Refugee decision-making processes, community-based protection and potential voluntary repatriation to Myanmar

By Kim Jolliffe

January 2015

**Research Assistant:
Thoowa Wachisukhonwana**

1. Introduction

In 2011 and 2012 the Government of the Union of Myanmar (GoUM) signed ceasefires with the Democratic Karen Buddhist Army (DKBA) and the Karen National Union (KNU). While the security environment remains extremely fragile, this has opened opportunities for a minority of the more then 100,000 Karen refugees in Thailand to make tentative efforts to return home. Perhaps more influentially, refugees now face new pressures and opportunities to due to policies and actions of influential political actors, such as international aid donors, the KNU,[1] the GoUM, and the Royal Thai Government (RTG).

The ceasefires remain fragile and there are many hurdles to overcome before a secure, lasting settlement can be achieved. The region is heavily militarised, severely lacks rule of law or other national protection mechanisms. With over 100 Tatmadaw (Myanmar Armed Forces) army battalions positioned in and close to civilian settlements throughout the region, and multiple other armed actors competing for influence and resources, communities remain subject to extensive arbitrary taxes, forced labour and other extractive demands. Further, there remain

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[1] The KNU was a leading actor in the establishment of the refugee camps and the refugee administrative structures that remain in place today and is thus much more influential than the DKBA.

Key Findings and Conclusions

❖ Refugees deem the achievement of a deep peace, including guarantees for human security, and freedom from exploitation by armed actors as the primary requisite to repatriation.

❖ The ability for refugees to pursue durable solutions to displacement themselves, voluntarily and in safety and dignity, is severely restricted by lack of knowledge regarding their circumstances - and refugee status - and the reasons their future situation may not be sustainable if the initial reasons for their seeking refuge and international protection cease to exist.

❖ Refugee leaders and CBOs are well placed to inform refugees of their evolving situation and options in a locally appropriate manner.

❖ Refugee leaders and CBOs have an influential role in the refugee society, and are depended on by many of the refugees. This represents a core capacity for community-based protection that international actors should support.

❖ Decision making will be a highly protracted process for all refugees as migration choices have been in these communities for decades if not centuries.

❖ An internationally verified peace settlement and/or a tripartite agreement on repatriation would heavily influence the independent decisions of many refugees.

❖ Communities are already communicating with or visiting their communities of origin and would benefit from support for such activities, as they get closer to considering repatriation.

❖ Respected community-level administration structures from the refugee camps could be enhanced in the context of repatriation reintegration for protection aims, including negotiations with armed actors and government.

significant restrictions on humanitarian access – for UN agencies and other actors – to many parts of Myanmar, including some of the refugees' places of origin. UNHCR is not promoting or encouraging repatriation at this time, and has maintained its assessment since 2012 that much *'yet needs to be done in Myanmar - particularly in the places of origin - before the promotion and facilitation of voluntary repatriation could commence.'*[2]

However, these preliminary agreements have brought significant reductions to incidences of armed conflict, and a complete halt to the previously widespread destruction of civilian settlements by the Tatmadaw. Despite many remaining hurdles, if broader political and economic reforms under the 2011-inaugurated government continue, there is potential for the region to achieve lasting peace. This presents limited potential for a durable solution for the Karen refugees residing in temporary settlements in Thailand to emerge.[3] Slowly but surely, an increasing portion of refugees that still have land or communities to return to are making tentative moves towards repatriation. However, while UNHCR has monitored the return of refugees - and the agency has been told by the refugee camp committees that up to 10,000 may have returned during the past three years - it is unlikely that many constitute entire families making permanent moves home, as will be discussed in later sections.

Because of these changes, policies have changed among some political actors too. In mid-2014, RTG reasserted its view that refugees should return to Myanmar. Meanwhile, as opportunities for aid programmes inside conflict-affected areas of Myanmar open up and more urgent displacement crises emerge elsewhere in Myanmar and around the world, funding cuts from international donors to the Thailand camps have led to decreased rations and services for refugees.

GoUM too has attempted to initiate programmes aimed at developing Karen conflict-affected areas in anticipation of refugee repatriation.[4] Finally, the KNU, DKBA, and Karen Tatmadaw Border Guard Forces (BGFs) have begun pilot projects for supporting internally displaced persons (IDPs) to find durable solutions, and there are signs that programmes are expanding to include refugees. All of these developments show signs that repatriations could increase dramatically in coming years and thus, the protection challenges faced by refugees are changing.

In light of such realities, UNHCR considers it prudent for humanitarian agencies to initiate efforts to support voluntary repatriation efforts, as does the Karen Refugee Committee (KRC).[5] In line with its protection mandate, UNHCR's primary objective in preparations for repatriation is to ensure that the necessary safeguards are in place to enable refugees to make their own informed decisions, and should they choose to return that they are able to do so voluntarily, in conditions of safety, and with dignity.

Community-based protection

In 2001, UNHCR identified the need for all of its operations to build more comprehensively on the knowledge, skills and capacities of displaced people themselves,[6] by placing them 'at the centre of operational decision-making, and building protection strategies in partnership with them'.[7] Such an approach aims to recognise refugees 'not as dependent beneficiaries who are to be 'saved and assisted," but rather as equal partners who have an active role in protecting themselves and organising for their own basic

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[2] 'Framework for Voluntary Repatriation: Refugees from Myanmar in Thailand', UNHCR Discussion Paper (2012)
[3] For the rest of this paper, the settlements will be referred to as 'the refugee camps' or 'the camps'.

[4] For example, assessments have been carried out by the Japan International Cooperation Agency alongside GoUM. See See JICA's 'Preparatory Survey for the Integrated Regional Development for Ethnic Minorities in the South-East Myanmar' [sic]; available in two parts at: http://libopac.jica.go.jp/images/report/P1000012637.html;
[5] A KRC leader was interviewed for this study on January 18 2014. The KRC's full position on repatriated as of March 2013 is available at? http://www.burmalibrary.org/docs14/KRC_Attitude_and_Perspective_towards_Repatriation-en+Karen.pdf
[6] UNHCR (2008), p.5
[7] Ibid.

needs.'[8] Such a conceptualisation is particularly

cycles of their displacement. Any attempts by

Box 1: Key definitions

Community can be described as a group of people that recognizes itself or is recognized by outsiders as sharing common cultural, religious or other social features, backgrounds and interests, and that forms a collective identity with shared goals. However, what is externally perceived as a community might in fact be an entity with many sub-groups or communities.

From: UNHCR (2008) *'A Community-Based Approach in UNHCR operations'*

Protection encompasses all activities aimed at ensuring that women, girls, boys and men of all ages and backgrounds have equal access to and can enjoy their rights in accordance with the letter and spirit of the relevant bodies of law, including international refugee law, international human rights law and international humanitarian law.

From: UNHCR (2008) *'A Community-Based Approach in UNHCR operations'*

Community-based protection refers to activities aimed at facilitating individuals and communities to achieve respect for rights in safety and dignity.

From: Humanitarian Policy Group (2010), 'Safety with Dignity'

Agency refers to the capacity of individuals to act independently and to make their own decisions or actions. In sociology, the term agency most commonly refers to such agency to operate within a particular social structure. In this context we are primarily concerned with the agency of displaced people to protect themselves, improve their own situation, and work towards a sustainable solutions.

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crucial to ensure repatriations take place in 'dignity', as this involves *'having decision-making power, freedom and autonomy over life choices, together with feelings of self-confidence, self-worth and respect'*.[9]

In all humanitarian crises, affected people demonstrate astonishing ability to cope, respond and recover. Indeed, even outside of emergency contexts, communities have innate capacities for protection against ever-present threats to the safety of individuals, such as domestic violence or exploitation of marginalised groups.

In the face of civilian-targeted military strategies and multiple forms of abuse by various armed actors over three or more generations, conflict-affected communities of south-east Myanmar have developed broad-ranging capacities for protection that are employed throughout the

external actors to enhance their protection, and to ensure that repatriations take place in safety and dignity, will therefore be strengthened significantly from taking a community-based approach.

This study does not intend to provide a comprehensive analysis of the programming options available but aims to open the discussion the community-based approaches to decision-making and likely responses of those repatriating to the ongoing threats to their security in Myanmar.

A note on the nature of conflict and displacement in Myanmar

Displacement and organised migration have manifest in Myanmar, not just as consequences of conflict, but as central features of armed actors' driving ideologies and operational strategies. An understanding of how this has taken place is thus crucial to interpreting how

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[8] Ibid. p.6
[9] HPG (2010)

related issues are viewed by affected communities as well as related authorities and armed actors.

The control of populations has played a central role in conflicts in South-east Asia for centuries, where prior to colonial incursions from the West, battles were predominantly fought for slaves, conscripts or tributes from populations rather than for territories. The foundations of conflict in Myanmar are related to conflicting nationalist narratives and attempts by elites to assume patronage over populations. In essence, while Burman elites have asserted patronage over people of all other ethnic groups, elites from each of those groups have claimed such authority on the basis of their right to self-determination. At the core of grievances expressed by ethnic armed organisations (EAOs), are those that relate to their supposed rights to govern their own people. A more detailed overview of these dynamics is provided in the Annex.

Methodology

The primary research for this paper was conducted in Mae La and Umpiem refugee camps through focus groups and interviews. This research was undertaken in January and February 2014, shortly before the paper was initially authored, meaning some things could have changed since.

In Mae La camp, focus groups were held with the Camp leader, all three Zone leaders, and all 22 Section leaders. Five mixed age and gender focus groups were held attended by a total of 31 mostly Sgaw and Po Karen refugees as well as one group of four women, and another of six youth. Individual interviews were held with five men, three women, and one couple all describing themselves as decision-makers in their respective households, as well as individual interviews with one male and one female, unmarried and aged between 18-22. A joint interview was also with two male Karen Youth Organisation (KYO) members.

In Umpiem camp, two meetings were held with six members of the Camp Committee, though the Camp leader was not available. One meeting was

also convened with 14 Section leaders and another with 13 religious leaders, including Christians (five denominations), Buddhists and Muslims. The size of focus groups was purposely decreased for the Umpiem leg of research, where four mixed gender focus groups were held involving a total of 17 mostly Sgaw and Po Karen refugees describing themselves as decision-makers in their households. Two focus groups were held with a total of five youth, one with four women, and another with three Muslims. Individual interviews were held with five men and three women, all of whom designated themselves as decision makers for their households as well as one male KYO member and two members of the Karen Women's Organisation (KWO).

Excluding those held with refugee leaders, religious leaders and CBOs, an equal spread of males and females across the focus groups was ensured with 35 females and 35 males taking part. In individual interviews, males outnumbered females eleven to six. Across the leaderships at all levels, males greatly outnumbered females at 41 to 5. All the religious leaders who participated were male.

Samples were also closely selected based on their registration status. A small minority of participants were UN registered and had ongoing applications for third country resettlement. Around 60% of the remainder were UN registered and thus been eligible for resettlement since 2005, but had specifically chosen not to apply. The other approx. 40% were not UN registered and thus have remained ineligible. Most focus groups were divided based on registration status.

Following the advice of both Buddhist and Christian, Sgaw and Po Karen associates, samples were selected to evenly represent these distinctions, but participants were not intentionally separated along these lines. While it was not deemed necessary to gain a representative overview of their perspectives, there were some concerns this could confuse participants or even make them more nervous. No under-18s were questioned for this study though some were present with their parents at focus groups and interviews.

Overview of this paper

- **Section 2** opens the discussion on refugees' perceptions for a durable solution to their own displacement. UNHCR recognises three typical durable solutions: **repatriation**, **local integration** into the host country, and **resettlemen**t to third countries. The extent to which repatriation is seen as a viable solution varies among refugees. The majority of those interviewed explained it would depend on the achievement of peace and guarantees for their security and safety. Resettlement and local integration remain preferable solutions to many refugees, even if a more comprehensive peace can be achieved.

- **Section 3** outlines the most consistent characteristic among community-based mechanisms, the strong role of leadership in society. Participants to this study repeatedly highlighted their dependence on and deference to 'their leaders', referring to internal camp leaderships, the KRC, the KNU, and at times international actors too. This demonstrates a key community capacity that that must be deeply understood and could even be harnessed by international actors in aid of protection goals. However it also has impacts on the ways that participatory initiatives can be carried out effectively and presents risks of refugees being exploited.

- While the optimum conditions for repatriation seem far away, considerations and discussions are already taking place among refugees regarding the potential for eventual repatriation. **Section 4** explores these processes and the capacities inherent in the community for decision making as well as community activities being undertaken that could be supported. Loosely speaking, refugees can be divided into those who aim to defer primarily on their leaders to make their decisions, and those who intend to make decisions for themselves.

- For refugees who do choose to repatriate, life without the external protection afforded to them in the camps could potentially leave them open to exploitation and extractive practices of multiple authorities. In the face of such threats, civilians in south-east Myanmar have developed a wide range of self-protection and coping mechanisms, that will likely be instrumental to repatriates' reintegration. There have also been lessons learned and modes of best practice established in the refugee camps that could be useful to repatriate communities as well as the various domestic and international actors aiding them. **Section 5** explores the various threats of exploitation that remain, common responses and coping mechanisms employed as well as perceptions of these threats and likely responses among refugees. This includes the existing capacities and conceptions at the community level related to establishing responsible leadership systems, and their potential role in contributing to repatriation and reintegration in safety and dignity.

