



Karen Human Rights Group

Documenting the voices of villagers in rural Burma

Type of report

June 20, 2019 / KHRG # 19-1-NB1

***‘If I had known, I wouldn’t have returned to Myanmar’:
Shortcomings in Refugee Repatriation and Reintegration***

Introduction

"In the camp, food rations were reduced, and we no longer received bamboo or wood to fix our homes. We faced challenges for our family livelihoods and we had to sneak out of the camp to go collect wood and bamboo. This is why I decided to return to Myanmar."

Naw Y---, a recently repatriated refugee

Between February 20th and 23rd 2019, more than 500 men, women and children from five refugee camps, including Karenni refugee camps, in Thailand, returned to Myanmar.¹ This third refugee repatriation process was facilitated by the Thai and Myanmar governments, the UNHCR, and other humanitarian aid organisations. To shed light on this process and understand how resettled refugees are adjusting to their new lives, KHRG conducted interviews with 13 repatriated refugees in Mae La Way Ler Moo (Mae La Hta)² and Lay Hpa Hta³ resettlement sites in March and April 2019. These refugees – six men and seven women – came from Nu Poe, Ban Don Yang (Thaw Pa) and Mae La (Beh Klaw) refugee camps. KHRG also interviewed three local leaders responsible for the resettlement sites from the Karen National Union (KNU) and the KNU/KNLA Peace Council (KNU/KNLA-PC).

The testimonies of the recently repatriated refugees reveal a stark reality. The journey to their new homes was spent cramped in the back of dusty trucks, without enough food or water. A lack of basic social services, agricultural lands and income-generating opportunities awaited them on their arrival to resettlement sites. Resettled refugees are also concerned by the close proximity of Tatmadaw army camps to their new homes, and by the fact that the land surrounding resettlement sites is contaminated by unexploded ordnances (UXOs).

Given the conditions on the ground, KHRG is concerned about the prospect of successful reintegration – defined by the UNHCR as “The ability of returning refugees to secure the political, economic, [legal] and social conditions needed to maintain life, livelihood and dignity”.⁴

¹ ["Dooplaya Situation Update: Kyainseikgyi Township, February to May 2017"](#), KHRG, September 2017.

² Formerly known as Mae La Hta.

³ Also known as Ma Taw Htoo in Karen and Zi Pin in Burmese.

⁴ ["Third group of Myanmar refugees return home from Thailand with UNHCR support"](#), UNHCR, February 2019.

Appalling return conditions in Myanmar

Returnees did not report facing particular difficulties while travelling from the refugee camp to the Thai-Myanmar border. The UNHCR, the IOM and the Thai Volunteer Defense Corps provided them with transportation, accommodation and food. In addition, they received 9,300 baht (US \$ 292) per adult and 7,500 baht (US \$ 235) per child.⁵ However, returnees faced numerous challenges inside Myanmar, including transportation delays, unsafe and uncomfortable travel conditions, and lack of water and fresh food. KHRG was not able to establish which organisations were responsible for conducting the repatriation process, as most of the returnees did not know about it.



This photo was taken on February 22nd 2019 in Nu Poe refugee camp, on the Thai-Myanmar border. Refugees are preparing their belongings and waiting for transportation to return to Myanmar. [Photo: KHRG]

A repatriated refugee, Naw X---, who travelled from Myawaddy to Noh T'Kaw [Kyainseikgyi] Township shared her experience with KHRG: *"In Thailand, transportation and food were adequate and provided on time. But in Myanmar, there were delays, no drinking water and we were given stale food. The organisers told us that the car would arrive at 8:00 am, but it didn't. We waited until 10:00 am, but no one picked us up. We and our children were hungry, but we did not know where we could buy food because it was our first time there. In the evening, we thought that we would have to spend the night there [...] but people [in charge] told us we had to leave. We had to travel during the night and sleep on the back of a truck in the cold. I got sick and my throat is still sore to this day. The drivers repeatedly stopped along the road for up to two, three hours at a time."*

