

# Forced Migration: Typology and Local Agency in Southeast Myanmar

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*Ethnic armed conflict has plagued southeast Myanmar for over sixty-five years, and has been the cause of significant and repeated episodes of forced migration. The dynamics of forced migration have undergone profound changes in the region since 2012, following the signing of bilateral ceasefire agreements between the government and several Ethnic Armed Groups (EAGs). Within this context, this article describes and analyses the decision-making processes and approaches to return, resettlement and rehabilitation of forced migrants — Internally Displaced People (IDPs) and refugees. In relation to academic and policy literatures on local agency and humanitarian protection, we argue that forced migrants in and from Myanmar demonstrate great resilience and significant capacities for self-protection and that external support should be geared towards supporting local coping strategies and attempts to achieve dignified and “durable solutions” to their plight. This approach requires an in-depth exploration of local contexts, and forced migrants’*

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*decision-making processes. We present a typology of conflict-induced forced migrants in and from southeast Myanmar, followed by an analysis of five main factors that influence their decisions, and help to explain some of the key differences between different types.*

**Keywords:** Myanmar/Burma, forced migration, Internally Displaced Persons (IDPs), refugees, armed conflict.

This article describes and analyses the decision-making processes and approaches to return, resettlement and rehabilitation of forced migrants — Internally Displaced People (IDPs) and refugees — in the context of armed conflict and an emerging peace process in southeast Myanmar. Drawing on literatures on agency and “protection”, we argue that forced migrants in and from Myanmar demonstrate great resilience and significant social capital, and that external support should be geared towards aiding their own ongoing struggles to achieve dignity and “durable solutions” to their plight.

The article describes eight main types of conflict-induced forced migration in southeast Myanmar, determined largely by forced migrants’ coping mechanisms in the context of hardship and abuse. Five main factors are further identified which influence these different types of forced migrants in their current decisions around return or resettlement and thus help us to understand the role of local agency in the changing context.

Forced migration in southeast Myanmar has been driven to a large extent by the counter-insurgency strategy of the Myanmar Armed Forces (Tatmadaw), raising questions of the potential role of the state as a legitimate protection actor. Meanwhile, international assistance has been limited due to a lack of access to conflict-affected areas, meaning that external actors have also failed to provide adequate protection. Many displaced communities continue to rely on Ethnic Armed Groups (EAGs) and their associated networks for humanitarian support and social services. But these actors too can be compromised in their effectiveness as protectors by their lack of capacity, and their conflicting political, personal, economic or other agendas. Furthermore, civilians living under their influence are often saddled with increased attacks and harassment by the state.

This lack of institutionalized protection demonstrates clearly the importance of understanding how communities protect themselves and relate to external actors. This is of particular significance at present in southeast Myanmar, where ceasefires between the government and seven local EAGs were signed in 2011 and 2012. These deals

have created a degree of stability in the region, despite a wide range of ongoing security issues related to continued militarization. Additionally, decreases in violent conflict have allowed greater space for economic development actors, including the government, to expand agribusiness and extractive resources developments and to construct multiple roads, leading to significant land confiscation and damage to local livelihoods.<sup>1</sup> In this context, thousands of forced migrants have begun tentative moves either to return to previous locations (particularly where they still have claims to farmland) and/or move to new in-country resettlement sites.

Globally, the literature and policy discourse on protection of forced migrants and other victims of conflict and humanitarian disasters has focused on the role of external actors and their responsibility to intervene. However, there is a growing body of work exploring the importance of such forced migrants' own protection strategies, which we discuss below. This article aims to add to this body of literature. We demonstrate how "peace processes" and the rehabilitation of civilian victims of armed conflict are far more complex than simple transitions back to a pre-war status quo, and involve long and complex (and often contested) processes of deliberation.