- More broadly, refugees remain fearful of severe security threats and human rights issues. There also remain deep concerns related to perceptions of political inclusion and identity, in relation to potential repatriations. While refugees found it extremely difficult to conceive of community-based solutions to such problems, notable capacities were identified that could contribute to trust building with authorities, and other efforts to form a basis for related protection activities. **Section 6** explores the most severe forms of threat, common responses and relevant protection capacities at the village level as well as potential contributions to broader security sector reform in the region.

- Another primary concern highlighted by participants in relation to repatriation was gaining access to and maintaining stable livelihoods. Humanitarian support for sustainable livelihoods unquestionably depends on an understanding of traditional and other existing community practices. **Section 7** demonstrates that while farming is the most common traditional livelihood among the refugee communities, access to

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education and exposure to modern technology in the camps means that other vocational options would likely also be pursued in the event of repatriation, especially by youth.

2. In search of a durable solution

Facing protracted refugee crises across the globe, over the past decade UNHCR has sought to expand options for 'durable solutions' that bring a sustainable end to the suffering of refugees as well as their dependence on international protection and humanitarian assistance. Refugees spending years of their lives in confined spaces without proper rule of law are effectively being denied their rights under the 1951 UN Refugee Convention, and without proper rule of law or access to opportunities, face severe risks to their human security.

UNHCR recognises three typical durable solutions: repatriation, local integration, and resettlement to third countries. Given the uniqueness and specific context of each refugee situation there is no over-riding preference or global priority towards one durable solution or another.

In the context of Thailand and the refugees from Myanmar, the possibility for local integration has not been afforded by the country of asylum.

In the early 2000s, with the Karen conflict intensifying and no signs of improvement in Myanmar's human rights situation, UNHCR began promoting the strategic use of resettlement to third countries as a durable solution for the refugees in Thailand. In 2005, permission was provided by the RTG for international governments to offer resettlement to refugees registered by the RTG and UNHCR.[10] Since then, more than 89,000 refugees have been resettled, predominantly to the USA.[11] However, with the closing of the main group programme by the US in January 2014, resettlement will no longer be an option for most refugees, except those with specific protection needs or who need to be reunited with family.[12] Furthermore, as the last registration of refugees by the RTG and UNHCR

took place in 2005, there remain over 40,000 unregistered people living in the camps who arrived since that date and have thus not been eligible for resettlement at all.[13]

As noted above, there are emerging signs that repatriation has become an increasingly attractive option for some refugees. Meanwhile, it is being looked at by the KNU, GoUM, and associated agencies as a potential future option, and remains the preferred option of the most influential political actor, RTG.

This section explores perceptions among refugees (primarily Karen) of a preferable durable solution. Given the limitations of this study, it in no way aims to provide an accurate cross-section of the desires of all refugees; it merely intends to open the discussion of local ways of perceiving the problems they face as protracted refugees and how they can envision a solution.

Refugees' perceptions of a durable solution

Having faced displacement cycles spanning three or more generations, many of the refugees interviewed had difficulty conceptualising a durable solution. Though imperfect in many ways, the current situation represents the best realistic scenario that many could imagine as it provides near total protection and better services and infrastructure than most have experienced before.

For some, repatriation has long been envisaged only as a dream scenario, dependent on a revolutionary transition toward autonomous Karen rule in south-east Myanmar. Others with more realistic visions of a repatriation scenario would often only see it as preferable if the benefits they currently enjoy were continued, most importantly protection from violence, repression and exploitation. Without any certainty that either of these scenarios will be

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[10] TBBC (2005), p.4

[11] Between Jan 1 2005 and 30 April 2014 a total of 89,717 refugees from the nine temporary shelters were resettled to third countries. (Figures provided by UNHCR

[12] UNHCR, *US wraps up group resettlement for Myanmar refugees in Thailand*, 29 January 2014; available at: http://www.unhcr.org/52e90f8f6.html

[13] Ibid.; It should also be noted that In International Law, the right to return voluntarily to one's country is a fundamental right, while there is no right to resettlement as such. Resettlement is an opportunity provided by resettlement countries as an alternative solution and is generally considered for the most vulnerable segments of a refugee community, e.g. persons who have been highly traumatised or women at risk.

achieved, many have continued to see resettlement as their preferred solution, including large numbers of unregistered refugees for whom it is unlikely to ever be an option.

Despite these preferences, the majority of refugees spoken to understood that their current situation is impermanent and unsustainable and that their claims to refuge in Thailand are dependent on ongoing humanitarian threats in Myanmar. However, their ability to make educated considerations related to their own durable solutions are heavily limited by a lack of understanding of the dynamics that impact their status in the camps. In particular, the refugees had little understanding of the extent to which they were dependent on the decisions of the RTG, and of donors to continue to support them. Some even felt that decisions on their status in Thailand could be made unilaterally by UNHCR.

Perceptions of peace

Most refugee participants explained they would only consider repatriating voluntarily once there was 'peace'. 'Peace' was often said to be all that was needed for a sustainable solution, with numerous interlocutors stating that once that could be achieved, other needs like livelihoods, health and education would be easy to achieve. Views of exactly what 'peace' entailed varied from person to person though some clear trends emerged.

Some conceptualised a negative peace – an end to fighting – as a base condition, but the large majority focused primarily on their civil, political, social and economic liberties as individuals and as a collective. Overwhelmingly, especially for former farmers, the freedom to work was emphasised as the main such condition, encompassing freedom to move without restriction, to avoid arbitrary and extensive taxation as well as forced (or obligatory) labour duties, and to stay in one area indefinitely without having to constantly move around to avoid Tatmadaw attacks. Freedom to associate with EAOs was also mentioned regularly, as well to receive social services from non-state actors without persecution.

[Peace means] equal rights and freedom. Freedom means freedom of movement - that as humans, we can travel freely, under the law.

Male Section leader, Mae La

'Peace means if you have a job you can do it freely - there is no one to stop you, tax you or cause you problems.'

Elderly male, Umpiem

Others had more simplistic – at times unfeasible – conceptions of 'peace'. As it is often deemed that conflict has been a result of Burman attempts to conquer Karen lands and subjugate Karen people, peace is therefore envisaged as an end to such attempts by Burman leaders. The zero-sum analysis therefore posits that if 'the Burmans' want real peace, they simply have to leave Karen-inhabited areas altogether. This is often conflated with the Karen nationalist vision for an autonomous land of Kawthoolei, where Karen people are able to self-govern without interference from the Myanmar state.

Peace means we will live with our governor, the Burmans will live with their governor. If the international community can oversee an initiative to divide the territory then people will go back voluntarily, and all the other issues will sort themselves out - like health and education etc.

Young male, Mae La

While full independence is inconceivable at the current time, the majority of Karen political actors, armed and unarmed, continue to push for a federal arrangement whereby local governments have significantly more control over local affairs. If the peace process continues and is able to lead to much-awaited multi-stakeholder political negotiations, such constitutional changes could become a reality. If so, the space for refugees' visions of returning to a more autonomous Karen land, within the state of Myanmar, could be become viable.

However, having had little interaction with the state other than as subjects of violent abuse, the conception of peace being possible under continued rule of GoUM remains extremely hard

for many Karen refugees to imagine. One elderly man said peace would be impossible without a return to the times of *Htaw Mae Pa,* the mythological founder of the Karen race, who brought them to the region from the north.

Among some of the most pragmatic refugees, while repatriation was thought to be the most likely 'durable solution', their main concern was that it had to, indeed, be durable. While the positive signs of change have not gone unnoticed, refugees and refugee leaders who are observing the situation closely pointed also to discouraging signs or potential pitfalls. These included the continuation of conflict and attacks on civilian settlements in Kachin and Shan States, as well as ongoing widespread land confiscation, among others.

Unavoidably, a significant minority, including many of the tens of thousands of registered refugees who have chosen not to apply for resettlement either, have no interest in repatriating at all, wanting only to remain in Thailand. Some have family members that have married into Thai Karen communities, many associate Myanmar with traumatic experiences or extremely difficult periods in their lives.

I really don't want to go back, even if its safer. I just want to stay here. Can't we stay here? I have no land, no house, and no money.

Elderly female, Mae La

Others admitted they have simply become accustomed to the level of protection and other benefits afforded to them in the camps and don't want to consider that coming to an end. Faced even with the possibility of an end to such assistance, a notable portion of refugees said they would rather stay in Thailand independently, either by registering as migrant workers, finding sanctuary in the forests or mountains, or by staying on the Myanmar side of the border and finding daily work in Thailand

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Durable Solutions: Conclusions and General Recommendations

❖ As things stand, a significant proportion of refugees interviewed continue to see resettlement as the most suitable durable solution including many for whom this will unlikely be an option. Many others want only to stay in Thailand.

❖ The achievement of a deep peace, including guarantees for human security and freedom from exploitation by armed actors, represents the central requisite for repatriation and should be the primary aim of in-country interventions aimed at achieving a suitable environment for repatriation, as defined by communities.

❖ Community confidence in 'peace' will be largely determined by levels of trust in the government, which depends on tangible reforms in south-east Myanmar and elsewhere in the country, trust building and a reconfiguration of their relationship with the state of Myanmar. (Discussed further in Section 6)

❖ Refugees' abilities to consider durable solutions for themselves are severely restricted by lack of knowledge regarding their current situation or why it is not sustainable, or how this relates to the interests of RTG and donors. Greater information needs to be provided to refugees on their legal status as refugees in Thailand and potential changes under the current transition, alongside efforts to encourage greater consideration of what a solution might look like in the future. (Discussed more in Section 4).

3. Leadership

'They are our guardians and we will follow them'
Female refugee grandmother, Umpiem

Karen refugees participating in this study persistently emphasised the role of leadership in relation to their decisions around repatriation, and to their protection in general. References to 'the leaders' (kuh-na in Sgaw Karen or *gaun-zaun* in Burmese) were constant, primarily denoting the camp leadership systems, KRC and KNU, but often also including CBOs, INGOS and UNHCR. As will be discussed in Section 4, the tendency to defer to 'leaders' on decision-making was high particularly among participants without land or communities to return to. Large numbers of refugees said they depended on information from their leaders to make their own decisions, while others said they would default to their leaders on big decisions all together.

This emphasis on leadership is the result of a number of factors, some related to traditional and cultural norms and others to the specific socio-political context. It highlights the importance of collective identity in these societies and in some ways runs counter to the liberal ideas underpinning refugee and other modern rights-based frameworks, which emphasise the rights of people as individuals. However, understanding the role of leadership, and of collective action, is crucial to ensuring programmes build on community capacities. The reality is that many will depend on significant guidance and support from those they consider leaders.

Patron-client relations

Traditionally, societies across South-east Asia have been characterised by patron-client relations, at the macro and micro levels. Patron-client relations are essentially those in which people of higher status are expected to provide protection and other benefits to those of lesser status, in return for loyalty and deference. As described by James C. Scott:

The basic pattern [of patron-client relationships] is an informal cluster consisting of a power figure who is in a position to give security, inducements, or both, and his personal followers who, in return for such benefits, contribute their loyalty and personal assistance to the patron's designs.[14]

Such relations pervade Karen and other Myanmar societies, shaping individuals' perceptions of their roles and responsibilities at the family, village or broader community-levels expanding up to their relationships with armed authorities, such as the government, or EAOs. Similar notions often shape people's conceptions of their community's relationship to national, regional and international political actors too.

Therefore, people with lower status in a particular environment, such as youths or junior employees, will often refer only to their responsibilities to their seniors, or to the desires of the group, and rarely to those of their own. It is even rare for people assuming a position of lower status to introduce themselves, or bring attention to themselves in any way.

This norm is related to a strong sense of collective ethnic identity. Karen refugees tend to place great emphasis on their connection to their ethnicity and consider it as central to their status and position in the world. This relates to similar trends among Myanmar's other people groups as has been discussed in-depth by Walton.[15]

Particularly in environments where populations are well protected and provided for, such as the refugee camps, decision-making and societal arrangements are generally assumed to be the responsibility of 'the leaders'.

Types of leaders

Camp leadership structures are tiered, consisting of elected committees for each camp 'section' of a few hundred households each, and for the central level.[16] The existence of leadership

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[14] Scott (1972), p. 92
[15] Walton (2013), p. 4
[16] Due to its size, Mae La Camp is also compartmentalised into three 'zones', each containing

committees is a traditional practice in Karen and other Myanmar societies, as are varying forms of democratic election, though this particular system was developed and implemented by TBC and KRC. [17] It is also traditional for these committees to have authority over the broader population and to handle disputes or other intra-communal affairs, as well as to manage relations with higher authorities and external actors. [18]

While official refugee leaders appear to be firmly institutionalised, numerous other actors are also referred to as 'leaders' in a more general sense, and take on less overt roles as patrons. The most obvious are community-based organisations (CBOs) such as the Karen Women's Organisation (KWO), Karen Youth Organisation (KYO), Karen Refugee Committee Education Entity (KRCEE), among others. Similarly, these actors are often viewed as guardians by virtue of their provision of services, their members' levels of education, and their active role in the community. They also provide ordinary refugees with indirect linkages to actors of higher authority and increased representation in camp affairs.

Religious leaders play extremely influential roles in society, at times functioning as patrons. However, Buddhist, Christian and Muslim figures interviewed for this study insisted that they rarely play a secular role in the camps, and are concerned primarily with ritualistic and spiritual leadership as well as the maintenance of good relations between the various religious communities. Animist communities do not have religious leaders, but at times have close connections with the Buddhist orders.

Unwavering deference

Persistently, Karen participants responded to difficult questions by insisting deference to the decisions of camp leaders, CBOs or higher authorities. The majority were unwavering in their assuredness that their leaders represented

their best interests. Many also noted that broad decisions impacting them were too big for them to answer comprehensively and should be dealt by more responsible and more educated members of the community. In the most extreme examples, refugees clearly struggled to see themselves as individual agents of their own lives.