Another female returnee, Naw Y---, reported to KHRG that she travelled on the back of an overcrowded charcoal truck. They were also stopped multiple times along the way, notably by members of armed groups: *"At around 8:00 pm, two charcoal trucks picked up the refugees from Nu Poe and Ban Don Yang (Law Pa) camps. Armed groups stopped the trucks along the way so we only arrived at the Kyain Town at around 3:00 pm. They spoke Burmese so I did not understand."* It appears that no measures were taken to ensure the well-being of returnees during the transportation process inside Myanmar. They had to travel in open air vehicles offering no protection from cold or hot weather. The fact that they were exposed to high levels of road and charcoal dust is also particularly worrying as it can result in respiratory diseases, especially among vulnerable groups such as children and elders.

Similar experiences were shared by other groups of repatriated refugees. They travelled on the back of an overcrowded truck without protection from the sun and the road dust. This negatively affected their health and raised concerns among the refugees still in the Thai camps, some of whom are now wondering whether they should actually return. A repatriated woman, Naw Z---, explained: *"The back of the truck was crowded and constantly shaking. There was too much dust and it was extremely hot. Our bodies were covered with dust so our faces looked like monkey faces, which made us laugh. We could not breathe well. The situation was particularly difficult for children and elders. Even me, when I woke up on the next day, I felt pain all over my body. Most of the elders could not wake up [due to body pain, dust inhalation and exhaustion] but we couldn't help them, as no healthcare services were available. If I had known that the*

⁵ All conversion estimates for the baht and kyat in this report are based on the May 22, 2019 official market rates.

repatriation process would be like this, I would not have returned. I told my older sister about it, and she told me that she will not return for the sake of her children."

The repatriated refugees reported their experience to a committee member of the Lay Hpa Htaw resettlement area, Nan W---, who told KHRG that the Kyain authorities were unprepared for their arrival: *"There were children and elderly people among the returnees. They travelled in the heat without a roof to protect them, which was a major problem for them. If they are sick, it will be difficult to take them to the hospital because we don't have motorbikes or cars. When they arrived in Kyain, they were afraid of going out to buy food because they were worried that they would be left behind. Dinner was late and they were served with stale food. One person told me that the armed group in charge of that area did not have money to provide food for the returnees, so they ordered local villagers to give one bag of rice per family."* She also stressed the need for better coordination between the organisations involved in the repatriation process to avoid similar situations: *"In the future, they should communicate better and strengthen their management system."*

The returnees received 470,000 kyat (US \$ 350) per household, and were provided with household items by UNICEF and the Myanmar Red Cross Society. These included clothes, blankets, soap, boxes, cooking oil, mosquito nets, buckets, toothpaste, toothbrushes, rice, pots, sanitary napkins, noodle packs and flip-flops. However, interviewees reported that they did not receive enough sanitary products to cover their family needs. A female returnee told KHRG that this did not meet her expectations: *"Before we returned, we were informed that we would get between 500,000 and 1,000,000 kyat (US \$ 325 to \$ 650) in Myanmar, but we only received around 430,000 kyat (US \$ 280)⁶. The household items we received are of bad quality and we don't have enough of them for all of our family members. The flip-flops were broken after three days. Maybe they just gave us these [items] to maintain their reputation."*



This photo was taken on April 27th 2019 in Meh La Way Ler Moo, Ta Kreh (Paingkyo) Township, Hpa-an District. The houses for repatriated refugees were funded by the Nippon Foundation. [Photo: KHRG]

Mae La Way Ler Moo and Lay Hpa Htaw: A Lack of Basic Services

Material safety is crucial for sustainable refugee return and reintegration. The UNHCR defines this as *"access to means of survival and basic services in early stages of return (shelter, water, health and education). Material safety also includes access to employment and income-generating opportunities and the non-discriminatory access to health and education services. It is particularly important that, in the early phase of reintegration, refugees have access to basic services, assistance and income-generating opportunities to re-establish themselves and secure their livelihoods."*⁷ It appears there is no material safety for those in either Mae La Way Ler Moo or Lay Hpa Htaw. This situation threatens the long-term prospects of the returnees, and highlights the fact that little has been done to ensure the well-being of repatriated populations.