### **Background: Conflict, Peace and Humanitarian Impacts in Southeast Myanmar<sup>2</sup>**

Myanmar is home to more than 100 ethno-linguistic groups, and according to the 2014 census, has a population of over 51 million. Non-Burman communities make up at least 30 per cent of the population. Ethnic armed conflict has plagued southeast Myanmar — which borders Thailand, and encompasses Tanintharyi Region, Mon State, Kayin State, eastern Bago Region, Kayah State and southern Shan State — for over sixty-five years.

In the lead-up to independence in 1948, ethnic nationality<sup>3</sup> elites mobilized communities in order to gain access to political and economic resources, demanding justice and fair treatment for the groups they sought to represent. During the late 1940s, there were widespread outbreaks of violence, following the failure of Burman and minority elites to successfully negotiate a transition to independence, based on mutual tolerance and collaboration. By the time the Karen National Union (KNU) went underground in January 1949, the country had entered into a civil war that has lasted more than six decades. The ensuing armed conflict has been marked by

serious and widespread human rights abuses on the part of both the Tatmadaw and, less systematically, EAGs.<sup>4</sup>

For more than half-a-century, rural areas populated by ethnic minority populations have been affected by conflicts between ethnic insurgents and a militarized state widely perceived as having been captured by elements of the ethnic Burman (*Bama*) majority. Myanmar's ethnic insurgents have been fighting a protracted armed conflict, in order to achieve self-determination (that in recent years has been framed as a desire for federal autonomy within a multi-ethnic Union), against a centralizing government identified with a chauvinistic majority bent on forcibly assimilating the country's diverse minority communities.<sup>5</sup>

For decades, communist and dozens of ethnic insurgents controlled large parts of the country. Since the 1970s, however, armed opposition groups have lost control of their once extensive "liberated zones", precipitating further humanitarian and political crises in the borderlands. A previous round of ceasefires in the 1990s brought considerable respite to conflict-affected civilian populations. These truces (twenty-five agreements in total) provided the space for some conflict-affected communities to begin the long process of recovery, and for civil society networks to (re)emerge within, and between, ethnic nationality communities. However, the then-military government proved unwilling to accept ethnic nationality representatives' political demands for substantial political discussions resulting in significant autonomy agreements. Therefore, despite some positive developments, the ceasefires of the 1990s did not dispel distrust between ethnic nationalists and the government.

Protracted armed conflict, and particularly the Myanmar Army's "four cuts" (*pya-ley-pya*) counter-insurgency campaigns, have destroyed lives and disrupted communities, especially in ethnic nationality-populated areas. The four cuts strategy was developed to deny insurgent organizations access to civilian communities and support by forcibly moving the latter out of "black" areas where they could support the insurgents and into "white" government-controlled areas where they could not. Contested or mixed authority areas were designated "brown". On some occasions, "brown" or "black" areas were designated "free-fire zones", and civilians were forced to flee for fear of detention, summary execution or other forms of violence.<sup>6</sup>

The hundreds of thousands of people who moved into white areas during decades of (often "low intensity") armed conflict

were typically ordered to set up new settlements, or construct extensions to existing ones near military camps and towns. These new settlements and extensions have typically been called relocation sites. Others moved into government-controlled areas by choice following displacement, to wherever they calculated that they had the best chance of survival, usually to existing villages or towns unaffected by conflict.

Hundreds of thousands of others moved into areas under the authority of EAGs or across the border, to seek refuge in neighbouring countries where EAGs were instrumental in establishing refugee camps through negotiation with the Thai authorities. In later years, the camps came under the authority of the Thai security establishment, and the levels of assistance provided by international aid actors increased. The “choice” (if it can be termed thus), to flee into EAG-controlled areas or to refugee camps under the partial administration of EAG-established bodies or to government-controlled areas depends in part on local networks of association, and the kinds of relationship which vulnerable civilians have with state/Tatmadaw and EAG/ethnic national civil society power-holders.<sup>7</sup> Others will opt to stay close to home, attempting to maintain access to their farmlands, even if they cannot maintain a sedentary presence. Such strategies leave large numbers of forced migrants in a state of limbo for decades, uncommitted to new locations and intent on returning.

