inappropriate absent substantial consultations with key local actors; furthermore, concerns have been expressed that constructing these new sub-townships involves the expropriation of land from local communities (and also reportedly some construction planned on land previously settled by IDPs and refugees). State-sponsored repatriation plans seem particularly to focus on economic agendas, and the possibility of resettled IDPs and repatriated refugees becoming workers in Special Economic Zones in the border areas. Such a prospect is alarming to many displaced people, and their advocates. Maintaining awareness of such concerns, it is important to work with refugee communities and associated national and international agencies, to prepare refugees for voluntary return from Thailand, in safety and dignity, including capacity building and skills training. In recent months, government authorities and international partners have begun to discuss the possibility of 'pilot projects', to test the modalities of IDP resettlement and refugee return.

In the context of such concerns, and in particular a growing awareness of the peace process serving to facilitate the expansion of state authority into previously inaccessible, conflict-affected areas, in March 2013 KNU released a 'Policy on Humanitarian Operation in Ceasefire Zone.' This requires NGOs and other aid agencies working in KNU-controlled areas to first seek authorisation from, and registration with, the KNU. In practice, KNU restrictions on outside agencies vary considerably, district by district.

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<sup>182</sup> Some KNU Districts and individual military commanders have developed their own plans for refugee and IDP resettlement, sometimes in collaboration with international partners (three sites have been suggested in central and southern Karen/Kayin State). Meanwhile, refugee representatives have identified potential resettlement areas opposite their camps, and have informed the KNU of this, as part of preparations for negotiations with the government.

## **Conclusion**

The Mon, Kachin and Karen case studies considered here and in Jolliffe's paper indicate that IDPs and refugees, and local civil society actors, are often at the heart of efforts to provide assistance and protection to forced migrants in Myanmar. Ethnic Armed Groups also play important roles, in a context where the state has historically been an agent of threat to vulnerable ethnic populations, and mandated international agencies (such as UNHCR), have had limited access. As the context in Myanmar changes, and key stakeholders begin to discuss the possibilities of IDP resettlement and refugee repatriation, it is important to remain focused on local agency and capacities, in order that displaced people in and from Myanmar remain central actors in their own stories. In this context, it will be important to appreciate the contested legitimacy of armed groups, which are themselves key stakeholders in the peace process. The political situation and peace process in Myanmar are dynamic and fast-changing, requiring regular updating of the analyses and recommendations contained in these two papers.

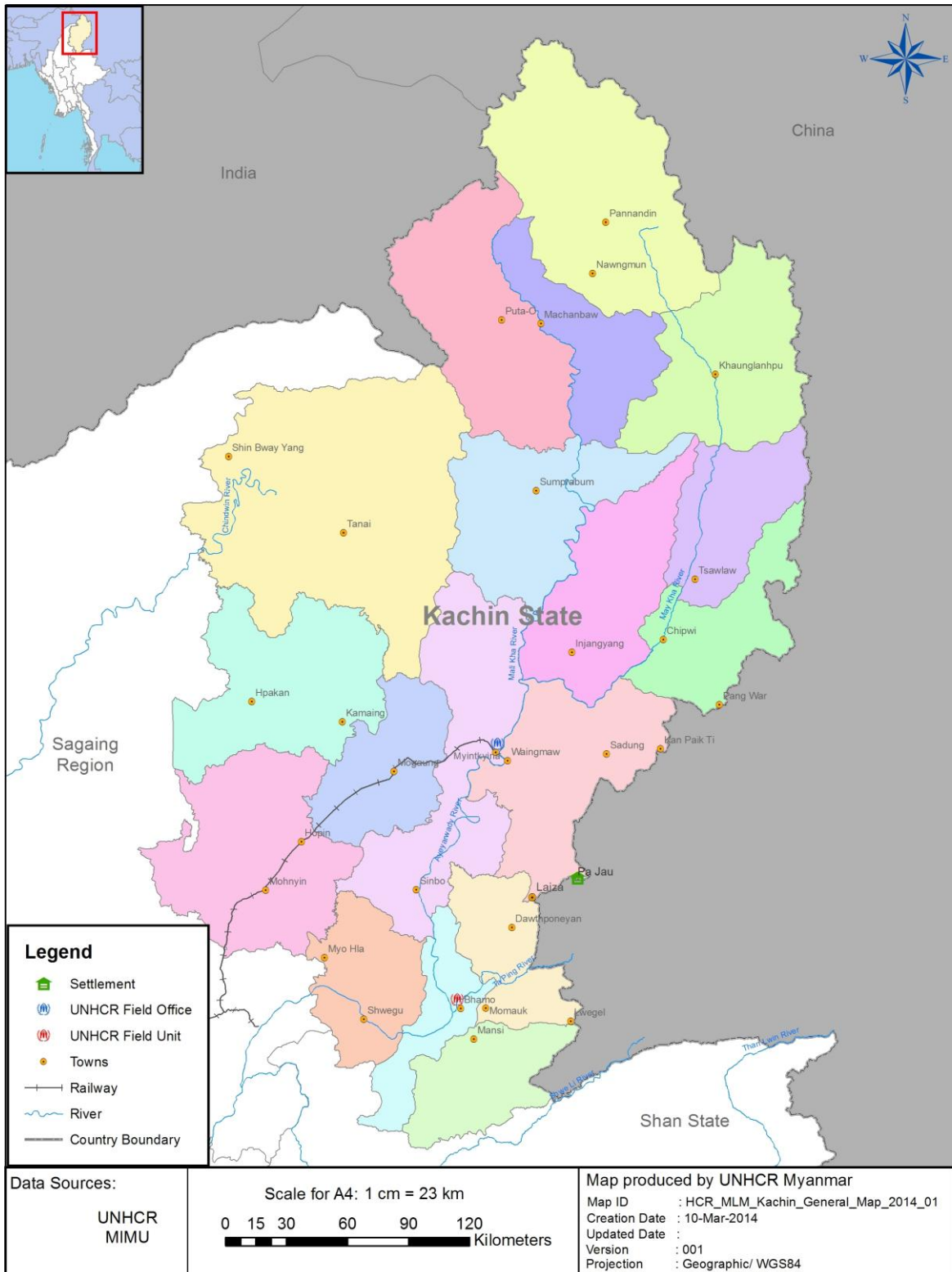
Myanmar Information Management Unit  
**Myanmar States and Regions**



