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# THAILAND:

## NEW PROBLEMS CHALLENGE OLD SOLUTIONS

Burmese refugees have been living in Thailand for more than two decades. The situation is fluid: resettlement programs have provided tens of thousands of people with new lives, while a new wave of conflict in Burma is changing the political landscape and forcing thousands of new refugees to flee into Thailand. While the Royal Thai Government should be commended for its willingness to host new arrivals, it must also respond to the fact that ongoing conflict in neighboring Burma will prevent refugees from going home anytime soon. To address the regional challenges of the conflict in Burma, the Thai government needs to implement a more progressive refugee policy and the U.S. and other donor governments must provide flexible funding for Burmese humanitarian assistance.

### NEW OFFENSIVE, NEW REFUGEES

In preparation for the country's elections in 2010, the Burmese government made a risky offer to dozens of ethnic minority groups on its borders and demanded that their armed factions turn over their weapons and integrate into the Burmese army. Rather than offering full integration, however, the government proposed that ethnic armies be converted into border forces under Burmese army control. The offer, which many ethnic groups have found unacceptable, has resulted in new tensions throughout regions of the country already under de facto control of the ethnic armies and affiliated political groups. If the Burmese government pursues this border force policy aggressively, Thailand could face more waves of refugees entering multiple regions of the country.

In Karen State, which directly borders Thailand, the Burmese government has decided to test its new policy. It has allied itself with the Democratic Karen Buddhist Army (DKBA), which has agreed to become a border force. In order to gain operational control of the border that it will oversee, the DKBA, with support from the Burmese army, has launched an aggressive offensive against the Karen National Liberation Army (KNLA), which currently controls much of the immediate border region.

### POLICY RECOMMENDATIONS

- Donor governments and the United Nations should commend Thailand for its generosity towards new Burmese refugees, and encourage the government to maintain this policy in the face of new displacements in the future.
- The United States, the European Union, the United Kingdom, other donor governments and international agencies should actively engage the Thai government to ensure self-sustainability and freedom of movement for Burmese refugees presently residing in Thailand.
- The United States and other donor governments should maintain flexibility in their funding for Burmese humanitarian assistance to ensure that rapidly changing and evolving refugee needs can be met.
- Humanitarian aid organizations in Burma and in Thailand should better coordinate their work in order to more fully provide for the needs of increasingly vulnerable people in conflict zones in Burma.

On June 2, the DKBA launched a wave of attacks in Burma's Pa-an District that forced as many as 3,000 Karen refugees into Thailand near Mae Sot, the largest influx of Karen refugees into Thailand since 1997. Despite the onset of heavy seasonal rains, continuing military offensives have resulted in additional refugee flows, which now total close to 4,500 people. As of late July, the DKBA had captured a swath of central Karen State up to the Thai border. Unlike previous clashes between the DKBA and the KNLA, the DKBA is attempting to maintain operational control over the territory it won in recent fighting. DKBA control, coupled with an aggressive placement of landmines throughout the conflict area, has meant that few if any refugees interested in returning home have been able to do so.

Reports from a wide range of actors indicate that the DKBA plans to continue its offensive in Karen State throughout the year, and that KNLA positions south of Pa-an are a likely target in upcoming months. The possibility of continued fighting would drive additional refugees into Thailand. And if the DKBA maintains operational control of new territory, it could further complicate the ability of refugees to return home.

The recent offensives in Karen State appear to be the first effort by the Burmese government to force the hand of ethnic groups to accede to its border force plan or face military action. In August, the Burmese Army opened a second front of fighting in the Kokang region of Shan State in northeast Burma. That fighting has sent 37,000 refugees fleeing to China. But Thailand should also be concerned about the implications of this second front, as many other armed ethnic groups hold territory bordering Thailand.

## **THAILAND'S GENEROUS RESPONSE**

Upon arriving in Thailand in June, many Karen refugees sought refuge with family and friends living in the border region. Those without connections in Thailand rapidly set up emergency shelter after they crossed the border. Thai authorities were aware of the movements across the border, and instructed security forces to allow the new refugees to cross the border safely. Coordination between international and local NGOs allowed for the immediate provision of humanitarian assistance. Thailand should be commended for its immediate and well coordinated response, and the U.S. and regional governments should encourage the continuation of this policy, especially since refugee flows are likely to continue throughout the year.

By July, the Thai government decided to consolidate all new Karen refugees into two temporary settlements, and

those refugees living with friends and family were encouraged to move to one of the two new sites. New arrivals fleeing Karen State are directed to these two settlements. International and local NGOs have been allowed to provide assistance to these communities, and basic shelter, medical care, and distribution of food and non-food items are rapidly arranged for the new refugees. The Thai government is also registering all new refugees, and is in the process of reviewing their cases in order to grant official refugee status, which is pending.

Refugees International visited the Nong Bua and Mae Usu sites, where the new refugees are living. Shelter conditions are extremely rudimentary; most homes consist of a raised bamboo sleeping platform covered with plastic sheeting. Yet, refugees that RI spoke to indicated that this was sufficient given their recent arrival and uncertainty about where they would go in the longer term. Refugees also indicated that they were receiving adequate food and were collecting sufficient rainwater, and that other needs, such as cooking utensils, clothing, and sleeping materials, were also being met. Medical facilities had been set up at each site, and conversations with clinic staff indicated that there were no serious problems with disease. RI observed a group registration and orientation being conducted by Thai officials for approximately 10 newly arrived families at Nong Bua site, and also witnessed Thai officials visiting new arrivals in their shelter at Mae Usu site.