The dynamics of forced migration have undergone profound changes in southeast Myanmar since 2012, following the signing of bilateral ceasefires between seven of the region’s EAGs and the government: the Karen National Union (KNU), the Democratic Karen Benevolent Army (DKBA), the KNU/KNLA-Peace Council (KNU-PC), the Karenni National Progressive Party (KNPP), the New Mon State Party (NMSP), the Restoration Council of Shan State (RCSS) and the Pa-o National Liberation Organization (PNLO). Negotiations appear to have brought about the best opportunity in decades to address political, social, economic and cultural issues which have driven conflict since independence. But while talks have brought together long-standing antagonists, and have been marked by a spirit of dialogue absent throughout previous decades, success will depend on the creation of a binding political agreement that deals with deep constitutional issues.

As of June 2015, a coalition of EAGs from across Myanmar are involved in negotiations with the Nationwide Ceasefire Coordination Team (NCCT), a joint negotiation team composed of government,

parliamentary and high-ranking Tatmadaw officials. Other EAGs, including the large and influential Shan and Wa armed groups, have undertaken bilateral negotiations with the government, while officially observing the NCCT-government talks. Other, often relatively newly established armed groups, remain engaged in ongoing, mostly “low intensity” armed conflict with government forces. Negotiations are aimed at achieving a Nationwide Ceasefire Agreement, a draft motion of which has recently been agreed on after more than two years of negotiations. At the time of writing, several key issues in the peace process have yet to be fully discussed, and it remains uncertain whether the government and EAGs can reach a comprehensive settlement to more than half-a-century of armed conflict.

Meanwhile, even in relatively stable areas where ceasefires are holding, such as the Kayah, Karen and Mon states,<sup>8</sup> civilians in conflict-affected areas continue to express the fear of a breakdown in the peace process and the resumption of armed conflict. There are also serious concerns regarding widespread land-grabbing in ceasefire areas, and the expansion of unregulated and environmentally and socially damaging natural resource extraction activities.

Nonetheless, patterns of displacement, and the threats and options facing forced migrants from communities across most of southeast Myanmar, have been profoundly affected by the peace process. Many communities report having benefitted significantly from the cessation of hostilities, although displaced communities remain among the most vulnerable victims of armed conflict and associated human rights abuses.<sup>9</sup>

It should be noted that nearly all communities in southeast Myanmar (beyond the major towns) have been subject to armed conflict and degrees of forced migration at some point over the past half-century. Thus, the question of when displacement comes to an end is central to conceptualizing forced migration in Myanmar.

In addition to displacement due to armed conflict, people in all rural areas are displaced directly and indirectly by commercial and military development projects (development-induced forced migration).<sup>10</sup> In other cases, they are displaced by natural disasters, such as cyclones, floods, or, less dramatically, by drought. Importantly, in conflict-affected areas, forced migrants of all types face similar choices about whether to move to government-controlled areas, EAG-controlled areas or refugee camps abroad, among other options.

### **Academic and Policy Discourse on External and Self-Protection of Forced Migrants**

The literature and policy discourse on the protection of forced migrants and other victims of conflict and humanitarian disasters in large part focuses on the role of external actors and their responsibility to intervene. Nevertheless, there is a growing body of work which explores affected communities' own approaches to protection.

In international law, the Responsibility to Protect (R2P) doctrine relates solely to activities initiated by the UN Security Council. The Security Council may mandate UN agencies, and by extension selected international NGOs, to act with its authority.<sup>11</sup> However, elements within the human rights and activist communities have sought to mobilize the R2P doctrine more broadly, in order to justify a range of rights-based interventions, including on the part of NGOs and transnational advocacy groups.<sup>12</sup> Nevertheless, even in cases where life-saving activities are undertaken by agencies beyond the humanitarian mainstream, protection largely remains something provided by outsiders, on behalf of vulnerable communities.<sup>13</sup>