> *'Currently, we are like a football being kicked around. All we can do is sit still and see where we are kicked next. Refugee life is just like that.'*
>
> Young male, Mae La

This sense of limited agency is largely a product of their environment as their security and residency status are in the hands of the RTG, over whom they have no official influence, and their freedom to work is acutely restricted, rendering them largely dependent on aid. For those who have lived in the refugee camps for decades – some for their entire lives – this dependence is ingrained and risks overshadowing their capacities to make decisions for themselves. On the whole, it appears the existence of leaders who have near absolute authority over societal affairs is accepted as inevitable.

In some cases, this assuredness in 'leaders' was said to be contingent on the backing of such actors by the international community, in particular UNHCR. High regard for these international actors is largely a result of their demonstrated ability to assert a degree of authority over Thai, Myanmar and Karen authorities, and the role they are perceived to play as arbiters over regional affairs.

> *'Our leaders are the camp leadership but and so they should manage the relationships with other stake holders to make a plan for return.'*
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> Middle-aged female, Mae La

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between 5 and 9 sections, which each have zone committees tiered between section and camp level committees.

[17] TBC (2013), pp. 65-66

[18] Traditional and contemporary election models, and leadership roles, in Karen society will be discussed in more detail in Section 5

The risks of dependence on leaders

Despite the central role that leaders, and perceptions of leadership, play in Karen refugee

> ### *Box 2: The contested role of the KNU in refugee affairs*
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> The provision of organised assistance to the Karen refugees in Thailand began when the KNU established the Karen Refugee Committee and camp committees in the 1980s. Over the past decade, some international actors have contested that the extent of the KNU's influence both over refugee policy and on everyday refugee matters poses risks for refugee protection and the broader security environment.
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> In the late 2000s, numerous scholars began challenging the role of the KNU in refugee affairs, comprehensively exposing for the first time the extent that the refugee camps were feeding the organisation's insurgency. This also opened up an extremely important debate over a matter that was known to many working in the camps, but was not talked about entirely openly.
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> Donors responded very quickly, leading to efforts from most community-based refugee related agencies to distance themselves from the KNU at least visibly and rhetorically, through changing the names of camp-based wings of KNU line departments and other structural reforms. In many respects this created a taboo around the subject, generating anxiety within the refugee community, but led to little progress in establishing a coherent policy of engagement.
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> However, it should be recognised that the KRC and other KNU-linked organisations and entities have gained increasing levels of autonomy from their mother organisation over the years. This has been in part a result of sustained international support, and the groups' resultant gains in respect and authority and their ability to demonstrate their capability to manage refugee affairs.
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> In the context of repatriation and reintegration, a fresh conceptualisation of the relationship between international actors and the KNU will be necessary, that clarifies the parameters for such engagement and recognises the total inevitability of the organisation as a stakeholder in refugee affairs, regardless of international actors' actions. This will be particularly crucial, but equally as sensitive, while the peace process is ongoing and the official role of the organisation remains unclear.
>
> From a protection standpoint, humanitarian actors should do their best to identify protection capacities of structures linked to the KNU and enhance not undermine them, while at the same time ensuring safeguards protect individuals from exploitation and ensure their individual agency to make decisions is promoted.

societies, it would be wrong to assume that there is a single community view of protection that 'leaders' automatically represent. In practice, even in cases where families or individuals will emphasise their faith in and loyalty to their 'leaders', some will continue to make key decisions for themselves, and depend primarily on their own agency. From a humanitarian standpoint, it is critical that the independent capacities of refugees are strengthened to ensure that decisions and actions related to repatriation are entirely voluntary and are not undermined by dominant individuals or groups.

Decades of dependence *on aid* in the camp have arguably engendered a parallel dependence *on* 'leaders' as the managers of everyday affairs. Regular rations, access to free healthcare and education, high protection standards, and the absence of tax are generally seen by refugees as a product of good leadership. Expectations of future leaders have thus been shaped accordingly, meaning that many long-term refugees' consider such conditions as requisites for repatriation.

This is symptomatic of a combination of a lack of access to livelihoods, and a political culture where deference to leaders is the default as long as they are able to protect and provide. In an environment where individual agency has had little space to grow, this may have damaged the

capacity of communities to respond to future difficulties in the context of eventual repatriations.

For example, as refugees resettling to third countries typically receive extensive support in finding a job that will suit them, and are guided through what their rights as citizens will be in illustrated informational pamphlets, a number of interviewers stated that such actions would need to be taken by the Myanmar Government or other relevant authorities in order for them to even consider return.

In just one of numerous similar accounts, a refugee leader in Umpiem described this perspective:

> 'When people go to resettle, they are shown all of their laws and rights, such as the right to protection, education, and options for their livelihoods and so on, in a book with pictures, and an assistant to talk them through. They are asked if they accept all of that, and if they do then they can choose to go. Our government should do that if they want us to go back to their country. [In the USA] there are many options for higher education and people are happy to approach their local police officers - they are never scared to talk to any type of authority.'

This presents a number of challenges, as such services are rare even in liberal developed countries, and are extremely hard to conceive of in rural ethnic areas of Myanmar. More broadly, it is indicative of the limited perceptions of individual agency among refugees, displaying a need for initiatives that build on capacities that exist independent of 'good leadership' and that will help build people's confidence in taking the initiative for themselves.

Considerations for minority groups

Furthermore, while these 'leaders' may be accepted as legitimate by the majority, external actors supporting them must also assess their capacity to address the concerns of minorities or other groups of concern, particularly those outside of their own group. While no explicit

signs of unfair treatment were highlighted by participants to this study, this remains an ever-present risk. There are particular concerns for Muslims, who have in recent years been subjected to increased discrimination and violence across Myanmar, including the south-east.

Ethnically speaking elected leaders at different levels appear to represent a fairly sound cross-section of the refugee community. However, much of their authority is ultimately ceded in the KRC and KNU. Participants in this study from other identity groups, such as Muslims and Burmans explained that they felt disadvantaged as they 'do not have an armed group' or other political entity to represent them. They were forthright therefore in their assertion that they would depend on closer management of their affairs by international agencies, compared with other refugees who would tend to default to their own leaders. When asked about potential coping strategies of their own through such difficulties, respondents said they could only imagine fleeing once more.

For all people groups, safeguards must ensure that working with leaders does not allow specific influential actors to exploit refugees, particularly in the course of decision making related to repatriations. In particular, international protection actors have an obligation to ensure they are not supporting political actors should they become hegemonic or should they preempt or undermine the rights, responsibilities and individual decision making of refugees. While refugee leaders and CBOs play an extremely important – and in any case inexorable – role in the camps, engagement must be carefully calibrated to ensure their political agendas are not able to take precedent over adherence to international protection standards.

> 'If the area can be governed by a Karen administration, then I will go home. But there are some [Karen] leaders who will tell the refugees to go home for their own selfish interests so we have to be careful about which ones we follow. So an agreement [to lead to organised repatriation] needs to include not just Karen and the government but it really

needs to be overseen by the international community too.'

Young male, Umpiem

As described in Section 1, the control of populations is heavily associated with power and status in Myanmar, arguably more than control of territory or resources. While this reality cannot be entirely avoided, and international actors would be wrong to think that as objective external actors they have greater authority to make decisions on behalf of refugees than local leaders, caution must always be taken to avoid elite capture of such consequential decision-making.

International agencies and CBOs consulted for this study also noted practical difficulties in working together on protection activities. While some specific differences in approach were cited by people from both broad groups, it appears that reconciling traditional practices of protection with international standards has sometimes proven problematic, at times leading to misunderstandings between CBOS and international actors.

Leadership: Conclusions and General Recommendations

❖ The ingrained role of leadership in the refugee communities demonstrates a key community capacity that can be harnessed by international actors in aid of protection goals, primarily through the mainstreaming of cooperation with local leadership structures. Taking a community-based approach is dependent on the development of workable relationships with community 'leaders' of all kinds (including CBOs, and religious leaders).

❖ However, An almost unwavering deference to leadership represents challenges to achieving open and transparent participation of refugees as individuals.

❖ In all activities, international actors should aim to identify protection capacities of leaders, ensure they are not being undermined, and support them where possible. At the same time, such efforts must include safeguards to ensure that individuals are empowered to take their own courses of action at all times.

❖ Consultations and other participatory activities undertaken by international actors should where possible be conducted in partnership with CBOs or, at the very least, led by employees who come from the refugee communities. Progress may be slow in gaining forthright perspectives from refugees on sensitive matters, so adequate time should be allocated and expectations measured accordingly.

❖ The prevalence of patron-client relationships deeply affects the nature of relationships between refugees and international actors or local actors receiving international support. All international humanitarian actors (organisations and individuals) should therefore reflect on the de facto leadership role in society they take on and how they and their actions are perceived.

❖ Some refugees may have developed expectations of future leadership systems that might be hard to achieve under the government or the KNU in Myanmar. The determination of communities to make demands of those governing them could be seen as an important capacity to support democratisation processes of the future, but could also engender anxiety if adequate reforms are not possible in Myanmar prior to repatriations.

❖ Over-dependence on leadership, and the associated reliance on international aid also represents challenges for reintegration, as it could limit the agency of individuals to deal with unexpected challenges.

❖ Considerations must be made into specific support for minorities within the refugee communities, including Burmans, as they will often be under-represented by elected leaderships. Even where they are well-represented at the refugee leadership level, there are limits to the influence that non-Karen leaders can have over the KRC and the KNU.

4. Decision making

While the optimum conditions for repatriation seem far away, considerations and discussions are already taking place among refugees' regarding the potential for eventual repatriation. Some families have even begun tentatively repatriating, often sending working age members to test the water by tilling old lands. The extent of discussions about repatriation varies significantly from person-to-person and family-to-family, as do the various parameters. Broadly speaking, however, Karen refugees can be separated into two main groups regarding their approaches to decision making: those who will defer primarily to the decision of their leaders, and those who are taking steps toward independent choices. Naturally, there is significant overlap between these broad groupings.

Defaulting to the leadership

Of those who contributed to this study, the significant majority said they would default to their 'leaders' on whether, when, and even to where, they should repatriate. When asked to whom this referred, most said KNU, KRC, or their specific camp's leaders, while a number also mentioned UNHCR. While some said they were just awaiting confirmation that it will be safe to return to their place of origin, the vast majority conceived of a heavily-organised repatriation process, whereby all refugees would go back together under the close guidance of the leadership and international humanitarian actors. The reasons for such deference are multiple and relate largely to the protracted nature of the refugee crisis and to the positive experiences most refugees have had while living in the camps.

Staying with the 'leaders' was considered preferable for two main reasons:

1. For security and safety, and;
2. For continued access to the services and infrastructure afforded to them in the camps.

Firstly, it is considered safer to go back as a large group and under the close guidance of the KNU and associated refugee leadership structures. Subjected to decades of civilian-targeted counterinsurgency and exploitation by various armed actors, the most common community protection strategy engaged by Karen people in south-east Myanmar has been to simply flee, not just from conflict but to avoid all contact with the government or other exploitative authorities. In many cases, this has been achieved by fleeing to areas of Myanmar controlled by the KNU, or, in the case of refugees, to sanctuaries in Thailand, where the KNU is perceived as having been able to facilitate the provision of international aid. Thus, following decades of support and protection under the patronage of the organisation, the large majority of refugees spoken to continued to view them as their principle protectors and guardians.

> *I will follow my leaders if I cannot resettle - I won't go on my own. I feel safer in the camp so I decided to stay here - if stay, stay together; if go, go together; if die, die together.*
>
> Elderly male, Umpiem

Many said they would even prefer to stay in large settlements of up to 10,000 or more people rather than in spread out villages as they would simply feel more secure, while others felt that they would actually be more immune to attacks if in a larger group. A hope that a large group would be more closely monitored by the international community and the media, as they are in the refugee camps, was also noted.

> *We would like to live in a big camp like this, not as individuals, - we do not dare to do that.*
> Middle aged male, Umpiem

Secondly, refugees hold the camp leadership in extremely high regard as they are seen as having been able to manage the provision of services and infrastructure such as education, healthcare and sanitation. For decades most war-affected Karen populations in Myanmar received no or very little assistance, until the 1980s when then KNU began coordinating with international organisations for humanitarian support. As their villages of origin do not – or at least did not – have such amenities, people explained they have

Box 3: Family decision making

Karen families are traditionally tight units, with an onus on younger members to support their elders, while many households span more than one generation. It is common for families to have a central decision-maker, who is usually but not always a man. However, these are not strict hierarchies, and relatively free discussions often take place regarding family affairs. Interlocutors of all ages said they had talked with their family members about repatriation: sometimes just in passing, in response to rumours and media reports, and other times in greater depth, in aid of particular considerations.

Youths are typically involved in such conversations but traditionally bound to their parents' decisions until they are 18. In the camps, many young people are expected to stay in school until that age, after which they are able to make their own decisions. When young women are married, they are often expected to stay with their husbands' families, but this is not a strict tradition.

Family disputes have arisen in the past over migration choices, including decisions to move to the refugee camps, as well as over whether to resettle. Considerable numbers of refugees who are registered but have chosen not to resettle gave various family obligations as reasons for staying, while some described difficult decisions they had made to part with family members indefinitely where such disputes could not be reconciled.