⁶ Most of the repatriated refugees interviewed by KHRG said that they received 470,000 kyat (US \$350).

⁷ [*"Handbook for Repatriation and Reintegration Activities"*](#), UNHCR, May 2004.

Children can attend primary and high school in Mae La Way Ler Moo. There is also a clinic that offers basic health services, but repatriated refugees have told KHRG that it does not have the capacity to treat major health conditions, and there are not always enough medicines available. A repatriated woman, Naw V---, said: *“There is no special care or support available for vulnerable people, like young children, pregnant women, the elderly or the disabled”*. She added: *“Many women who were pregnant had to go to Mae La refugee camp for treatment, and some of them delivered their babies at home [in the refugee camps]”*. The fact that returnees seek healthcare services in their former refugee camps is a worrying trend, as it shows that the organisations and authorities involved in the repatriation process did not take the necessary measures to set up adequate health facilities in the resettlement areas.

There are no schools or health facilities in Lay Hpa Htaw. Returnees, and notably the most vulnerable groups, struggle to access basic services as they do not have means of transport. Children have to walk around 30 minutes to attend primary school in Hee Ther Pler village (up to Standard 3). Although there is another primary school in Zin Pin village (up to Standard 4), it takes one and a half hour on foot to get there. The closest middle/high school is located at Three Pagodas Pass Town, at a 45-minute drive from Lay Hpa Htaw. Therefore, repatriated families must ask relatives or friends from other areas to host their children if they want them to continue their education past Standard Three. The clinic in Hee Ther Pler village offers basic health services, but it cannot treat major health conditions due to the lack of medicines. The nearest hospital is located at Three Pagodas Pass Town, but the transportation and hospitalisation fees are high.

Several returnees in Hpa Htaw area also shared with KHRG their concerns regarding their ability to secure their family livelihoods in the future.

Security Concerns in Refugee Resettlement Sites

Mae La Way Ler Moo: UXO Contamination of Agricultural Lands

According to the UNHCR's Handbook for Repatriation and Reintegration Activities, one of the core components of voluntary repatriation is physical safety. This includes the absence of mines and unexploded ordinances.⁸

Returnees in Mae La Way Ler Moo reported that the KNU/KNLA-PC granted them the use of agricultural lands for their livelihoods. However, the returnees do not have land tenure security since they were not given Myanmar government or KNU land titles, and they feel unsure about their future livelihoods. In addition to this, the agricultural lands around Mae La Way Ler Moo are contaminated by UXOs, which has raised security concerns among the returnee population.

In April 2018, a refugee was injured by a UXO explosion in Mae La Way Ler Moo. He had snuck out of Mae La camp to try to establish a farm on the other side of the river, as a way of supplementing his family's rations. The UXO exploded because local farmers were burning the land, a traditional agricultural practice to ready fields for the next plantation cycle. Although the refugee recovered from his injuries, this case instilled many refugees and local civilians with a fear of UXO contamination in this area.



These photos were taken on April 27th 2019 in Mae La Way Ler Moo, Ta Kreh Township, Hpa-an District. The photo on the left shows a recently repatriated refugee pointing to the area where a UXO exploded in March 2019. The photo on the right shows the M'Kwee Loo Tatmadaw army camp in the distance, overlooking the farms of IDP and returnee families. [Photos: KHRG]

Since this incident occurred, local community members have taken steps to make themselves less vulnerable by burying UXOs under the ground and informing neighbours of their locations. There are no signposts around Mae La Way Ler Moo to inform the returnee population of the areas that are contaminated by UXOs, or what steps they should take if they encounter a piece of UXO. One of the returnees reported to KHRG: *"I did not see any signs about landmines or UXOs in this area, so I thought that there was no danger"*. Populations on the move are disproportionately at risk because they lack the local knowledge about landmine and UXO contamination.