International human rights and humanitarian law (including customary law, and doctrines such as the R2P) provide little recognition for the activities of vulnerable communities — the very people whose lack of protection is in question — or other non-system actors, such as civil society, political and/or armed groups.<sup>14</sup> Humanitarianism remains essentially something which outsiders do to and for vulnerable populations. As Michael Barnett and Thomas G. Weiss note, “humanitarian action is dedicated to helping others, and frequently does so without soliciting the desires of those who are seen to be in need”.<sup>15</sup>

An early corrective to such tendencies was a collection of essays exploring agency among IDPs, edited by Mark Vincent and Birgitte Refslund Sorensen.<sup>16</sup> The editors argued that:

... too frequently overlooked is the ability of internally displaced people to adapt to the experience of displacement. This oversight robs the displaced of their voice and belittles the substantial contributions they make in shaping their own lives. It also reinforces the incorrect perception that the international stage is the only venue for action.<sup>17</sup>

In discussing agency in the context of protection, Huysmans et al. ask “who can legitimately claim a need for protection ... against which dangers ... [and] who is going to do to the protecting?”<sup>18</sup> Their focus on agency leads Huysmans et al. to develop an account

of actors' struggles within the "competitive field [of protection] that is characterised by a particular structure of power relations and certain understandings of how political agency can be asserted".<sup>19</sup> Huysmans et al.'s agency-oriented approach shifts attention away from cataloguing abuses and sources of insecurity — a task which has been undertaken exhaustively in relation to southeast Myanmar.<sup>20</sup> Instead, attention is focused on how different actors frame the issues, and the mediation of their understandings and interventions. However, Huysmans et al. maintain a focus on "professionalized" actors, such as transnational agencies and domestic and international NGOs.<sup>21</sup> Most underemphasize the understandings and activities of affected populations and other "non-system" actors, such as civil society networks and armed groups, in situations of armed conflict.

Issues of agency and power recur in discussions of the humanitarian enterprise. Although aid interventions generally remain focused on external (international) actors, there is a growing awareness that such approaches are insufficient. Discussion around the concept of working with local actors is often framed in terms of "partnership".<sup>22</sup> International humanitarian initiatives such as the SPHERE project have sought to elicit beneficiaries' participation in aid programming, including in the field of protection.<sup>23</sup>

Specifically in relation to forced migration, the Office of the United Nations High Commissioner for Refugees (UNHCR) has stated the need to enhance the agency of affected communities by placing them "at the centre of operational decision-making, and building protection strategies in partnership with them".<sup>24</sup> International aid agencies have also begun to investigate local protection activities, asking what communities understand by "protection"<sup>25</sup> and how they act in this field. Notwithstanding these good intentions, Jaspers et al. observe that the protection and survival strategies adopted by populations affected by armed conflict remain under-researched and poorly understood.<sup>26</sup>

Since the 1990s, analysts and practitioners have nevertheless developed typologies of local coping mechanisms, and community approaches to protection. The strategies adopted by vulnerable populations may be short-term (coping mechanisms) or long-term (adaptive).<sup>27</sup> The schema developed by Vincent and Sorensen focuses on the roles played by family, community and other networks in the establishment of IDP response strategies.<sup>28</sup> More recently, Kate Berry and Sherryl Reddy have proposed another typology of self-protection;<sup>29</sup> alternatively, Susanne Jaspers and Sorcha



O'Callaghan seek to broaden understandings of protection, expanding the concept to encompass the field of livelihoods (specifically, how communities respond to threats to their livelihoods).<sup>30</sup>

Andrew Bonwick notes that in the most extreme humanitarian crises, where populations are acutely vulnerable, international agencies are often absent, usually due to restrictions placed by the state (often a party to conflict).<sup>31</sup> He criticizes approaches which fail “to take complete account of how people manage to survive the effects of conflicts ... [resulting] in missed opportunities to help communities”. In response to such concerns, some international NGOs have developed partnerships with local NGOs and community based organizations (CBOs), helping to build protection capacities at the community level.<sup>32</sup> These new directions in humanitarianism follow trends towards greater participation in the field of development.