People of all ages who have older family members still in Myanmar, often explained they would defer decision-making largely to them, and that they had a desire to support and serve their older relatives at home, making repatriation more appealing. In many cases, such family members represented a key source of information, on the situation at home. In general, those in touch with family members in Myanmar were far better informed and more able to consider the potential for repatriation than those without.

faith that their current leaders will be more likely to provide them.

If the leaders arrange it, I will go - I want to back and do agriculture. I am awaiting their

decision because if we go back as individuals well have no land or house. My family is much bigger than before too.

Mother, Umpiem

In the camp our leaders are the KRC, and they manage our affairs very closely. If we go back we need leaders like that who can manage the support from the international community. They need to continue to support us, and to manage our needs.

Male, Mae La

Typically, the longer refugees had been living in refugee camps, the more likely they were to want to repatriate under close leadership. Long-term refugees generally find it harder to envisage making a big move independently and are less likely to have strong attachments to relatives or land, and to still see their places of origin as 'home'. Practically too, knowing that they have no assets or social connections outside of the camp, many refugees feel strongly that they will depend heavily on a well-orchestrated humanitarian programme to provide everything they are accustomed to being provided.

Social issues play into this preference too. Many refugees are afraid of going home and facing ridicule or contempt from their former community. Dozens of interlocutors said they specifically feared being laughed at, looked down on, or being considered as traitors for leaving their community and only choosing to come back once the war is over. On the other hand, some refugees have developed extremely close social networks in the refugee camps, particularly in Umpiem, where thousands of refugees who have been together since the 1980s are currently based. It is felt that hardship had brought them together at first, and that because all of their basic needs are provided for by NGOs, there are fewer reasons to fight or compete compared to their communities of origin. For young people who have spent all or most of their lives in one refugee camp, this sense of community is particularly crucial, as it is for elderly people who find it harder to imagine starting again. Many interlocutors exclaimed that they would stick together no matter what.

16

We are all [Karen people]. If poor, we are poor together. If rich, we are rich together. If we stay, we shall stay together. If we go, we will go together. If we starve, we will starve together. If we die, we will die together.

Middle-aged female, Umpiem

Some refugees explained that if they were able to make the initial move back into Myanmar as a group, they might become more confident over time to seek out their home, or to find a new ordinary village, once they were certain it was safe. Some explained that such a process would be preferable, and that they would be particularly confident if there was always a secure fallback option if they faced increased difficulties in the future.

Refugee leaders envisaged similar processes too. Generally they felt refugees should have the choice to go where they want, but were certain there would be a large portion who wouldn't have anywhere to go so would prefer to stay under the guidance of their current leaders.

Among those awaiting a decision from their leaders on when they should repatriate, there are also some refugees who hope primarily to return to their places of origin. Some consider it prudent to stay in the refugee camps for as long as possible, certainly while the situation remains fragile, but envision attempting to move away from the group if 'the leaders' confirm it is has become safe to do so.

Some refugees also expressed wariness of exploitation, noting that some leaders might have selfish reasons for encouraging specific courses of action, though no specific examples were given.

Independent decision making

I am a human being and I should stand on my own two feet.

Male, Mae La

A sizeable minority of participants, particularly in Mae La, indicated that they would make their decisions independently. These refugees have typically thought about the prospects of repatriation in more detail than others: many intrigued by the prospect, and others more inclined to attempt local integration. Some of these stated a desire to once again 'stand on their own two feet', tired of donor dependence, the restrictions on their movement and close micro-management of their affairs. Since rations have been decreased, growing numbers of refugees, including the elderly, have become dependent on seeking day labour around the refugee camps so have begun thinking about more sustainable ways to earn a living in the future.

A small but significant number of these independent decision-makers remain committed to staying outside of Myanmar. Some because they don't believe peace is possible, and others who said they would refuse to go back even if it was achieved. Among the latter are refugees who have made personal commitments never to return. Some have suffered extreme trauma, while others now have family ties in Thailand. Some people have sold all of their assets at home and left old friends behind, intending to seek permanent residence in Thailand or a third country.

I do not want to go back to my village at all… [If I absolutely have to leave here] I want to stay around the border area, moving around the forest, living on the Thai side, moving around back and forth. I have been here for so long, I don't want to go anywhere…. maybe I would just go and live in the forest or mountainous region. If there was no longer any support in the refugee camp, that is how I would like to live.

Elderly female, Mae La

Refugees of varying education levels stated an interest in obtaining permission to work in Thailand. These ranged from those who hoped to work in cities to those who would stay in rural areas along the border, living off day labour or subsistence farming. Some people hoped that resettlement would be an optional last resort if the refugee camps were one day closed. Overall, most independent decision-makers saw integration in Thailand as a viable option, even if they did not know how.

Box 4: A peace agreement and a 'repatriation accord'

I will make the decision by seeing and hearing for myself. If I see they have signed the agreement that says there is now real peace, then I will go back. The international community should witness and confirm they really signed it.

Young male, Mae La

The majority of interlocutors, both those dependent on leaders' decisions and 'independents', said that before they seriously consider repatriation they would want to see the announcement of a comprehensive peace settlement beyond the existing ceasefires, which are considered fragile and impermanent. The need for such an agreement was raised by refugees of wide-ranging levels of education and experience in varying degrees of detail. Across the board, a number of key features were highlighted.

It was viewed that an agreement would be achieved through political negotiations primarily between the KNU and the GoUM but would need to indicate a settlement to conflict between all armed actors. It was often envisaged that this would pave the way for a 'repatriation accord' regarding specific arrangements for their return. This, it was deemed, would need to provide guarantes for their basic physical security and fundamental rights. Specific further conditions that were raised included:

- An official amnesty for all refugees, ensuring they would not be targeted as KNU supporters
- An end to taxation, and forced and obligatory labour duties
- An end to Tatmadaw military expansion
- A withdrawal of the Tatmadaw, at times all Burman officials, from Karen-populated areas (both full and partial withdrawals were discussed)
- The rule of a single governing authority (sometimes specified as a Karen authority)
- Inclusion of all EAOs, particularly Karen groups, but also others across the country, to confirm that the government 'had really changed', and not simply redirecting its aggression elsewhere.

The role of the international community in both agreements was seen as central. Almost as a given, refugees see international governments and the UN as the natural step-up from the Myanmar Government in the political hierarchy, and thus as arbiter figures who are able to impose rules and regulations on it almost unilaterally. Discussions of the role of sovereignty in contemporary international relations, and the limits of the legal options in countries that are not party to the 1951 Refugee Convention, surprised many participants who are used to political environments where almost all actors depend on the guardianship of more powerful stakeholders for their protection.

While the international community would be unable to guarantee all – if any – of the specific conditions put forward by refugees, conceptions of a 'repatriation accord' of sorts seems compatible with UNHCR's principle of securing a tripartite agreement between the host state, the state of origin, and the agency, to provide for safe repatriation. Crucially though, the legitimacy of such an agreement was said to depend on the inclusion of, and full endorsement by, the refugees' 'leaders', referring primarily to the KNU and KRC, and indicating involvement of Karen CBOs.

However, the majority of those taking a more independent approach said they are looking primarily at opportunities for repatriation. These are mostly refugees with connections to their places of origin, such as relatives, land or both. Many said they felt the onus to support their family members, but had been advised to stay in the camps for the time being, as the situation remained fragile.

I would go back to my own village. I have not been there for 10 years but my relatives have land there. They said I can go back and work with them.

Mother of four, Mae La

Some, especially youth who have finished in education in the camps, are enthusiastic to return to work in the social sector, either for CBOs or in the education or health sectors. The development of new roads to refugees' villages

of origin were also seen as positive signs that they might be able to build stronger lives at home.

The primary considerations for most of these interlocutors related to the security situation. The majority required assuredness that the ceasefire would hold, and that they would not face danger as individuals. Many were concerned with which authorities were operating in their villages, and what natural materials, and vocations, were being taxed or otherwise restricted.

Particular concerns were held regarding the positions and behaviour of Tatmadaw battalions and around the status of relationships between BGFs and EAOs in various areas, who are still fighting on occasion. Some refugees had very specific reasons for leaving in the first place – such as to escape conscription into *Pyithu Sit,*[19] BGFs or EAOs, or to avoid forced or obligatory labour duties. These people are therefore basing their decisions on whether such risks still exist, or whether they are likely to be punished for fleeing in the first place. Across the majority of interlocutors was a concern that once they have made the decision to return, they will not be able to come back again, so they need more certainty that it will be the right decision.

The role of 'leaders'

The guidance of leaders remains instrumental in the decision-making processes of independent decision makers. However, these refugees are also employing a number of their own methods to ensure they take the best next steps. Principally, these people explained they were actively listening to the radio and watching TV to keep track of the political developments in Myanmar, particularly the peace process, and the potential for a democratic government to take power in 2015/2016. Others relied primarily on anecdotal information, and guidance from more

educated community members and leaders, as well as speeches given by the KNU.

'Independent' decision makers stated that they were particularly interested in what kind of agreement would be achieved between the KNU and GoUM, whether this would ensure their security, and if it would allow them to live under Karen leadership in Myanmar. Most said they intended to continue listening to the views and opinions of a range of actors, and weigh up their options for themselves. For these people, the international community's guidance was noted as crucial, particularly in being able to validate any agreements made between GoUM and the KNU. A number of times, interlocutors said that the international community's validation of claims made by GoUM would be important as they claimed it was dishonest or that government leaders 'say one thing, but do something else'.

The most comprehensive information accessed by refugees regarding their specific places of origin usually comes from family members still living there, who are either able to visit the refugee camps or can be contacted by phone. The majority said that their relatives were advising them not to attempt repatriation yet, primarily because the security situation remains fragile. Further, they have been told that restrictions and taxes imposed by various authorities remain a severe impediment to reintegration, as gaining access to land and natural materials for building is too complicated and expensive.

Go-and-see visits

Some independent decision makers have visited their home villages themselves, while many more are planning to do so in coming years. Such visits are undertaken by some to get a scope on specific issues – such as Tatmadaw positions and patrol routes, or the various taxes or other restrictions in place – and by others to more generally visit family members and get a sense of how things have changed since they left. Across South-east Myanmar, where displaced people still have land at their places of origin it is typical for working age family members to back whenever the security situation permits, though

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[19] *Pyithu Sit,* or 'people's militia' are village-level paramilitary groups formed and commanded by the Tatmadaw or BGFs in rural parts of Myanmar. In some other parts of the country, the term is also used for more institutionalised ethnic militia groups that have allied with the Tatmadaw.

this does not always represent an attempt at 'return'.

As was the case following ceasefires in the 1990s in Myanmar,[20] the decision making processes of displaced people will likely be highly protracted and involve years of trial and error. Typically, displaced families will test the water at their places of origin with one or more family members beginning to cultivate old lands and slowly rebuilding homes and becoming more and more settled incrementally, in line with growing confidence in the security environment. Go-and-see visits are the first steps in such processes and are central to seeking truly durable solutions.

At the time the research was conducted, a number of families were arranging for one member – typically a male, either a youth or the head of the household – to make home visits for a week or longer. A number of youth interviewed, who had been in the camps for a long time but maintained connections at home, were planning trips particularly enthusiastically. Festivities, such as the New Year water festival or Karen national events held by the KNU since the ceasefire, have attracted visitors from the refugee camps too, bringing together communities from both sides of the border. It is likely that some of these attempts have led to more concerted return efforts since, though research conducted elsewhere by this author suggests that most families attempting returns have done so slowly without letting go of their homes in the camps or other former locations.[21]

These go-and-see visits were at the time of research being planned and undertaken covertly, without informing leaders, and receive no support from any authority or international agency. Currently, permits to leave the camps are typically provided for a maximum of 3 days, and do not authorise refugees to cross the border. This presents acute security threats to refugees, who have to avoid authorities on both sides of

the border. While the Thai authorities are likely to either detain or levy fines on refugees whom they find outside of the camp, the Myanmar authorities are far less predictable and vary from area to area. Providing permits for go-and-see visits is complicated significantly as refugees explained they would feel less safe in the presence of Myanmar authorities with any evidence that they had come from the refugee camps. As a result, many explained they would not enter the country with any such permit, so would be left without protection in Myanmar and for the return journey through Thailand.

We need some kind of formal protection to do this, but none of us would dare to take a permission document into [Myanmar], only on the Thai side; this would make it worse on the other side. Even if it is verified by the international community, that will be the same. Even my friends [who have gained residency documents in the USA] don't dare re-enter with their passport. In the big cities, no problem, but in the villages it would create a problem.

Male youth, Mae La

Refugees planning go-and-see trips face further risks as they often seek work outside the refugee camps in order to save appropriate funds. Some, especially around Mae La, undertake such work at risk of detainment, or of having their daily wages confiscated on arrest. They also generally require strong familial or other connections in their destination areas in order to be assured somewhere to stay. A number of refugees explained they would like to go and see the situation for themselves, but didn't even know how to get to their home village, or wouldn't know who to contact once they arrived.

There is no support from the leaders of any kind for visiting home. I went to save money outside the camp, by farming corn and saved some money, but I was afraid the whole time.

Male youth (not as above), Mae La

Many of the independent decision makers explained they would need to spend an extended period of time visiting their home area and slowly

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[20] See Jolliffe (2014)

[21] This was noted during research by Kim Jolliffe in Kayah, Bago and Karen States, as well as in lengthy discussions with local and international groups working with returning IDP and refugee communities (March 2014 – January 2015).

rebuilding their lives before they were willing to commit to leaving the camps permanently.