A recently repatriated woman, Naw Z---, told KHRG that a UXO exploded on her neighbour's farm in March 2019, during the burning season: *"We heard a huge explosion, it seemed like it was coming from underground"*. Her husband added: *"The UXO was huge, I have never seen anything like that in my life. We had buried it under the ground to reduce the risk to our safety. But the UXO exploded during burning season"*. She told KHRG: *"We have to be very careful of*

⁸ [*"Handbook for Repatriation and Reintegration Activities"*](#), UNHCR, May 2004.

UXOs in this area. We cannot see them, but we know that this was a battlefield in the past and that there was heavy fighting. We can see many old military trenches. Our children saw some UXOs when they went hunting. They were unexploded, so they just threw them away. UXO contamination is dangerous for refugees that have recently returned. We should receive awareness trainings about the danger of UXOs in this area."

Without Mine Risk Education (MRE) trainings and public information campaigns, recently repatriated refugee men, women, and children are at substantial risk of injuries and death from UXO.

Mae La Way Ler Moo: Close Proximity to a Tatmadaw Army Camp

Physical safety, defined by the UNHCR's Handbook for Repatriation as including an "ebb in violence and intimidation" and "improved overall security", is crucial for voluntary repatriation.⁹ Mae La Way Ler Moo is situated close to the M' Kwee Loo Tatmadaw army camp. Recently repatriated refugees can see the fence of the Tatmadaw army camp from their farm houses. They reported to KHRG that they do not feel safe because they can hear gunshots from the Tatmadaw army camp, as well as the sound of the bamboo bell that the Tatmadaw soldiers use to communicate with each other at night. A recently repatriated woman told KHRG: *"When I turn on the light to prepare food for my family's worship service, and the Tatmadaw soldiers see the light on in my house, they ring a bamboo bell to communicate with each other. Whenever the Tatmadaw soldiers see something like that, they ring the bamboo bell. When they see lights that we are using, they do not stop ringing the bell to alert each other all through the night"*.

Tatmadaw soldiers have also entered into civilian areas. Recently repatriated refugees have reported to KHRG that Tatmadaw soldiers have entered plantations to steal vegetables from local farmers. One woman explained: *"The Tatmadaw soldiers used to steal our vegetables. Now, we told them that we use a special kind of pesticide on our farms to prevent them from coming to steal. However, they keep coming to our house and asking us to buy our chickens below market value. This bothers me. They are based so close to us. If the political situation worsens, we can be gone with one mortar shell."*

Recently repatriated women do not feel safe living in Mae La Way Ler Moo. One woman told KHRG: *"I do not feel safe to walk around alone because I am worried that I will encounter Tatmadaw soldiers, and they might rape me and kill me. What should we do when they have raped and killed women travelling alone in the past? We cannot do anything, there are security risks for women here."* She added: *"There are also security risks for children. The Tatmadaw army camp is located between the farm houses and the school. This makes girls feel unsafe when they travel to school and back."* Women also reported to KHRG that they do not feel comfortable sleeping in their homes alone because of the site's proximity of the Tatmadaw army camp. Vivid memories of how Tatmadaw soldiers abused women in the past limit the movement and independence of recently repatriated women in Mae La Way Ler Moo.¹⁰

⁹ [*"Handbook for Repatriation and Reintegration Activities"*](#), UNHCR, May 2004.

¹⁰ [*"Suffering in Silence? Sexual violence against women in Southeast Myanmar"*](#), KHRG, December 2018.

Mae La Way Ler Moo and Lay Hpa Htaw: Land and Livelihood Problems

Property restitution is crucial for sustainable refugee reintegration. According to the Pinheiro Principles, *“all refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent, impartial tribunal.”*¹¹

No farmlands in Lay Hpa Htaw

In Lay Hpa Htaw, repatriated refugees raised serious concerns for their future. As documented by KHRG in 2017, the plans for the Lay Hpa Htaw resettlement site never included farming lands for repatriated refugee households.¹² A repatriated man, Saw A---, told KHRG: *“Since we returned to Myanmar, we have to eat, but we do not have any farmland to work on. We have received money when we returned to Myanmar, but we have been using it to buy food. My family will run out of money within six months. If only we had a small acre of land to farm, we might be able to secure our livelihoods”*. It is difficult for repatriated refugees to find income-generating opportunities in Lay Hpa Htaw, or even to scavenge for vegetables in the forest. For refugee return to be sustainable, it is crucial for repatriated populations to have land to farm or access to employment opportunities.



