

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.¹⁶⁷

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

¹⁶⁷ 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;¹⁶⁸ 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.'¹⁶⁹

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.¹⁷⁰ 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?

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

¹⁶⁹ 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).

¹⁷⁰ 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/

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)¹⁷¹ 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.¹⁷²

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.¹⁷³

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-)

¹⁷¹ See www.peacedonorsupportgroup.com

¹⁷² Further research and report forthcoming.

¹⁷³ 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).¹⁷⁴
- 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.

¹⁷⁴ 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 2012.¹⁷⁵ 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.

¹⁷⁵ 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).¹⁷⁶ 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

¹⁷⁶ ‘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.¹⁷⁷

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.

¹⁷⁷ 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).¹⁷⁸ 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.¹⁷⁹ 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).¹⁸⁰ 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)

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

¹⁷⁹ 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.

¹⁸⁰ The author works as a Senior Adviser to the MPSI (see 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.¹⁸¹ 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

¹⁸¹ <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.¹⁸²

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.

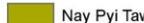
¹⁸² Some KNU Districts and individual military commanders have developed their own plans for refugee and IDP resettlement, sometimes in collaboration with international partners (three sites have been suggested in central and southern Karen/Kayin State). Meanwhile, refugee representatives have identified 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.

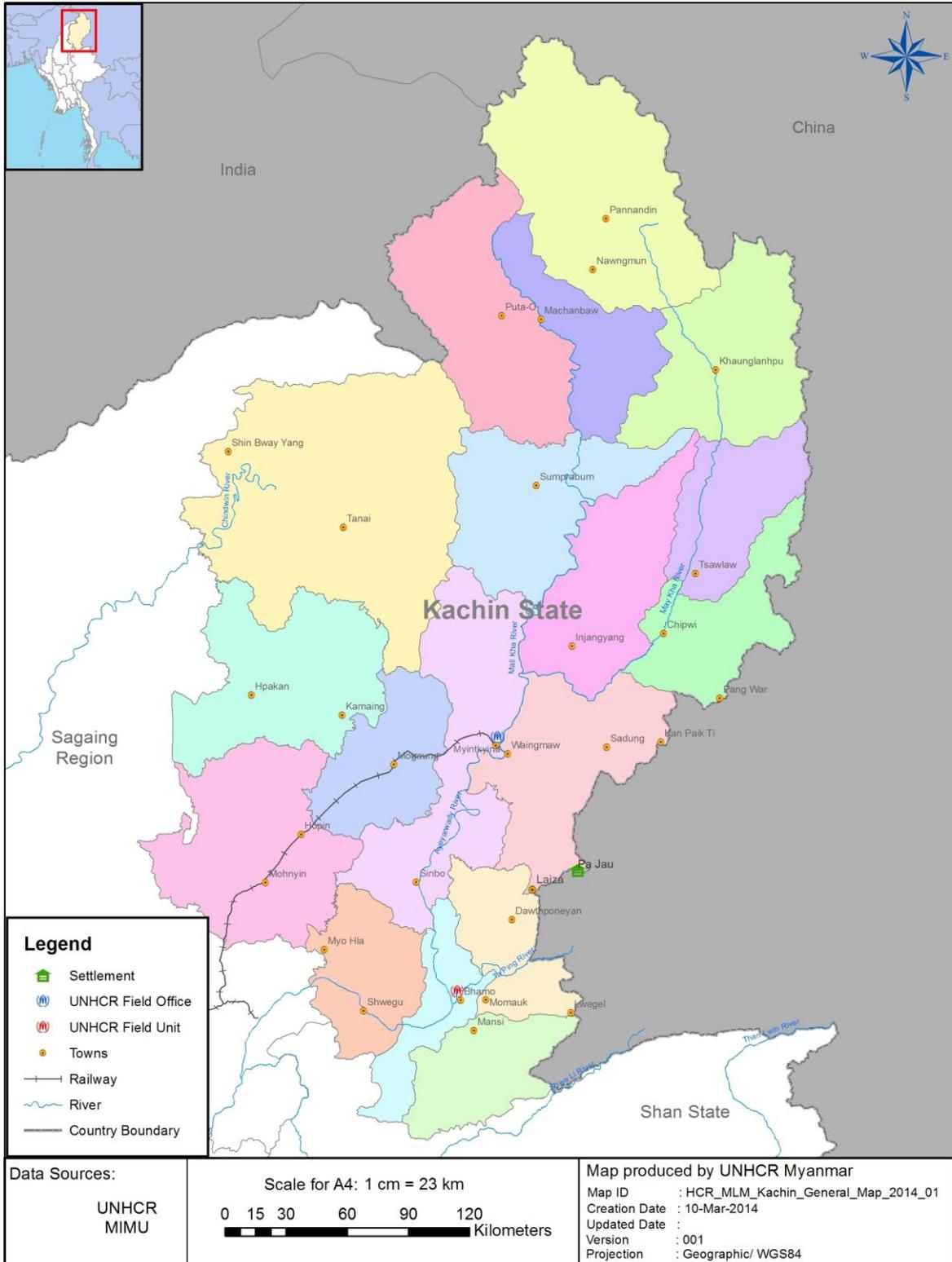
Myanmar States and Regions



<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>Legend</p> <ul style="list-style-type: none">  Capital  State Capital  Sea  State and Region Boundary  International Boundary  State  Region  Nay Pyi Taw 	<p>Data Sources :</p> <ul style="list-style-type: none"> Base Map - MIMU Boundaries - WFP/MIMU Place names - Ministry of Home Affairs (GAD) translated by MIMU
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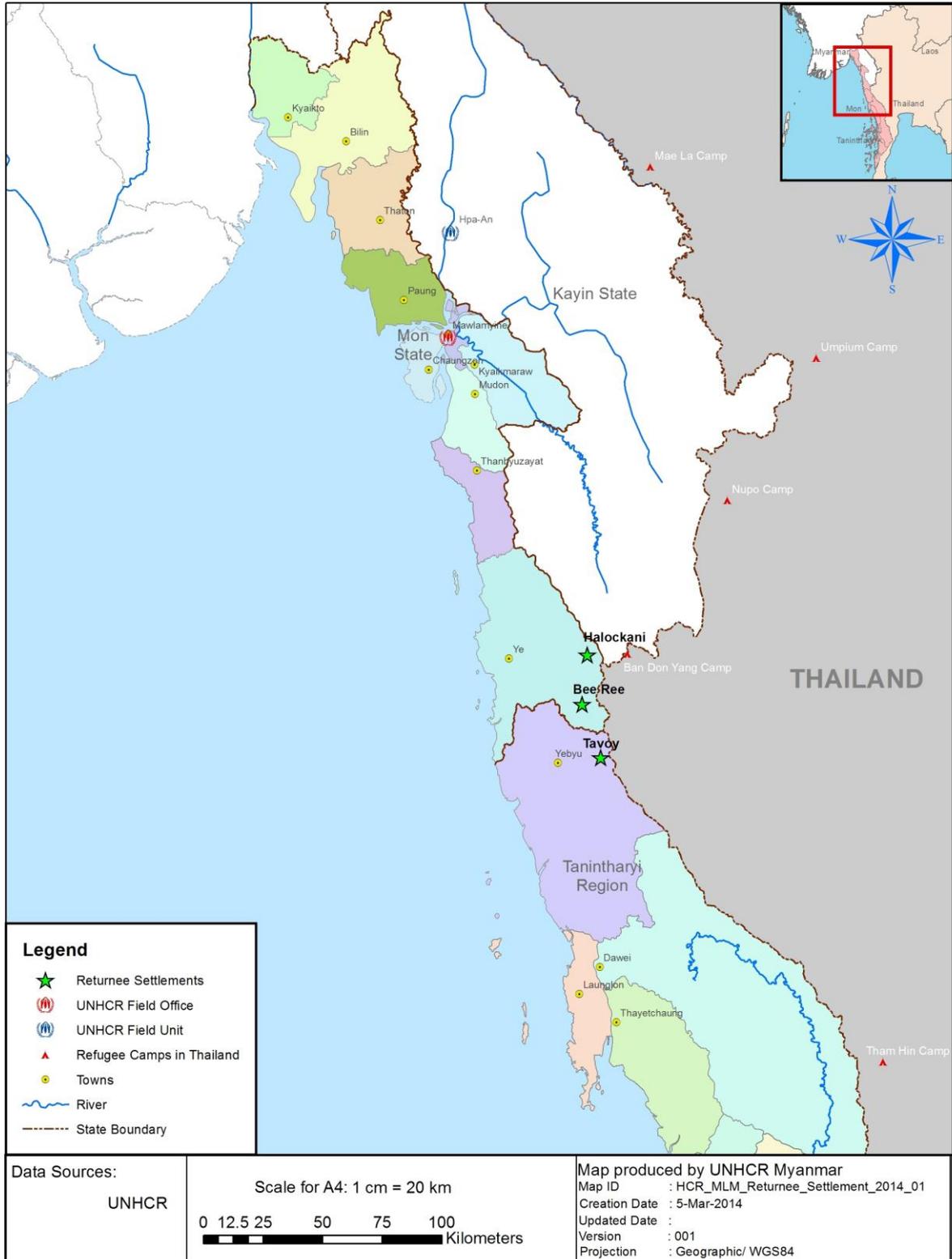
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Kachin State General Map



Disclaimer: The names shown and the boundaries used on this map do not imply official endorsement or acceptance by UNHCR

Returnee Settlements in Mon State and Tanintharyi Region



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