The main conclusions of those spoken to for this study were that although it seems safer than it was prior to the ceasefire, full repatriation remains too complicated and unsafe, due to the continued rule by multiple armed authorities without rule of law or other institutions they can depend on for protection. They also fear losing their current position in the camps, and then needing to flee again if the ceasefire breaks down. Though numbers of people returning to their farms are increasing year-on-year, there is a need to identify how many of these movements actually represent entire families making the decision to repatriate.

It is important to note however, that the majority of interlocutors who claim deference to the decisions made by their 'leaders' expressed clearly that they have no interest in conducting go-and-see visits, and would much rather allow others to make the decision on their behalf. It is crucial therefore that support for decision-making processes prior to repatriation does not favour only those willing to take such risks.

I have no interest in going there to see for myself or anything like that. The leaders have protected me and I will await their decision.
Elderly female, Umpiem

Limitations to making informed decisions

[The refugees] are very scared for their future because there is no transparency. They know they will need to stand on their own two feet in the future, but they don't know where they are on the road - are they at a crossroads?
Camp leader, Mae La

Refugees' abilities to begin making informed decisions are severely impaired by inadequate understanding of their circumstances and limited access to reliable information. Many had never thought about repatriation, while some had not even considered that their current situation might not be sustainable. Many of those who were aware that the environment was changing and that they might have to make difficult

decisions in the future expressed anxiety resulting from a lack of knowledge of the various factors impacting their position in the camps. Others admitted that as such a shift in their lives was so hard to conceive, for example because of traumatic experiences or because they had lived in the camps their entire lives, they had been purposefully avoiding thinking about the subject.

Some people say we won't be able to say but I don't listen to what they say as there are still always new people coming.
Elderly male, Mae La

Refugees, refugee leaders and CBO members all expressed frustration with rumours, anecdotal reports, selective information and propaganda coming from the media, from 'leaders', and from other individuals or organisations. A few refugees said they only believe information they see in writing from 'official-seeming' sources such as magazines or newspapers. Some requested specifically that NGOs, CBOS, and KRC take a more active role in providing information on current changes in the policies of NGOs, donor governments or other international agencies, including recent rations cuts.

Refugees often also expressed desires to improve their understanding of broader complicated matters, such as:

- The nature of, and threats to, their status in Thailand;
- The reasons that the international community chooses to support or not support them;
- The scope of UNHCR's relationship with GoUM and RTG; and
- The legitimacy of the KNU in the eyes of the international community.

Such sensitive political matters have deep implications for refugees' understanding of their socio-political environment and their ability to make informed decisions. However, they are rarely discussed openly even among international humanitarian actors, and can be particularly difficult for refugee leaders and CBOs to research and analyse accurately.

While a number of international agencies have for years operated services intended to provide general information to refugees related to assistance programmes, the large majority of participants to this study said they had never even considered making use of them, despite their frustrations. The majority admitted that it was not a lack of access to information as such that was hindering them, but rather their inaction in seeking it out or trying to develop the skills for such analysis, in part due to unfamiliarity with the mediums used. Generally, the community has a weak tradition of self-education, while deference to the minority which are 'well-educated' is second-nature, meaning that few people are inclined to actively try to obtain information.

Furthermore, asking questions, especially to strangers, is often equated to brashness and over-confidence in Karen culture, meaning that many ordinary refugees are simply too shy to make use of information services available. Programmes for informing refugees on matters related to repatriation, such as the Information Management Common Service (ICMS), which is being established by UNHCR and CCSDPT, will therefore have to be more innovative in their approaches.

Consultations with refugee leaders and CBO members for this study indicated that they had well-developed methods for addressing these difficulties in order to provide information to refugees and listen to their questions and concerns. These approaches often depend on actively reaching out to refugees on a family-by-family or small group basis, working through complicated issues step-by-step and at refugees' own pace, whilst ensuring trust is being earned.

While due caution is necessary to avoid capture by local interest groups, international agencies should work as much as possible with such partners to provide better information to refugees. Locally run initiatives often have more legitimacy in the eyes of locals, especially when run by elected leaders, and depend on fewer resources. Constrained interactions with foreigners risk having the adverse affect of adding to confusion and anxiety among refugees

and are harder for participants to follow-up on due to their lack of access to the individuals or confidence to approach them.

As such sensitive matters are at stake, programmes could be jointly implemented to ensure mutual oversight and adherence to jointly determined aims. While local partners would take a leading role in engaging refugees and be given freedom to set the pace and nature of such engagements, international actors might be best placed to provide information, policy and context analysis, resources and technical support. Such platforms could also provide information back the other way to enhance international understanding of local concerns, perspectives, and activities.

Additionally, international agencies should identify local activities already taking place. For example, the KWO has already begun consulting refugees about their views on repatriation and providing training to help them consider their options. The quality of such programmes should be assessed, with a view to determine options for providing auxiliary support as requested by locals.

Assessments would be necessary to confirm such initiatives are supporting independent decision-making processes and not attempting to influence decisions based on top-down preferences. Furthermore, international actors should avoid co-opting such schemes and risk damaging their legitimacy in the eyes of refugees.

Decision Making: Conclusions and General Recommendations

❖ Supporting refugees to make adequate decisions regarding their movements will depend on a careful balance of working through locally respected leadership structures while ensuring that individuals are empowered to make decisions for themselves and are protected from exploitation.

❖ The vast majority of the Karen refugees interviewed are waiting for refugee leaders, KRC and KNU leaders to make a on their behalf before they entertain the idea of repatriation. Among these participants, most envisioned a highly organised mass repatriation, whereby specific sites are identified and new settlements are founded.

❖

❖ Communication between refugees and their families living at their places of origin is a simple community-based mechanism that could be actively supported through formalised programmes, both by aiding refugees to contact family members by phone and by supporting family members visiting them in the camps. However, such matters could be considered as delicate by some refugees whose family members might not want local authorities in Myanmar to know that they have relatives in the camps, so caution must be taken and time spent to find sensitive ways to provide such assistance.

❖ Possibilities for supporting independent go-and-see visits should also be explored, as such endeavours will be central to refugees making well-founded voluntary decisions. Systematising these ongoing activities could also provide opportunities for the benefits to be shared more widely through the organisation of presentations and discussion forums led by individuals who make the visits. The particulars of such programmes would have to be carefully planned in conjunction with refugees, refugee leaders and CBOs to ensure they are safe and viable. Available support would likely have to be flexible to suit different individuals and different target locations in Myanmar. Failure to provide legitimate channels for such visits will encourage continuation of illicit approaches to such endeavours. Crucially though, safeguards must be put in place to ensure refugees unwilling to make such visits are not be marginalised in decision-making processes or indirectly pressured into undertaking such activities in order to receive other benefits.

❖ For all organised decision-making activities, considerations should be made to ensure that refugees who are aiming to make independent decisions but who are wholly averse to repatriation are not marginalised.

❖ The decision-making capacities of refugee leaders and CBOs are crucial as so many people will unavoidably depend on them. Existing capacities for such decision making could be enhanced by international protection actors strategic planning and problem analysis capacity training, as well as joint thematic workshops examining various obstacles to safe repatriation.

❖ Refugees who have lost connections with their places of origin could feel safer making decisions as a community, a process which could be facilitated through participatory workshops. However, a large portion will likely avoid such processes altogether and will depend on outreach initiatives carried out by refugee leaders or CBOs, to encourage their involvement in collective decision-making.

❖ Decision-making will be a highly protracted process for all refugees as migration choices often have been in these communities for decades if not centuries. To ensure their voluntary decisions lead to sustainable solutions, safeguards should be put in place to ensure they do not have to make quick irrevocable decisions. Efforts should be made to negotiate with the Thai authorities to provide refugees attempting repatriation with a safety period during which returning to Thailand is a fallback option.

❖ UNHCR and other international humanitarian agencies must fully appreciate the extent of the impact that a decision to promote or support repatriation would have, given the extremely high regard many refugees hold for such agencies' abilities to make judgements on refugees' behalf.

❖ In particular, an internationally verified peace settlement and/or a tripartite agreement on repatriation would almost solitarily determine the decisions of many refugees. Such moves by the international community must be taken with extreme caution and awareness of the implications they have for refugees' safety and security. Refugees should also be made aware of the unavoidable degree of uncertainty that even a comprehensive peace settlement would be permanent or be sufficient to ensure their security.

5. Exploitation, response and re-establishing community leadership systems

For refugees who do choose to repatriate, at least in coming years, one of their primary struggles will be adjusting to life without the external protection afforded to them in the camps. In an environment where rule of law remains illusive, and where multiple authorities and armed actors continue to exploit local populations, repatriate communities' endogenous protection strategies will be instrumental to their welfare and survival.

> ### Box 5: Definition
>
> **'Local authorities'** refers here not only to state, but also BGF, or EAO authorities involved in security and governance affairs in the locality being discussed. In these regions, such authorities, including those of the state, are primarily armed authorities, or are implicitly backed up by armed force, and are thus viewed by communities as having the potential to use violence.

Many of the refugees interviewed for this study expressed hopes that camp protection structures could be effectively be transplanted back to south-east Myanmar, along with all the associated benefits. This would be hard to achieve for domestic politic reasons alone, let alone the incompatibility with international humanitarian practices. There may, however, be lessons learned and modes of best practice established in the refugee camps that could be useful to repatriate communities as well as the various domestic and international actors aiding them. Exploring traditional and existing community-based protection mechanisms for everyday threats in rural south-east Myanmar, this section aims to explore how repatriates envision re-establishing the community structures necessary for their protection.

Protection against extraction

Refugees persistently highlighted their fears of returning to a social order where they were subject to exploitation by local authorities, particularly the Tatmadaw and BGFs.

Many of the refugees interviewed lived in areas of mixed authority, where the claimed territories of KNU, DKBA, the Tatmadaw and other smaller groups would overlap, subjecting local civilians to multiple regimes of governance, and the exploitative demands of various groups.[22]

Today, livelihoods continue to be severely impaired in these areas by a range of extractive practices perpetrated by local authorities including arbitrary and excessive taxation; extortion of food, livestock and other property; forced labour for private, public and military enterprises; movement restrictions due to taxation at checkpoints; and forcible recruitment.[23] As well as representing protection concerns for repatriates, such practices are recognised major driver of their initial displacement. According to Bosson:

> Most forced migrants in Burma/Myanmar are displaced not by overt military action… but through the cumulative impact of such coercive measures as forced labour, land confiscation, extortion and forced agricultural practices.[24]

For communities remaining in south-east Myanmar, local protection against these practices has primarily revolved around the management of community relations with local authorities or other influential political actors. This is achieved through village-level leadership systems and depends largely on close cooperation and coordination within society. The first step for establishing the basic foundations necessary for community-based protection will therefore be to re-establish community itself and community leadership systems.

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[22] A higher proportion of the refugees in Mae La and Umpiem come from areas of mixed authorities compared with other camps, as they are closer to parts of central and lower Kayin State, where control of territory is heavily contested.

[23] For a comprehensive overview of such practices in rural south-east Myanmar since the ceasefires, see KHRG (2014), pp.43-58 and pp.72-86

[24] Bosson (2008), p.1

As the Karen Human Rights Group (KHRG), which has documented community-based protection in these areas for decades, describes, mechanisms for coping with extractive demands from the Tatmadaw and its local allies have included 'negotiating, bribing, lying, shaming, confronting, various forms of discreet false-compliance, jokes and counter-narratives and outright evasion.'[25] According to KHRG's documentation, the majority of these techniques are carried out by village heads. As discussions with refugees about the role of leadership in community confirmed, it is a firmly established norm that community leaders take care of relations with external actors on behalf of the group.

Orders from local authorities are typically delivered via village heads, who are then implored to make demands of their communities to fulfill the requests.

> *The [village head's] main job was to relay demands from [authorities], who would order them to visit them by written letter. They would then have to organise the village to fulfill whatever demand they had. This was not done through official procedure - they just gave orders by mouth. That was not a good system - it was [like that] only because of the situation.*
>
> Elderly male, Umpiem

Village heads often become adept at handling such affairs through a spectrum of calibrated responses, ranging from soft negotiation and appeals to commander's sympathy, to various forms of deception, and at times, outright confrontation and refusal, often appealing to the blatant unfairness of demands. Where possible, even in areas with high-levels of state presence, local people often simply aim to evade contact with authorities.[26]

However, while such methods are forms of protection, they almost always expose communities to new risks, and by no means deal with the root causes. As South describes:

Each of these strategies involves trade-offs, and often exposure of individuals, families and communities to new threats.[27]

Ultimately, communities aim to find an equilibrium whereby they can provide just enough of their resources to avoid being severely harmed, whilst still being able to cope. Local authorities too, at times demonstrate an interest in establishing such a balance, aware that the communities on which they depend will otherwise flee. In most cases, the regular paying of tributes to local commanders or other soldiers forms the backbone of such arrangements, establishing a highly exploitative cultural norm which South aptly describes as a 'protection racket'.[28]

Such arrangements debilitate communities not just in a material sense, but also by way of forced labour that detracts from their own livelihoods; and conscription, which in many cases requires all families with more than one son to provide a recruit. Calibrated compliance with these demands is employed as a strategy for establishing a basis for negotiation. This way, when over-excessive demands are made, local authorities are more likely to listen to appeals for leniency.

In line with the patron-client practices described above, such mechanisms often involve a decision on the part of communities to make the most of relations with whichever armed authorities they end up with in their areas - or which they have fled purposely to live under - in return for assurance that their loyalty will be rewarded with basic protection from other authorities, access to land, freedom to work, travel permissions and natural resources.