These photos were taken on February 26th 2017 in Law Hpa Htaw, Noh T’Kaw [Kyainseikgyi] Township, Dooplaya District. The housing in this resettlement site was funded by the Nippon Foundation. There are no clinics, schools, or job opportunities for returnees in Lay Hpa Htaw, as well as problems accessing a regular water supply. [Photos: KHRG]

Land Tenure Insecurity in Mae La Way Ler Moo

Many repatriated refugees and IDPs that settled in Mae La Way Ler Moo received plots of land to farm from the KNU/KNLA-PC. The KNU/KNLA-PC started distributing land to IDP communities that settled in this area back in 2007, after they splintered from the KNU. A woman living in Mae La Way Ler Moo reported to KHRG that the KNU/KNLA-PC told IDPs at the time: *“You can farm on those lands. You can clear the vegetation, and then, those lands will be yours. You can pass them on to your children”*.

¹¹ [“Handbook on Housing and Property Restitution for Refugees and Displaced Persons”](#), OHCHR, March 2007.

¹² [“Dooplaya Situation Update: Kyainseikgyi Township, February to May 2017”](#), KHRG, September 2017.

In March 2019, the KNU/KNLA-PC confiscated the land of five IDPs who had resettled in this area, without providing them any compensation.



These photos were taken on April 27th 2019 in Mae La Way Ler Moo, Ta Kreh Township, Hpa-an District. This land was confiscated by the KNU/KNLA-PC from displaced families in March 2019. [Photos: KHRG]

The KNU/KNLA-PC divided the land into different parcels. According to a land confiscation victims, the KNU/KNLA-PC intends to sell some parcels of confiscated land, as well as to build a new town in the area, construct an additional 100 houses for future repatriated refugees on confiscated land (with funding from the Nippon Foundation), and start building a road between Mae La Way Ler Moo and nearby farmlands. The refugee repatriation process should not deprive IDPs of their agricultural lands.¹³ Without land to farm, these households will struggle to meet their basic needs. Organisations involved in the refugee repatriation process should ensure that the development of resettlement sites does not undermine the land rights of communities who have settled in Mae La Way Ler Moo after being internally displaced.

Before confiscating this land, the KNU/KNLA-PC held a meeting with local farmers. During this meeting, they did not share information with the local farmers or try to gain their consent. Instead, the KNU/KNLA-PC demanded that each household contribute 1,000 Thai baht (US \$ 31.45) for the road construction. They told the people present at the meeting: *"We will construct a road so that you have better transportation. You have to cooperate with us and help us with the road construction."* The land confiscation victims were too afraid to express their concerns and opposition to the project to the KNU/KNLA-PC.

Both IDPs and repatriated refugees who live in Mae La Way Ler Moo are now worried for their futures. A repatriated refugee told KHRG that she has heard that the KNU/KNLA-PC was planning to confiscate additional parcels of land to develop a large-scale plantation. This has shaken the confidence of many households. Some IDPs who had settled in Mae La Way Ler Moo have sold their land below market value in anticipation of future land confiscations by the KNU/KNLA-PC.

One repatriated refugee, Naw Z---, told KHRG: *"I cannot sell my lands as others have done. I only have two acres of farmland, and I have no other way of securing my family's livelihoods. Before I signed up for volunteer repatriation, I thought I would be able to work on my farm and live in peace. Unfortunately, the KNU/KNLA-PC wants to construct a road, build more repatriation housing on our farms and sell land, so the situation seems unstable. We might not have our farm to work on anymore. If I had known, I wouldn't have returned to Myanmar. I would have stayed in the camp and I would have been able to live in peace"*.

