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THAILAND: NO SAFE REFUGE

The eruption of conflict between the Burmese military and an ethnic rebel faction in eastern Burma has forced over 30,000 people to flee to Thailand since November 2010. Skirmishes are ongoing and both parties have planted landmines in people's villages and farmlands. While the Thai government has a long-standing policy of providing refuge for "those fleeing fighting," the Thai army is pressuring Burmese to return prematurely and restricting aid agencies. Unless the Thai Government strengthens its policy to protect those fleeing fighting and persecution, current and future refugees will have no choice but to join the ranks of millions of undocumented and unprotected migrant workers in Thailand.

In 2009, Burma's State Peace and Development Council (SPDC) demanded that ethnic ceasefire groups turn over their weapons and integrate into the military forces (Tatmadaw) as a Border Guard Force under its control. The latest outbreak of fighting began when a Democratic Karen Buddhist Army faction, unhappy with the lack of financial incentives offered by the border guard deal, launched an offensive against SPDC troops in the border towns of Myawaddy and Three Pagodas Pass on November 7th, 2010.

The offensive forced approximately 22,000 people to flee to Thailand. While local authorities, UNHCR, non-governmental organizations (NGOs) and Thai citizens quickly mobilized to provide assistance in the first two days, the Thai army ordered the refugees to return as soon as open hostilities ceased in the towns. When fighting shifted to rural districts, an additional 10,000 people were displaced into Thailand. Some went to the few official refugee sites managed by the Thai army, where NGOs and UNHCR were permitted to provide assistance during specified hours. However, the Thai army would only permit refugees to stay during periods of active fighting and then forced them back across the border within hours of gunshots or mortar fire ending. Some refugees told Refugees International (RI) that they had been forced to return up to five times and one woman who had given birth during the fighting said she had been pushed back twice. The last official site closed in February and refugees are now dispersed along both sides

of the river border and in Thai villages. Community-based organizations, which have no legal status to operate in Thailand, are now the only channel for reaching the refugees in unofficial sites. NGOs are barred from visiting sites and have been accused by Thai authorities of creating pull factors for refugees. UNHCR and NGOs fear that their visits would attract the attention of the Thai army, who would then force back the refugees. In one case, Thai soldiers set fire to refugees' shelters and belongings to prevent their return to Thailand.

POLICY RECOMMENDATIONS

- Donor governments should pressure the Royal Thai Army to permit those fleeing fighting to enter Thailand and allow returns only in a safe and voluntary manner.
- Donor governments and UNHCR should press the Royal Thai Government to re-establish and sustain the Provincial Admissions Boards to screen and register new arrivals according to international refugee standards.
- Donor governments, particularly the European Commission, should coordinate efforts to restore funding for refugee and cross-border assistance programs.

INCREASE FUNDING FOR REFUGEES AND IDPS

The Tatmadaw continues to wage a systematic campaign against civilians, including forced labor, land confiscations, displacement, sexual violence and the destruction of property. These abuses by the army have resulted in a constant stream of people arriving in refugee camps in Thailand. However, donor governments have not provided the funding necessary to provide adequate food, shelter, sanitation and other assistance to Burmese refugees and IDPs.

The Thailand-Burma Border Consortium (TBBC), which aids camp residents, was forced to cut its budget “to the bone,” by \$9 million last year. In northern Karen State, the plight of 27,000 internally displaced people is compounded by a poor harvest, leaving them with only enough food to last until April. Reductions in donor funding mean they will not receive food aid, which is now limited to displaced groups recently attacked by armed forces. The European Commission’s humanitarian office (ECHO), the main donor for cross-border aid, has cut its contributions by 25% since 2009. ECHO is also looking to reduce contributions to refugee programs to press the Thai government to expand livelihood opportunities, but in the absence of changes to Thai policy, these cuts are highly premature.

In the unofficial sites RI visited, a lack of funding has led to squalid living conditions for the recent refugees. This is not sustainable. Some of the unofficial sites lacked latrines. People were living under tarps propped up with bamboo with plastic mats on the ground. NGOs are already short of funds and with the rainy season beginning in May, refugees’ options are running out. Most of the displaced along the border do not want to enter Thai refugee camps, but for the most vulnerable, it is their only choice.

The Thai government and aid agencies must be prepared for new waves of refugees entering Thailand over the coming months. The majority of armed groups in Burma rejected the SPDC’s proposal to join the BGF and the situation remains tense. According to reports, the SPDC is moving more troops into Shan and Kachin states, and a dozen ethnic armed groups recently formed a military alliance. While these groups have little chance of rolling back the SPDC’s territorial gains, the possibility of further outbreaks of armed conflict is real.

RESTORE THE PROVINCIAL ADMISSIONS BOARDS

Over the past 27 years, the refugee camps sites, which are still termed “temporary shelters,” have been consolidated into 9 camps along the border, housing approximately 140,000 people, according to the TBBC. The Thai government and UNHCR only recognize about 83,000 people, but TBBC provides food rations for the entire population.

In February, the Thai government stated that only registered refugees can receive food rations and in Tham Hin camp, authorities only permitted TBBC to give rations to vulnerable unregistered residents. The implementation of these guidelines will have serious consequences for the health and security of all camp residents.

Large-scale resettlement, particularly to the U.S., has provided over 60,000 Burmese refugees with new lives abroad. Now donor governments and the Thai government complain that the total camp population has remained the same. While resettlement has been a draw for some, the vast majority of the refugees have legitimate fears of returning home. Ongoing fighting, arbitrary arrests and the planting of new landmines dramatically reduce the possibility for safe and voluntary returns.

Although Burmese refugee camps have existed for almost three decades, there has never been a Thai government mechanism to process new arrivals on a continuous basis. In 2006, the Provincial Admissions Boards (PABs) were established to assess the backlog of unregistered camp residents and new arrivals, but were closed to subsequent arrivals. In 2009, at the urging of UNHCR and NGOs, the Thai government piloted a process to pre-screen unregistered residents in four camps, and the results were sent to the National Security Council for approval. Unofficial results were reported to be highly disparate, with acceptance rates of over 90% in some camps and less than 3% in others. Nearly two years after the pre-screening exercise was conducted, there has been no action from the Thai government.

CONCLUSION

As the humanitarian needs inside Burma remain substantial, Refugees International continues to insist that increasing humanitarian aid inside Burma should not come at the expense of refugee programs in the region. For decades, Thailand has been a generous host to refugees from neighboring countries, but it is clear that humanitarian space is constricting and fatigue has set in, whether driven by the lack of sustainable solutions or growing economic interests in Burma. The Thai government is currently besieged by its own domestic problems, as well as a border dispute with Cambodia. The U.S. and other donor governments, in cooperation with the Thai government, have done a formidable job in providing resettlement and humanitarian assistance, but it is time for donor governments to expand humanitarian assistance and access inside Burma while also covering the persisting needs of refugees in Burma’s neighboring countries and through cross-border aid.

Advocate Lynn Yoshikawa assessed the humanitarian needs of Burmese refugees in Thailand in February 2011.