As well as at the community level, families too often aim to establish patron-client relations with commanders or administrators of local authorities. The most direct way to do this is often to put male family members forward for recruitment, or to provide skills towards profit-making activities. Concerningly, as the narcotics industry has grown since the ceasefires were

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[25] KHRG (2008) pp.92-93
[26] Ibid. pp. 94-103

[27] South (2010), p.23
[28] Ibid.

signed, dealing and trafficking of illegal drugs is a growing form of such practices. In other cases, educated youths are able to form such relations with commanders, for example by being able to write, translate or help with the use of information or communications technology,.

According to South:

> In some cases, different individual members of particular families may move into areas controlled or influenced by different non-state armed groups, in order to diversify the family's protection strategies, and maximize opportunities to secure livelihoods.[29]

More confrontational forms of engagement are also used at times by communities to protect themselves against extraction. As well as outright refusal of demands, these include various forms of advocacy, both public and private. This includes directly threatening to report specific commanders to the media or to human rights groups,[30] as well as more tempered efforts, whereby respected members of the community meet with local authorities to appeal for changes in their practices.[31]

Depending on the connections enjoyed by members of the community, appeals are also at times made to more senior members of specific authorities to apply pressure to their subordinates. In stable settings, where communities have remained relatively stationary, petitioning of this kind can be carried out through village-tract, or sub-township level leadership committees.

Re-establishing community level leadership

Many problems were highlighted related to the village leadership systems experienced by refugees prior to moving to the camps. In areas governed by competing authorities, some villages would be required to have one village head to deal with each, often including a Burmese speaker to handle relations with the Tatmadaw. In other areas, a single village head would have to

balance relations with all actors, under the constant fear of being caught up in their disputes.

One male refugee explained that he had moved to the camp because as a village leader in a frontier area of the KNU–GoUM conflict, he lived in constant fear of being killed by one authority for obeying the orders of the other.

> I was a village leader in my village until 2010 but one day I realised that the only way I was ever going to die was to be killed by the Tatmadaw or the KNLA - it was inevitable.
> Father of five, Umpiem

For village heads in areas under firm control of the KNU, the risks could be even greater, as village heads could be targeted specifically by the Tatmadaw without provocation.

As a result, villages would often operate a rotation system whereby five villagers each month were selected at random – usually through each household drawing straws – to form a secretariat, with one head at the top. In other villages, popular people known for being fair and smart, would be implored by others to take on the role at their own risk. While such systems are understood to have been necessary for managing difficult situations, refugees were firm in their agreement that they were deficient in their efficacy to manage protection issues or other village affairs.

Village elections are common practice in stable settings in Karen communities, usually conducted publicly through a show-of-hands rather than through secret balloting, and don't necessarily require individuals to put themselves forward.

Refugees described traditional village leadership systems as deficient also in transparency, allowing high levels of corruption, arbitrary taxation and other unfair demands, and lacking legitimacy in the eyes of most villagers. These weaknesses were said to increase despondence in community affairs generally, leading most villagers to take less active roles in influencing leadership.

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[29] Ibid. p. 30
[30] For example see KHRG (2008), p. 103
[31] See South (2010), pp.38-39

Participants had consistent visions of how future village leadership systems would look. In the event of repatriation, they hoped that they would be able reform existing systems based on the models developed in the camps. As the majority of refugees interviewed envisioned a mass organised repatriation, they envisioned that their current communities and leadership systems would stay intact.

While camp leadership committees remain heavily dominated by men, and international protection actors have long struggled with encouraging diversity and true representation within them. They also continue to suffer from a culture of nepotism and corruption, that has been softened over the years but nevertheless exists. Nonetheless, according to the vast majority of participants to this study, they were deemed to be more legitimate than those at their places of origin.

I like the leadership system in Mae La. I would like this type of system to continue at home. Some leaders inside have poor management skills, but the camp its better. There is more corruption for example back there, more collection of money from people.

Mother, Mae La

Similar systems adapted for traditional community structures were envisioned and described by a number of refugees and refugee leaders. These were generally imagined to involve village leaders and leadership committees elected via secret balloting on a three-yearly basis from willing candidates only. These leaders would then represent the village in elections for the village-tract or sub-township level following consultations with ordinary villagers. They would then be responsible for keeping their constituents informed on higher-level political affairs. They would also handle relations with other villages, various authorities and external political actors. Importantly though, refugees hoped that such leaders would be answerable only to a single authority above them and be able to focus on representing their constituent's interests rather than being used for the interests of armed or political actors.

We want a system where we can choose our representative, and then they can be leader for three years, and then if we don't like them we are able to kick them out… In a system where people choose the leaders because they like them and prefer them to the others, the leader then has to rule them in a way that suits the people not just himself. If the leaders choose themselves, they don't have to care about people's suffering

Elderly male, Umpiem

Refugees often explained that leaders should be well educated like those in the camps and have experience dealing with international and other political actors. Some feel that the next generation of leaders will be particularly strong as a result of refugee camp education as well as greater awareness of international humanitarian affairs and 'Western' systems like democracy.

Some refugees specified appreciation of the camp systems for dealing with intra-communal disputes. Typically, such issues can be reported to camp security officials (refugees authorised by the camp leaders, with basic community-management and security training), who then notify Section leaders. Disputes are generally handled bilaterally between concerned parties with arbitration by Section leaders, who ensure a compromise is come to. If refugees do not feel their issue has been dealt with the properly, they are given the right to engage the section leaders' senior directly. Escalated disputes and violent incidences among refugees were said to be extremely rare in general.

Refugee leadership systems have a far greater institutional awareness of international protection standards than their counterparts in Myanmar as a result of training provided by international humanitarian and protection actors over the years, as well as general interaction with such agencies. According to the KWO in Umpiem, gender-based violence in the camp has decreased over the years as a result of increased awareness and sensitivity among the camp leadership systems, despite them remaining dominated by males. According the group, being placed under leaders without such awareness has been

highlighted as a particular concern among female refugees.

Overall, the kind of village leadership systems envisioned by refugees would appear compatible with present governance administrations in government, KNU and DKBA areas, particularly at the village level, where locally elected village leaders are already customary and were institutionalised by the General Administration Department (GAD) of the Ministry of Home Affairs in late 2012. More complex would be the establishment of a political order where such leaders are answerable only to one authority, and where they have official oversight over local security actors.

Potential for international intervention

For international protection actors hoping to contribute to the protection of refugees in the advent of their repatriation, much will depend on a reconfiguration of relations between society and the various authorities. Perhaps for the first time in the country's history limited space is opening for engagement with the state on such affairs, both at the local and central levels.

Conditions for such reforms could be outlined in ceasefire and peace agreements, a tripartite agreement on repatriation or both, and then be supplemented by both international and community-based monitoring processes. More comprehensive change, however, will likely be gradual, and will depend on a transition away from military to civilian rule and administration.

In specific localities, international protection actors could facilitate dialogue between community actors and various authorities. While external actors have to be wary of the political implications of becoming too involved with specific arrangements, many refugees and refugee leaders expressed the need for a safe forum to bring the root causes of exploitation to the table with authorities, which they felt the international community could help to facilitate.

Currently, the influence held by senior community representatives is predicated primarily on their specific patronage structures,

and in many cases on how valuable a community is to authorities to exploit. Therefore, reforms should aim to provide such representatives with exogenous authority (e.g. officially from the state or implicitly from the international community) to negotiate with local authorities and determine what policies and practices are fair or unfair.

While top-down administrative reforms are underway through the GAD and other key government departments, options could be explored to support community involvement in these processes, through consultation of local people and grassroots advocacy, as well as direct international intervention aimed at raising government awareness of the specific protection concerns held by repatriates.

Support for legal awareness and protection programmes in south-east Myanmar will also be critical and would help to deter families from offering members into conscription or other dangerous activities in order to secure relations with authorities. Numerous lawyer groups, operating across Myanmar have begun work of this type in rural south-east Myanmar, with the support of local civil society.

Increasingly, public advocacy, or the threat of it, is becoming a viable protection tool for communities in south-east Myanmar and depends on international support. Media and human rights work has been conducted for decades in these areas by local organisations with international backing, such as that undertaken by KHRG and other Karen CBOs. INGO and local programmes of this kind have been able to operate with increasing transparency in Myanmar since 2011. Programmes have already emerged in conflict-affected areas of the south-east focusing on developing media aimed at indigenous and international audiences . Expansion of media into rural areas could help to provide greater oversight of exploitation. Despite, the apparent culture of impunity that has existed in these areas, public accusations hold extreme weight in Myanmar through their impact on the reputation and dignity of the accused.

Exploitation, response and re-establishing community leadership systems: Conclusions and General Recommendations

❖ Facing persistent extractive practices by local authorities, communities have developed means to cope that depend on community-level leadership structures.

❖ Far from preventing abuse and exploitation, these mechanisms tend to involve trade-offs that expose communities to new - albeit lesser - threats, and institutionalise a culture of consistent, stable, and manageable exploitation of communities.

❖ Without transformation of the political environment, repatriates would likely continue to depend on these mechanisms, and a gradual transition will depend to a large extent on village level leaders gaining the authority to negotiation with local authorities.

❖ Consultations with refugee leaders and ordinary refugees could inform efforts to build on camp leadership systems and support them to become established in the administrative structures in government, and potentially non-government areas of Myanmar.

❖ Internationally facilitated forums between elected leaders of repatriate communities and local authorities would maximise existing community capacities for handling such affairs. It could also represent a positive ethical message and help to encourage more inclusive governance at a local level by whichever authorities are responsible for areas where refugees repatriate to.

❖ Support for indigenous legal, human rights, and media capacities, either with or without a specific focus on the needs of repatriates, would help communities to contribute directly to a gradual transition away from a political culture characterised by impunity and military rule, towards one of civilian administration and accountability.

6. Severe security threats and regaining trust

Issues related to security threats, and to perceptions of political inclusion and identity, were at the forefront of refugees' concerns with regard to repatriation and reintegration. Large numbers of refugees have lived under the rule of the KNU for most of their lives, in Myanmar, in the refugee camps, or both. Almost all of the refugees who participated in this study expressed aversion to living under the rule of GoUM. Many dismissed the notion off-hand while others expressed unmistakable anxiety. Most concerns related to fears of exploitative practices such as heavy arbitrary taxation, or demands for unpaid labour or portering. Many cited fear of violent abuse as a specific concern, as well as shootings, extra-judicial killing, and targeted sexual violence. Secondary to such threats to personal security, interlocutors expressed dissent for Burman hegemony, particularly over education and national identity.

During conflict periods, communities living in areas controlled by the KNU – often dubbed as 'black areas' – interacted with the state primarily as victims of Tatmadaw civilian-targeted military operations.[32] Those who lived in government or mixed authority areas before fleeing typically did so as a result of persecution due to suspected ties with EAOs, or as a result of the cumulative extractive practices carried out by local authorities discussed in the previous chapter.

Refugees often expressed that their primary desire was to live under the rule of a single authority rather than multiple groups, due to such fears. They also expressed frustrations with having to gain permission from multiple authorities with conflicting agendas on matters such as land use or to travel by road or river. As described in Section 4, the majority of Karen refugees interviewed envisioned returning under the patronage of the KNU due in large part to the protection they hoped the organisation could afford them. Discussions regarding security challenges and future relations with the government and other armed actors were, thus, usually characterised by their reliance on 'leaders', detracting from discussions of refugees' perceptions of their own agency in responding to threats. While some refugees noted that exploitative practices are also carried out by the KNU, overall they felt that these were significantly less repressive than those undertaken by Tatmadaw, Myanmar Police, BGFs, some *Pyithu Sit* or other EAOs.

Fleeing as a protection mechanism

When faced with the most severe security threats, the primary self-protection mechanism employed by Karen communities in south-east Myanmar is to flee. A wide range of forms of strategic displacement are used, particularly during conflict periods, but also in response to exploitation by local authorities.[33]

In the context of repatriation, if total protection is not ensured by responsible authorities, avoidance of the threat will likely be the first course of action for many of the repatriates. Insisting primarily on deference and reliance to the KNU or authorities in general for their protection, the majority of refugees explained that in their absence, fleeing into hiding in the mountains or forests would be the only course of action.

One father explained that after years in Myanmar trying to arrange his family's livelihood activities to accommodate the extensive tax and forced labour demands placed on them, he came to the conclusion there was no solution to this issue other than fleeing. Refugees with experiences like this explained that fleeing would be their only recourse if they were forced to return back to such conditions.

> *It is just not possible to solve these problems. If these risks continue, I just don't want to go back. The only solution would be to run away again.*
>
> Father, Umpiem

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[32] For an overview of recent Tatmadaw attacks on civilians, see KHRG (2010)

[33] For comprehensive studies on the use of displacement as protection or as 'resistance' by conflict-affected Karen populations, see KHRG (2008), pp.116-149; and South (2010), pp.29-36

This is seen as a viable option largely because relevant capacities for living under such conditions have been well-developed over the generations, certainly since the country's formation, if not before.

These capacities include the preparation of basic shelters in multiple locations so that one can move around continuously and avoid patrolling armed actors or other authorities, as well as methods for sustenance, such as hillside agriculture, and ways to prepare food for sharing with larger groups of people when stocks are low.

A number of interlocutors explained that under any circumstances under which they were no longer able to stay in the refugee camps, they would flee into hiding around the border as a first course of action, heading straight for mountains or forests in Myanmar or even Thailand. Others said they would build bamboo shelters right on the Myanmar side of the threshold, and survive by foraging for wild foods or subsistence farming, until they could be certain the environment was safe. Most explained their primary aim would be to avoid all contact with the 'Burmans' or their allies, while others said they would aim to avoid all armed actors altogether.