<p>Map ID: MIMU1052v01          Creation Date: 20 August 2013.A4          Projection/Datum: Geographic/WGS84</p> <p>info.mimu@undp.org          www.themimu.info</p>	<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Capital</li> <li> State Capital</li> <li> Sea</li> <li> State and Region Boundary</li> <li> International Boundary</li> <li> State</li> <li> Region</li> <li> Nay Pyi Taw</li> </ul>	<p>Data Sources :</p> <ul style="list-style-type: none"> <li>Base Map - MIMU</li> <li>Boundaries - WFP/MIMU</li> <li>Place names - Ministry of Home Affairs (GAD) translated by MIMU</li> </ul>
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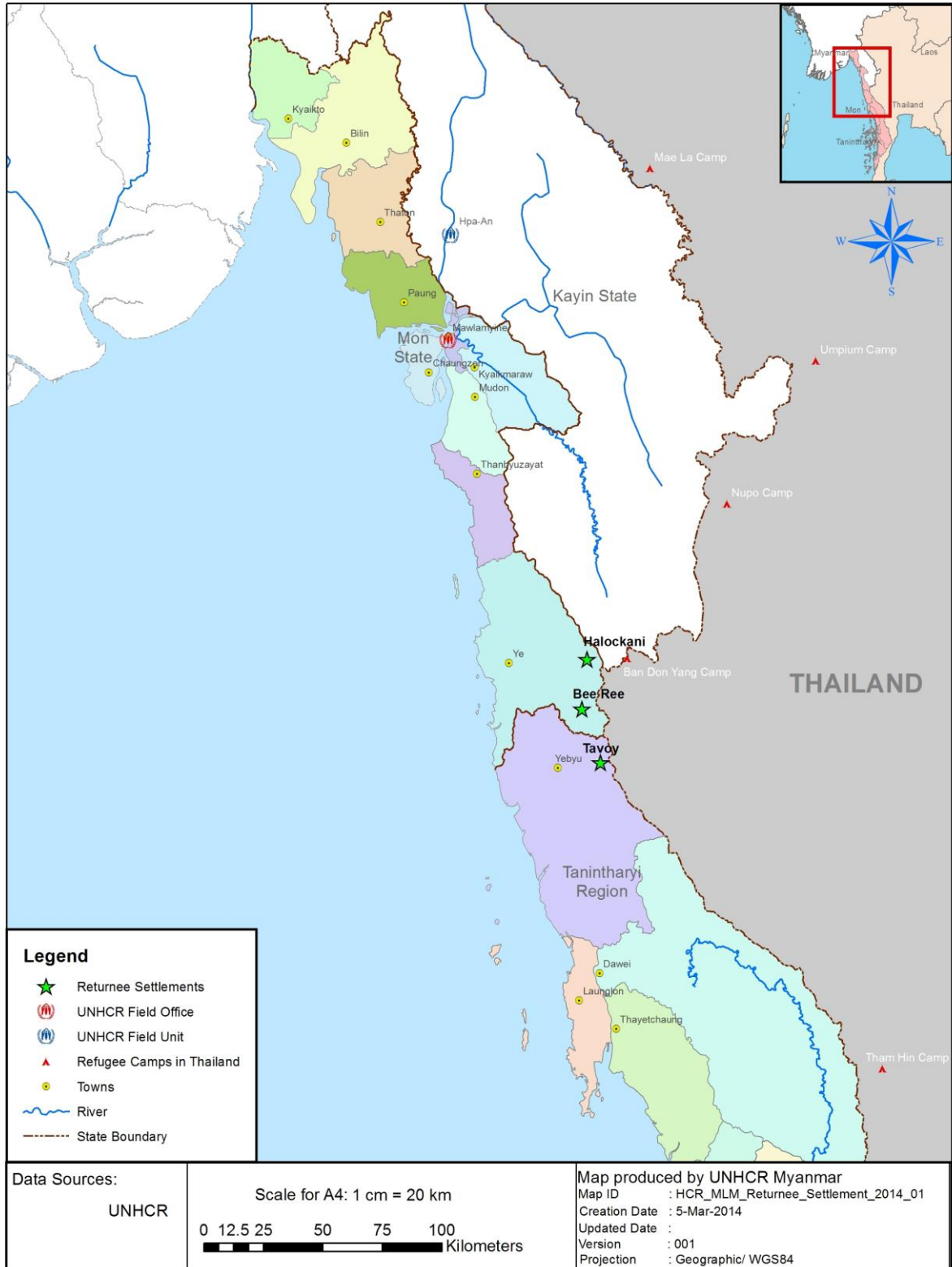
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# Kachin State General Map



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## Returnee Settlements in Mon State and Tanintharyi Region



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