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The Situation of Refugees on the Thai-Burma Border

Since the initiation of President Thein Sein's limited reforms in Burma and the signature of preliminary ceasefires agreements with some of the ethnic armed groups, the issue of refugee return is becoming increasingly prominent. According to The Border Consortium (formerly the Thailand Burma Border Consortium) there are approximately 160,000 refugees on the Thai-Burma border. The governments of Thailand and Burma have made no illusions as to their aims: to repatriate the refugees as soon as possible. Donors and the United Nations High Commissioner for Refugees (UNHCR) have already started preparing refugees' return while community-based organizations (CBOs) that constitute and represent refugees are trying to bring the refugees' voices to the decision makers. The refugees themselves are suffering from a lack of information and clarity as to their own future and as such, tension and anxiety have been building in the refugee camps.

President Thein Sein has been widely lauded for reforms he has initiated in the last year and a half, yet the Burma Army continues to commit human rights violations in ethnic areas and armed conflict is ongoing, particularly in Kachin State and northern Shan State. It is the presence in ethnic areas of the Burma Army, the human rights violations they commit and the conflict they engage in, that causes tens of thousands of people to flee Burma and become refugees on the Thai border. Preliminary ceasefire agreements have been signed between the government and a number of ethnic armed groups but these remain tentative and clashes between the Burma Army and the Shan State Army – North, the Shan State Army – South, the Democratic Karen Benevolent Army, and one clash with the Karen National Union have been reported. Meanwhile, the numbers of Burma Army soldiers on the frontlines in many ceasefire areas have reportedly increased and more bases have been established.

In June 2011 in Kachin State, a 17-year ceasefire was broken by the Burma Army and daily clashes have occurred since, displacing nearly 100,000 people and killing many civilians. The Kachin Women's Association of Thailand has documented that Burma Army troops have committed sexual violence against 61 women and children, about half of whom were killed. In an interview with *The Irrawaddy*, Minister and Chief Negotiator Aung Min admitted that despite the apparent goodwill of certain figures in the government, there is little control over the Burma Army: "I cannot personally make the government troops withdraw. I can only assume responsibility for political and economic issues. The withdrawal is something that the commanders from both armies must agree upon."

Furthermore, there has been much criticism of the peace process, particularly because political dialogue has not yet been on the table. In fact this is a reason why the Kachin Independence Organization (KIO) and the government have failed to reach a ceasefire. Until a political settlement

is reached in Karen, Karenni, Shan and Mon States, the areas to which many refugees will return, lasting peace will not have been achieved.

Not only are the ceasefires preliminary and fragile, but the continued presence of the Burma Army poses major threat to the safety of those returning refugees. Human rights violations are continuing in ceasefire areas. During periods of ceasefire, development projects lead to an increased militarization to expand the Burma Army's control of ethnic areas and protect investments. Thus villagers in ethnic areas are experiencing forced eviction, forced labor, physical and sexual assault at the hands of Burma Army soldiers even if a ceasefire is signed. Land confiscation is also becoming a widespread problem as Burma's potentially lucrative natural resources are becoming more available to overseas investors.

While this is the situation for ethnic areas of Burma, the talk of refugee return is gaining momentum. The Border Consortium, which has for years provided essential services for those in the camps on the Thai-Burma border, recently met with the Burma government to discuss preparation for the repatriation of refugees. The Burma government is certainly keen to repatriate quickly, with Minister Aung Min, indicating in April that he wanted to return internally displaced people before the start of the rainy season (June) and refugees shortly after. In September, after a meeting with the Burma government, the Thai National Security Council indicated that refugees would return within a year. The UNHCR has also stated that it hopes to outline repatriation pre-requisites with both the governments of Thailand and Burma by next year.

All of these decisions appear to be out of the hands of the refugees. Players with much more political influence than the refugees seem to be holding all the cards. History has shown, however, that without adequately consulting refugees and ensuring that their return is voluntary, which would entail a genuine, free and informed choice to go back or not, repatriation can exacerbate underlying grievances. The 160,000 refugees on the Thai-Burma border have been left out of the planning and decision-making so far. An example of this is the map of 13 relocation sites that the Burma government in Karen State reportedly gave to the UNHCR. There has been no input from the refugees or community based organizations regarding these sites and their suitability. More needs to be done to put the refugees' voices on the agenda. These voices must be heard and acted upon at every stage of the repatriation process. They must be able to decide if they want to return, when and under what preconditions they will return, where they will return to, how they will return and what they will do when they do return. One of the stated priorities of the UNHCR is to "ensure the exercise of a free and informed choice" for refugees, but for most people living in the camps on the Thai border, they are simply not informed while influential players are beginning to decide their future.

Community based organizations (CBOs) and refugees have started identifying preconditions that must be met for the refugees' return, and how this process must happen. Preconditions include a political settlement between the government and the ethnic armed groups, a nationwide ceasefire, landmine clearance, the withdrawal of Burma Army troops, the end to human rights violations, a mechanism for communities and CBOs to monitor, report and deal with any potential human rights violations, the abolishment of oppressive laws and providing sustainable avenues that ensure adequate identification, health, education and livelihood.

These CBOs are made up of refugees, are based in the camps and work with the refugees directly and as such provide a much more accurate representation of their concerns and opinions than international NGOs, governments or the UNHCR. The anxiety among refugees in the camps over possible repatriation is evidenced by the preconditions outlined above. These voices need to be raised to the decision makers and become the central part of the whole repatriation process in order to make their return genuinely voluntary, safe, dignified and sustainable.