It is extremely likely that even those who are confident enough to return to their places of origin or to pre-arranged repatriation sites will keep in mind the option of fleeing again if their security comes under threat. For this reason, many refugees are particularly fearful to attempt repatriation without assurances that they will be able to flee back to Thailand if the situation remains unsafe.

Given the economic changes taking place, other refugees, especially young people who aim to avoid threats in Myanmar, will most likely join the millions of Myanmar migrants currently in Thailand and Malaysia. This presents a wide array of new threats to their well-being that protection actors will need to examine in more detail elsewhere.

In search of more sustainable protection

As such conditions are the result of deficiencies in the political and security environment, efforts to address the initial causes of displacement depend on broad-based political and security sector reforms, beyond a mere halting of armed conflict. For refugees to develop a sense of political inclusion and citizenship in Myanmar, the emergence of a safer and more secure environment to return to will be a crucial first step.

However, even actual changes to the realities faced by communities on the ground will not immediately wipe away the level of mistrust and fear among rural Karen communities, particularly of the state and the proxies. Such a transition will likely depend on sustained efforts at trust building, and community participation in Security sector reform (SSR), in parallel with decreases of violence and exploitation by authorities.

SSR is an area of governance reform where community-based involvement can be particularly difficult. Even in most liberal countries, militaries and security agencies are wary of civilian oversight or interference, particularly that of the broader civilian population. In Myanmar, this is particularly acute, especially in ethnic areas, where hostility between government security personnel is ingrained following decades of counterinsurgency focused on targeting civilians deemed to be supporting insurgents.

Overall, refugees found it extremely difficult to conceive of community-based approaches to such problems. However, some discussions, particularly with refugee leaders and CBOs, did demonstrate notable capacities for their involvement in protection activities or in contributing to SSR. These civil society institutions could play an important role in addressing security issues, ensuring their legitimacy and relevance to civilian populations.[34]

Trust Building

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[34] For more on civil society in SSR, and community-based approaches to security issues generally see Caparini (2005) and Saferworld (2013)

The capacity among ordinary refugees to conceive of methods to actively build trust with the Government is extremely limited. Most said they cannot imagine developing any kind of understanding with Tatmadaw or other Burman officials.

However, some refugees, particularly a few who had arrived in Thailand in recent years, felt that discussions directly with local authorities would be possible, and extremely useful to build confidence that the situation was actually improving. They said this would depend on careful arrangements by educated leaders trusted by the people. Some requested international support in overseeing such efforts to ensure the security of participants and to provide greater pressure for the authorities to uphold any agreements that are made.

> *The international community should do more work on the ground to protect us… they should work with the government, and local authorities on all sides and the people, this we can talk… right now we do not dare to report the situation.*
>
> Middle-aged man, Umpiem

Refugee leaders and CBOs also saw engagement between repatriates and local authorities on matters related to their security as crucial to reintegration. Some camp secretariat members felt that in the context of the peace process, this would be possible and stated that international support would be critical. CBO members explained that if the ceasefire holds, the main task in government areas will be to reconceptualise the relationship between local people and security officials, so that the latter operates, and is viewed, as the protector of the former.

This would depend largely on the actions of the government and its various security forces, but was said to also involve a change in attitude on the part of civilians to engage officials in an 'open-minded' way to show that they are not merely supporters of insurgents that pose a potential threat. This is related to the need for a reconceptualisation of their relationship with the state in general. While many refugees still pine

for an all-Karen political order where they are not forced to interact with the Myanmar state (or the 'Bamar' state as it is often viewed and referred to), such aims continue to lack viability.

> *We need there to be stable peace agreement, but if the [Tatmadaw] are still in our area, it will fail. There will be no room for trust-building in that case. Our leaders have fallen into that trap many times before - if they do that, there will be no safety for us.*
>
> Elderly man, Mae La

Related concerns were notable, particularly with regards to young people, over the potential for inter-ethnic conflict among civilians back in Myanmar. Others mentioned the potential for conflict also between 'camp youth' and 'inside youth', the latter of which in many areas tend to speak Myanmar, and hold a different demeanor and 'style'. One interlocutor reported already experiencing this at a KNU event in Myanmar, which some camp youth attended, and got into arguments with young locals.

> *When there are two groups like that, especially if they are drinking, there can easily be verbal arguments. One might say something wrong to the other and it gets worse – that can happen. They don't like each others' attitude and style*
>
> Young adult visiting Mae La from Myanmar

Significant capacities for trust-building and negotiation over sensitive issues exist within the various religious leadership communities in the refugee camps, Indeed, one of their primary roles in society, beyond the spiritual, as that of maintaining respectful inter-faith relations. Dialogues are regularly held among religious leaders to prevent tensions between their communities, as well as on matters related to the peace process in general. Such capacities could be particularly useful for inter-communal dialogue but also between repatriate communities and local authorities.

As noted, in Section 3, a number of refugees, explained that trust-building would depend first on an amnesty being officially announced by the government that stated refugees would not be

punished for supposed connections to the KNU. This is just one of many examples of how protection issues are intertwined with much broader political issues, where the space for international engagement is limited.

> *I can't imagine going back because we will be accused of being KNU supporters because we came to the camp. They need to give us an amnesty and then I would dare to go. If they can offer an official amnesty then I would even be happy to go back to my own home, not as a group.*
>
> Grandfather, Umpiem

Monitoring

Refugees noted repeatedly that they felt safer in the refugee camps than elsewhere in part because they are able to report concerns to leaders who they trust, and who are backed up by higher authorities that can ensure they are listened to.

Repeatedly, when asked about ways to increase civilian involvement in such issues, refugees envisaged monitoring systems running through both elected leaders and locally-trusted CBOs providing information to officially recognised monitoring networks run by civil society, EAOs, governments and international agencies. These networks would be able to report within these communities and externally so that perpetrators would be exposed and held accountable.

> *If we have a leader we have chosen, then we can report to him. That's why we like [having elected leaders], because when we report something to them, they have to deal with it to deal with our interest… He should then have the ability to talk to whoever is higher than him and solve it.*
>
> Middle-aged male, Umpiem

While refugees are aware that the various Thai authorities in and around the camps can operate with a certain degree of autonomy, there is an understanding that they are not free from scrutiny because of their government structure, long-standing relationship with the KNU/KRC and the presence of international actors. Most

refugees explained that in Myanmar their village leaders would not dare complain or report abuses by Tatmadaw soldiers on locals to Tatmadaw commanders, but were more often able to do so with EAO or BGF commanders because of personal or societal relations. Ideally, administrative reforms will become possible that provide village leaders with authority to file complaints against local authorities and hold them accountable.

> *If possible, a [complaints and monitoring] system should work up through all the levels [of authority]. [In the camp] if someone has an issue they can't solve themselves, they go to the security official and then if he needs to do, he can go to the section leader, and then to the camp level and so on. If we had a system like this in [Myanmar] to report to, it would be very good. Before, we had no rights, no process… Whoever is in charge, if we have this kind of process, and we can live freely. We could live in Myanmar like that.*
>
> Middle-aged female, Umpiem

Such initiatives would ideally be attached to formal mechanisms aimed at holding armed actors accountable for such activities. Bilateral and nationwide ceasefire discussions have both touched on the possibility for codes of conduct with provisions related to armed actors' engagement with civilians as well as associated monitoring mechanisms. While progress on these matters have been slow, protection actors should keep on eye on their development and seek opportunities for community-based involvement.

Even without such top-down action, however, community-based monitoring systems would be a useful means to build confidence in the new environment by enhancing communities existing efforts to observe continued threats and areas of improvement. It would also set the foundations for increased community involvement in participatory governance and SSR.

Karen communities in south-east Myanmar often keep track of Tatmadaw positions and movements. In times of conflict, they employ early warning systems to ensure they are able to flee before settlements are attacked.

Community-based human rights documentation and media organisations have also operated in these regions for decades, providing communities with notable experience with such matters. This demonstrates significant capacity for monitoring incidents of abuse or exploitation affecting refugee communities that could be enhanced by international protection actors.

Some refugees also suggested greater international monitoring, but a number warned that authorities would find ways to deceive and avoid international oversight more easily than systems operating 24/7 within the communities themselves. It was further explained that international monitoring of 'higher-level' (i.e. policy) changes would not be sufficient, as it would not necessarily reflect the situation on the ground.

> *These things) depend on the government - but their policies don't mean much on the ground - so it is difficult. It really just depends on those officials on the ground who don't follow orders.*
>
> Young male, Umpiem

This concern was raised a number of times, sometimes because refugees felt that the GoUM could not be trusted to carry out all of its promises and others because they felt that local authorities were able to operate freely, without sufficient control from above. Also, some participants warned that it would have to be a long-term process, or the government would just decrease abuses temporarily to suit short-term aims, for example, just in the lead-up to the 2015 elections.

Many refugees felt that the most efficient and direct monitoring system would ultimately be for locally elected leaders to have authority officially vested in them to directly engage armed actors on matters of security at the local level. They would then be equipped to handle most matters bilaterally, but would also be able to call on higher authorities if cases could not be managed at that level. This closely mirrors descriptions of the handling of intra-communal disputes, representing a trend in the way refugees view

hierarchical power relations and potential for conflict resolution.

Severe security threats and regaining trust: Conclusions and General Recommendations

❖ If repatriation takes place before safeguards are in place for refugees' protection from violence and severe exploitation, the most likely protection tactic engaged by repatriates will be to flee again at all costs. Durable reintegration therefore depends on such safeguards already being in place. This would likely involve specific measures for refugees such as the announcement of an amnesty by the government absolving all potential punishments for supporting EAOs, as well as more general reforms such as improvements in the rule of law and the conduct of armed actors.

❖ Refugees inevitably struggle to conceive of community-based protection mechanisms related to severe security concerns, and rely on negotiations and arrangements made by their leaders. Maximising community participation on such issues will therefore depend on working closely with formal and informal leaders whilst encouraging as much bottom-up involvement as possible.

❖ Capacities for trust-building with extra-communal actors, particularly among refugee leaders, CBOs and religious leaders, should be identified and built on systematically to facilitate relations with government and EAOs in Myanmar, particularly in advance of any organised repatriations take place.

❖ The building of trust and confidence to make repatriation durable would for many refugees depend largely on a reconceptualisation of their political reality. While many envision a Karen-only world, under Karen-only rule, such a scenario appears high unviable. Efforts must be undertaken to build on local capacities for living in diversity and conceiving of a life multi-ethnic Myanmar.

❖ Greater exploration of community mechanisms for handling intra-communal disputes, such as those held by religious leaders, would help identify community capacities for protection that could be applied to a range of protection concerns, including those anticipated in the context of repatriation.

❖ Options for supporting formal and informal reporting mechanisms should be explored to encourage a gradual transition toward a more secure environment for civilians in south-east Myanmar and to build confidence and trust between local authorities and communities.

❖ Karen CBOs and faith-based Organizations operating in conflict-affected parts of south-east Myanmar have maintained well-developed mechanisms for documenting human rights issues. Such networks could be enhanced in the context of repatriation and reintegration, and connected to formal and informal monitoring mechanisms. Data collected by monitoring mechanisms could be used to provide communities with information that has the potential to impact their security and to feed into formal complaints mechanisms, to encourage accountability of armed actors.

❖ Efforts to enhance community-based strategies to deal with security issues following repatriations could represent stepping-stones towards community involvement in SSR. As sustainable reintegration appears to depend on transformation of the security sector, this could be fundamental to addressing the initial causes of displacement and to ensuring a

7. Livelihoods and land

A primary concern highlighted by participants in relation to repatriation was gaining access to and maintaining stable livelihoods. Almost all Karen refugees relied on agriculture before entering the refugee camps and the vast majority of participants to this study explained they would envision themselves becoming farmers once again when they return

Farming practices and access to land

Rice is the most-farmed crop across Myanmar, and rice-farming was said to be the preferred livelihood for most refugees. It is typical for both children and the elderly in Karen families to farm out of necessity. This has continued among refugee communities where farm work is available, such as in Umpiem.

Overall, most people prefer wetland (or lowland) farming rather than hilltop (or upland) farming, as it takes less work for a higher yield, but this depends on what land is available and in what type of area they prefer to live. Over the centuries, broad swathes of populations in the periphery to lowland settlements have opted to live in the mountains and engage in hilltop agriculture to avoid threats to their security, despite the extra difficulty in farming. This trend continues today, particularly among the displaced, and such considerations will likely be reflected in decisions of repatriates.

For both lowland and upland farming, participants explained that they are accustomed to plots of land having specific individual owners, which may or may not have their land officially registered. However in some areas, it is typical for upland farmland to be utilised collectively by entire villages, who establish village boundaries with neighbouring communities.

While most landowners commit their land for rice farming, a minority grow other agricultural products or focus on animal husbandry, meaning that most communities have access to other food products locally too. Traditionally, refugees explained leaders do not have any authority to micro-manage such commitments, and that such

systems develop organically. However, land disputes or communal land issues are generally handled by village leaders who typically form a temporary committee to handle the issue. As with other dispute-handling mechanisms described in Section 6, if the matter cannot be handled at this level, it is typically referred to higher authorities such as village-tract or township-level authorities.

Traditionally, landowners have smallholdings of around 1-10 acres, many in the lower end of that spectrum. Family members will tend to their own land, though during key parts of the cycle might work collectively with other landowners, rotating from patch-to-patch. Other local people might be hired by land owners too, usually on a day-to-day basis, to be paid in cash, produce, or both. These are much smaller than most commercial concessions that are allocated by the government for cash crop plantations in south-east Myanmar, which are sometimes for hundreds of thousands of acres, and refugees explained they prefer working for small-holding land owners from their own communities than large companies or owners from other parts of the country.