Conversations with refugees at both sites revealed that most people had a strong desire to return home. However, no one that RI spoke to was willing to return under current conditions, which included the widespread presence of landmines in home villages, forced recruitment of soldiers and porters by the DKBA, and continued human rights violations against people who had chosen to stay in Burma. Refugees were hopeful that Thailand would allow them to continue to reside as refugees until it was safe enough for them to return home.

The Thai government has stated that it will continue to offer Karen refugees shelter at the two present sites, and that decisions about longer-term options for these groups will be determined after the rainy season ends in October 2009. Wherever these new refugees are finally located, the international community should commend Thailand for its generosity in receiving thousands of new refugees from Burma. Thailand should also be commended for refraining from forcible or involuntary returns of recent asylum seekers and should sustain this policy for all persons seeking protection.

## CROSS-BORDER ASSISTANCE

The use of cross-border assistance remains a vital tool in meeting the humanitarian needs of displaced Burmese who can not safely reach Thailand. In a time of active conflict, this assistance is of even greater importance. While it is possible that access to some conflict areas will become more difficult or impossible due to continued DKBA control, donors should continue to encourage these initiatives, and to support creative means of accessing internally displaced communities.

In many cases, cross-border assistance is the only way for internally displaced Burmese to receive desperately needed medical assistance, food support, and access to basic goods for survival. The Burmese government has prohibited international agencies working inside the country from accessing these areas under the logic that these are areas of active conflict. Recent efforts to share information between groups based in Thailand and those based in Burma have aimed to increase the coverage of assistance from both sides, and these efforts are of particular importance as the political landscape and territorial control in areas such as Karen State change rapidly.

The reality that increasing numbers of people inside Burma will be made vulnerable by conflict in the upcoming months should be addressed in creative ways. In addition to supporting and strengthening cross-border assistance, the existing efforts at information sharing with humanitarian agencies based inside the country should be reinforced to explore the possibility of accessing communities in need from either side of the border. Agencies inside the country should actively explore the issue of access, especially in light of the possibility of longer-term control of territory by the Burmese government.

## RESETTLEMENT AND OTHER DURABLE SOLUTIONS

Thailand continues to host close to 150,000 refugees, some of whom have lived in the country for as long as 20 years. In cooperation with the international community, and most notably the United States, Thailand has facilitated large-scale resettlement programs that have given more than 50,000 Burmese refugees hope of life in a new country.

In July 2009, Refugees International visited Baan Mai Nai Soi camp, which is currently the focus of the international resettlement program. People expressed concern over this program leading to the loss of skilled teachers, medical staff, camp leadership, and other personnel, as they knew that other camps had struggled with these losses after

refugees had been resettled. However, it was clear that service providers and the refugee community are working diligently to prepare as much as possible for the resettlement of current staff, and for the training of replacements. In many cases, the refugee communities were looking to new arrivals to fill new positions. Support for camp service providers and leadership should continue to ensure that the impacts of the loss of qualified staff on remaining camp residents are minimized to the greatest extent possible.

Third country resettlement programs are currently set to conclude in 2010, and this deadline will pose a number of questions for Thailand and its international resettlement partners. Problems with families that are separated during the resettlement process because of differences in the refugee status of family members should be resolved immediately. This problem affects a very small number of cases, and bureaucratic obstacles should be lifted to ensure family unity. A larger question will be whether to open the resettlement process to refugees who were not registered officially prior to 2005. Furthermore, it is clear that Burmese in Thailand continue to enter all existing refugee camps, and that the prospect of resettlement remains a draw to them. As the only current durable solution, resettlement should be maintained, even if on a smaller scale.

The possibility of the resettlement option closing or shrinking after 2010 underscores the importance of looking at the future of Burmese refugees living in Thailand and resolving their plight. The latest conflict inside Burma is an indication that return home is unlikely to be a viable durable solution for these refugees any time in the near future. Even more importantly, the new conflict inside Burma signals a possible power shift in Karen State and elsewhere. Many of the current Karen refugees not only come from KNLA-controlled areas, but are active supporters of the movement and its political wing, the Karen National Union (KNU). If these forces are defeated militarily without any political resolution to KNU/KNLA grievances, this could create a permanent class of political refugees who can never return to Burma.

Further, tens of thousands of refugees who choose not to resettle to third countries will be living in Thailand for the long term. Combined with active conflict and changing political realities inside ethnic areas of Burma, it is apparent that Thailand should consider steps towards greater self-sustainability and freedom of movement for some substantial percentage of its refugee population.

Thailand should also be commended for recent initiatives to protect child rights and combat statelessness by providing

universal birth registration for all children born in Thailand. While RI received information that this policy is being implemented in different ways, and that refugees remained especially vulnerable due to a lack of access to birth registration, there were indications that progress was being made. The international community should continue to work with Thailand on implementing this important measure, and should help ensure that even new refugees have access to this important service.

## **FUTURE OUTLOOK**

The international community and the local NGO community have engaged the government of Thailand for many years to increase options for Burmese refugees to obtain self-sufficiency, including employment opportunities and freedom of movement. The international community, led by resettlement countries such as the U.S., should reinvigorate these conversations, and efforts to improve the

options for refugees in Thailand should be prioritized by all actors involved. As one individual pointed out, “We want the world to think about our refugee life, especially women’s lives. Not all of us can apply for resettlement, and the Thais want us to go back. But we are human and have rights. We need protection. Resettlement is an option, but it is not the only way.”

Funding needs for Burmese refugees throughout the region could increase significantly, as fighting may erupt in a number of border regions of Burma. As a result, donor governments should take the necessary steps to ensure that their funding for Burmese refugees and humanitarian assistance remain flexible to the greatest extent possible in order to respond to needs wherever they may arise – from China to Thailand to Bangladesh.

*Sean Garcia and Maureen Lynch assessed the needs of Burmese refugees in Thailand in August 2009.*