¹³ [*"Handbook on Housing and Property Restitution for Refugees and Displaced Persons"*](#), OHCHR, March 2007.

Repatriated refugees also told KHRG that they expected to have some way of generating an income in Mae La Way Ler Moo. One woman told KHRG: *“Before I returned to Myanmar, I thought I would get support from the Myanmar government. I thought I would get a rice miller, or animals to breed to support my family’s livelihood. But, I did not receive anything in the end. This is not what I expected”*.

Recommendations

In light of these findings, KHRG recommends that:

- The Myanmar government, the UNHCR and other humanitarian service providers:
 - Ensure that refugee and IDP return is genuinely voluntary, safe, sustainable and with full respect for the dignity of returnees.
 - Provide adequate humanitarian assistance to refugees and IDPs still displaced, since the reduction of rations can be considered a form of coercion to return or resettle.
- The Myanmar Government take the necessary steps to recognise displaced ethnic populations as full citizens and ensure their meaningful participation in the decision-making processes for all policies that affect them.
- The Myanmar Government and the KNU:
 - Create a mechanism to provide restitution of property for displaced persons; and where restitution is not possible, provide adequate compensation. Any measures taken toward these ends should comply with the Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons.
 - Develop, collaborating where necessary, assistance packages for returnees to allow them to re-establish sustainable livelihoods.
 - Work with relevant civil society organisations to assess the situation of land in return sites and, as needed, provide assistance to rehabilitate the land to ensure its viability for agriculture.
 - Ensure that refugee resettlement sites have access to public health and education services.
- The Tatmadaw (& BGFs), and Ethnic Armed Organisations (EAOs):
 - Comply with the provisions of the Nationwide Ceasefire Agreement (NCA), especially regarding the protection of civilians.
 - Non-signatories should engage meaningfully in peace negotiations and consider signing existing or alternative peace agreements.
 - Demilitarise areas close to villages and farms by: removing existing troops and dismantling army camps; and ceasing military trainings, patrols and transports through, in or near villages or farming areas.
 - Immediately end the practice of land confiscations.
 - Ban the use of landmines, ensure that all areas contaminated by landmines and unexploded ordinances (UXOs) are clearly marked, and ensure that local communities are informed for their safety.
 - As a matter of urgency, initiate high-level talks to establish a comprehensive mine clearance strategy involving all the relevant stakeholders and armed actors; and start demining operations as soon as possible, with a particular focus on IDP and refugee return sites and other civilian areas.

- International donors, humanitarian service providers and other NGOs/CBOs:
 - Continue to provide essential services and sufficient assistance to refugees and IDPs.
 - Recognise ethnic service providers and community-based organisations as equal partners in the provision of humanitarian aid.
 - Continue promoting and carrying out Mine Risk Education activities until an agreement on demining can be reached between the Myanmar government, the KNU, and other relevant armed actors.

Further background reading on the situation in Dooplaya and Hpa-an Districts can be found in the following KHRG reports:

- ["Dooplaya Situation Update: Kawkareik Township and Kyainseikgyi Township, June to July 2017," \(March 2018\)](#)
- ["Mergui-Tavoy Field Report: Growing concerns about land confiscations and development-related abuses, January 2016 to December 2017", \(July 2018\)](#)
- ["Dooplaya Situation Update: Kyainseikgyi Township, February to May 2017", \(September 2017\)](#)
- ["Dooplaya Field Report: A quasi-ceasefire? Developments after the Nationwide Ceasefire Agreement, from January to December 2016", \(September 2017\)](#)
- ["Thaton Situation Update: Bilin Township, March to May 2017", \(November 2017\)](#)

About KHRG

Founded in 1992, the Karen Human Rights Group is an independent local organisation committed to improving the human rights situation in Southeast Myanmar. KHRG trains local people to document and gather evidence of human rights abuses, and publishes this information to project the voices, experiences and perspectives of local communities. More examples of our work can be seen online at www.khrq.org.

Refugee resettlement sites in Southeast Myanmar