Local smallholding landowners typically subsist from their own produce and aim to sell any surplus, often by travelling to local market places. Access depends on both economic and security factors, and is particularly difficult during wartime. People reliant on hired work generally serve multiple landowners, depending on who needs them for particular time periods. Karen families often also maintain small vegetable patches or other miniature plantations around their house. These usually included a mixture of short- and long-cycle crops so that food products are available for most of the year.

Where individual land ownership is practices, it generally inheritable, usually along patriarchal lines, but such conventions are not always rigidly followed, and vary from region to region. Many refugees experienced land confiscation by the government and Tatmadaw, and explained that if they leave an area and their land untended, its confiscation is inevitable. Since the colonial era, laws have existed that allow the authorities to acquire any land deemed to be left fallow. Such

powers of the state have been enhanced under the Thein Sein government, while other laws have made official titling mechanisms more market-friendly. These laws and the 2008 constitution ultimately deem all the country's land as property of the state.[35]

It is assumed in some cases that land left by refugees many years ago has been put to use by members of local communities. Those who had been away a long time explained they were not sure if they had legitimate claims to their land, either morally or legally. Where refugees return to areas where land is utilised by villages collectively, there are risks that overcrowding will result as has been seen in areas to where large numbers of IDPs have fled.

Some refugees who left Myanmar either with plans to resettle, or to build new lives in Thailand, intentionally sold their land before leaving. The minority that still had land were often those who had gone to the refugee camps without the rest of their family due to specific concerns for their personal security, and so had family members still tending the land and ensuring it was not confiscated.

Rebuilding livelihoods

The lack of land ownership was stated continuously as a core reason for preferring to repatriate under a heavily organised programme under the guidance of local leaders and international humanitarian actors. Many refugees explained that it would be inappropriate for them to continue to depend on international support once a solution was found to the conflict, but that interim livelihood support would make them feel far more confident in the sustainability of their repatriation and would expedite the process of them become fully self-reliant.

While there were few specific expectations of how livelihoods would be arranged, most of these participants indicated specific concerns and hurdles they would expect to face. Refugees without land explained that if plans could not be

made to attain it from the beginning, they might struggle for years to regain sustainable livelihoods and would require rations to survive. Many hoped that rations could be provided for at least 1-2 years, while some suggested they would be needed for longer.

As indicated by the study, '*Ceasefires and durable solutions in Myanmar: a lessons learned review*', refugees attempting reintegration without access to land or food rations tend to subsist by foraging and hunting, which is highly time-consuming.[36] This in turn hinders repatriates from undertaking other settling activities such as building or repairing adequate housing, hindering the integration process significantly. In cases where they do have access to land but no rations, they are hampered from engaging fully in the cultivation cycle, decreasing the chances of a fully successful harvest. Such scenarios were highlighted by participants to this study as specific fears associated with repatriation.

Refugees explained that ideal land allotments vary in size depending on family size and the type of land. Refugees conceived that allocations would need to be managed at local and national levels and that their leaders and the international community would need to take on such responsibilities for access to land to be assured. Camp leaders explained that they would be able to handle negotiations with EAOs and Karen village and village tract leaders but that buy-in from government officials would depend on the efforts of KNU and international actors, such as UNHCR.

When migrating successful cultivation also depends on the time of year that people arrive and begin farming,, as the cycle for most crops begins in January or February. Some refugees also highlighted the need for cattle and equipment as a potential impediment. Refugees stated hopes for assistance attaining such necessities as well as in receiving skills-based training in preparation for return.

A vocational training programme is provided by the Adventist Development and Relief Agency in

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[35] For more information on land tenure issues in Karen areas of south-east Myanmar see KHRG (2013); and more generally on ethnic areas in Myanmar, TNI (2013)

[36] Jolliffe (2014)

the refugee camps, which some refugees exploring options for spontaneous return said had been extremely helpful. However, the majority of trainees from the programme interviewed for this study explained they were preparing for resettlement or to seek livelihoods in the camps.

Youth

Long-term sustainability of repatriation depends particularly on youth attaining stable and suitable livelihoods, though many have never been self-reliant. Given the lack of opportunity in the camps, young people who have grown up there have had limited or no experience in farming. Encouragingly, most refugees felt this wouldn't be a huge obstacle, as it is considered that youth would be able to learn without great difficulty, particularly if they have access to training.

Education is more prevalent among youth in the camps than it is in most rural communities in south-east Myanmar, indicating that a higher-than-average proportion might be suited to jobs other than agriculture. There are also high numbers of young people in the camps eager to continue their studies to find opportunities for higher education, which has been made possible to a small number through international and Thailand-based scholarship programmes.

Youth interviewed for this study described a wide range of vocational interests, including retail, hair and beauty, vehicle repair and maintenance, baking, sewing, and work for INGOs or foreign businesses. Information technology and commercial photography were often suggested, as refugees have typically had far greater access to such technology than their counterparts in south-east Myanmar, where poverty and lack of access to electricity are widespread. A large number of educated youth would be likely to pursue occupations in CBOs and community leadership structures, while some may go into politics.

Career decisions among young people in Karen societies are bound not just to their interests and qualifications, but often to their family's priorities and expectations. Elderly parents typically depend on their children to care and provide for them once they are unable to work. In poor families especially, pressure can therefore fall on young people to maintain access to food or a reliable income for the family.

Individuals are further impacted by the situations of their siblings, who might, for example, be in education, or have resettled to third countries and thus unable to engage in daily work. Sometimes children of the elderly are expected to be in and around the house full-time, taking care of cooking, cleaning and other daily jobs. It is becoming increasingly typical for Karen families in south-east Myanmar to send one or more children to Thailand to earn an income and send back remittances.

Therefore, to the extent that durable solutions can be judged by a family's ability to be united, access to livelihoods for youth are a critical factor. It is likely a high number of repatriate families will be unable to all live in one place, even if most members are able to return or resettle in Myanmar.

Members of the Karen Youth Organisation (KYO) explained that access to stable livelihoods will be of further importance for youth who repatriate to protect them against drug addiction, which has been on the rise in south east Myanmar in recent years. Young people are often enlisted to transport and sell drugs too, posing an array of risks to their personal safety and position in society.

Residence

Refugees without connections to their places of origin described their lack of a home as a major obstacle. Refugees who hoped to return to their place of origin also at times explained that a major difficulty would be negotiating permission with local armed actors, in order to secure a patch of land and to obtain the necessary materials from the forests without heavy taxes. Most of those who envisaged a mass organised repatriation said they hoped that homes would be built on their behalf before they arrived, while some said they would want to have input, and fewer still said they would rather build their own

homes, as long as they were able to access materials. A number of refugees explained that they had no skills for house building.

Livelihoods: Conclusions and General Recommendations

❖ Land management issues will heavily influence the efforts of repatriates to rebuild livelihoods that suit their hopes and expectations, but will depend largely on issues out of the refugee community's hands.

❖ In the event of repatriation, most refugees would ultimately aim to gain secure tenure of small land holdings of 1-10 acres, but in sum this would require land allocations of tens of thousands of acres and may not be possible for all, as the current legal framework and balance of power makes it extremely difficult for ordinary people to gain land tenure.

❖ Non-agricultural forms of livelihoods support should also be explored, and could look first to the numerous skillsets that have been developed in the refugee camps that are less prevalent in rural Myanmar, particularly among youth.

❖ Without adequate assistance for reintegration, repatriates would be forced to commit most of their time to securing sustenance, which would have deleterious effects on the reintegration process in general. Options for the provision of rations to repatriates for an indicative time period that could be adjusted in line with other stages of the reintegration might be most suitable. This would depend on sustained monitoring and guidance from mandated caseworkers, and close coordination with relevant authorities.

❖ Repatriation-specific community-based vocational training programmes should be identified and supported, or established from scratch, by international actors. These would benefit from economic analysis of the destination areas to ascertain what forms of employment would be available. Consultations with refugees of all demographics to determine which professions would best suit them would also be useful.

❖ Particular considerations will be necessary for youth to ensure they are able to secure sustainable livelihoods in Myanmar, rather than being forced to return to, or even stay in, Thailand to become migrant workers. This might be enhanced particularly by educating youth on livelihood opportunities in Myanmar other than farming, where they would be able to make use of their education or other skills and aim for higher pay-scales.

❖ All livelihoods support would need to be sensitive of existing communities, who often suffer from acute poverty and would also benefit greatly from such support. This would be necessary in order to protect against inter-communal tensions being exacerbated.

Annex 1 – The role of populations and displacement in Myanmar's ethnic conflicts

When the Tatmadaw took power in the 1960s, it implemented an adaptation of the Maoist "People's War" doctrine, which essentially views populations as the most important resource to fighting wars. In practice this meant ensuring populations are prepared and available for conscription (into the armed forces and into 'village militia'), for labour duties, or extraction of other resources. By that time, EAOs were undertaking insurgencies throughout most of the country's border regions, resourced primarily by the inexorably loyal support from local people of their ethnic groups. This led Tatmadaw strategists to conclude that their approach must focus on cutting EAOs from the support provided by local people. This would be the most effective way to defeat the insurgents and would lay the foundations for the mobilisation of these populations for the Tatmadaw's People's War agenda.[37]

Out of this doctrine, came the development and adoption of the 'four cuts' strategy, which aims to starve insurgents of support such as food, monetary tributes, intelligence, and sanctuary before ultimately turning local populations against them. Such an approach holds some similarities to modern 'hearts-and-minds' approaches to counter-insurgency adopted by Western militaries. However, on the ground, the strategy materialised primarily in the destruction of civilian settlements and livelihoods and the forced relocation of populations into government-controlled territories.[38] This strategy proved relatively successful in the country's north and north-east as well as in the Ayerawaddy delta region, and was continued into the 2000s in south-east Myanmar. According to documentation by The Border Consortium (TBC), between 1996 and 2011, over 3,700 villages were destroyed, relocated or abandoned, in areas bordering Thailand alone,[39] adding to likely thousands more that went undocumented.

Particularly in the 1990s, forced relocation was a central facet of the Tatmadaw's counter-insurgency strategy against the KNU. It was achieved primarily through the issuing of orders to targeted communities, with specific instructions on when and where to move, followed up by military attacks on villages where people failed to comply. Relocation sites were established near to Tatmadaw facilities, usually within a day or two's walking distance of the targeted villages, leading to the build-up of such sites along frontier areas. These locations were picked often for strategic reasons rather than for their attributes for human settlement and thus lacked sufficient access to land and water. They also exposed communities to numerous forms of exploitation by the Tatmadaw. Residents who attempted to travel back to their homes to tend to farms and plantations or to collect food were often assumed to be insurgents and punished as such.[40]

Populations which were not successfully relocated to such sites, would typically flee into hiding deep in the forests or mountains, into KNU strongholds or to Thailand, where the KNU was central to negotiating for their protection. Therefore, the Tatmadaw's forced relocation strategy in practice also strengthened the relationships between the KNU and the populations they aim to govern and reinforced their support base.

The use of civilian-targeted tactics surged during the 2005-2008 'Northern Offensive", which saw hundreds of villages in Bago Region and Kayin State forcibly displaced through targeted Tatmadaw attacks.[41] By late 2008, TBC estimated that the offensive had displaced 27,000 people in just one year, and that a total of 109,000 people

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[37] The most comprehensive history of the Tatmadaw, including the early phases of its doctrinal development is Maung Aung Myoe (2009). In particular, see pp. 16-33

[38] As well as Maung Aung Myoe (2009), for more on the four-cuts strategy see Selth (2001)

[39] TBC (2011), p.17

[40] A strong overview of such practices along the Western frontier of the Tatmadaw-KNU conflict in the mid to late 2000s is provided by KHRG (2009)

[41] For more on the displacement caused by the Northern Offensive, see Amnesty International (2008) pp. 26-31; "Burma: Army Forces Thousands to Flee," Human Rights Watch, Nov. 2006; TBBC (2008), and KHRG (2009), KHRG (2010)

were living in relocation sites established by the military government in south-east Myanmar.[42]

It is on this basis that displaced Karen communities and political actors are prone to treat GoUM-led efforts towards repatriating refugees with a certain degree of scepticism. Similarly, the GoUM might see KNU attempts to ensure refugees stay within their domain in a similar light. As this paper demonstrates, these foundations have also generated extreme fears among refugees not just of the GoUM generally, but specifically that they would be targeted as supporters of the KNU for having spent decades living in the refugee camps. International humanitarian actors must be fully mindful of these political dimensions of displacement and migration, and mainstream an awareness of the potential impacts of aid into all programming, particularly in the event of organised repatriations.

The political and security dynamics in south-east Myanmar have been further complicated by numerous splinter factions that have broken from the KNU. The main new armed groups to form were the Democratic Buddhist Karen Army (DKBA), the Karen Peace Force (KPF) and the KNU/KNLA – Peace Council. In 2010, dominant portions of the DKBA and KPF were assimilated into the Tatmadaw by transforming into 12 Tatmadaw Border Guard Force battalions (BGFs). The remainder of the DKBA that refused to transform then formed a 3 new regiments under a new banner, the Klohtoobaw Karen Organisation (KKO), with a revamped armed wing, the Democratic Karen *Benevolent* Army (DKBA). These multiple armed actors have overlapping claims to territory, particularly in Karen State itself, subjecting local people to multiple unofficial tax regimes and confusing systems of administration.

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[42] This number was calculated by detracting the estimated total for Shan State, from the area defined as south-east Myanmar by TBBC in TBBC (2008), p. 21

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