As Elizabeth Ferris observes, “communities’ self-protection measures are the first line of defence”.<sup>33</sup> Hazel Lang and Anita Knudsen emphasize the importance of local protection in conflict situations.<sup>34</sup> They argue that international aid agencies should do more to understand and support local protective capacity. Peter Walker and Daniel Maxwell frame this as one of the key questions facing humanitarianism in the early twenty-first century: “what should be the relationship between the external transnational humanitarian agencies and the small local grouping [*sic*]?”<sup>35</sup>

As Ian Smillie notes, such considerations reintroduce power relationships (i.e. politics) into the humanitarian equation.<sup>36</sup> Accepting local agency, and building the capacity of affected communities and other “non-system actors”, involves accepting that, in many cases, “local organisations are highly partisan, often for good reason ... [and] are therefore likely to have opinions that exist in tension with basic humanitarian principles”. The politically-engaged nature of many local actors in conflict situations raises questions regarding the distinctions between coping, protection and resistance. It also highlights the question of whose strategies and positions within the field of protection are regarded as legitimate, by whom, and why.

### **Forced Migration, Local Agency and the Peace Process in Southeast Myanmar**

As elsewhere, the limits of international assistance and protection to and of forced migrants in southeast Myanmar highlight the importance

of local agency. Such an approach is particularly important in cases of repatriation and return, which international refugee law states should take place in safety and in *dignity*.<sup>37</sup> The concept of dignity in this context includes forced migrants “having decision-making power, freedom and autonomy over life choices, together with feelings of self-confidence, self-worth and respect”.<sup>38</sup> It is crucial that such efforts are led by communities themselves.

Outside actors (international aid agencies etc.) in southeast Myanmar have operated, and to a significant degree, still do, under conditions of very restricted access (largely due to government restrictions). However, external interventions enjoy a higher profile in advocacy and discourse than those of local actors. In order to ensure just and durable solutions for displaced people, outside actors need to better understand, explore and support such local coping mechanisms and cultures. Especially in situations of protracted and repeated displacement, local people have well-developed coping strategies, including short and longer-term episodes of migration, and local information and resource-sharing mechanisms, that often depend on cooperation within the community. Outside interventions should seek to understand and support such activities, rather than substituting with international (or state) agency. This is particularly important in the Myanmar context, where state agents have been the main sources of threat. As Bonwick has argued, it is these extreme cases, in which international agencies are unable to provide a comprehensive protection role that local actors are better placed to act.<sup>39</sup>

What is required, then, is a flexible approach from donors and international organizations in responding to local realities and needs emerging from the peace process rather than imposing top-down agendas based on their assumptions regarding what is useful for peacebuilding and the rehabilitation of forced migrants in southeast Myanmar.<sup>40</sup>

Failure to support locally-defined and led approaches would likely lead to return/repatriation/resettlement strategies that provide options for forced migrant families to “test the water”, rather than a clear pathway to durable solutions. Purpose-built resettlement villages for example, if not based on organic efforts of forced migrants themselves or not in tune with the surrounding security environment, could become just another type of temporary “relocation site” (albeit a voluntary one), rather than part of a truly durable solution.

Supporting local agency depends to a large extent on building partnerships with local humanitarian actors who have emerged from affected communities. There are thousands of civil society organizations in Myanmar, among which are a particularly high number of humanitarian organizations in conflict-affected areas — some with varying degrees of connectedness to EAGs — that have provided a bedrock of support to communities.<sup>41</sup>

Inevitably however, even such “local” actors are to a degree “external interveners” by virtue of bringing outside resources and ideas into a given community. This reality emphasizes the importance, for both international and local actors, of consulting communities about their concerns, hopes and intentions which will change according to the political-security situation and available options of assistance and protection.

Consultation with displaced populations will be most effective if approached as an iterative and continuous process, demonstrating real commitment to act on displaced peoples’ concerns and aspirations, rather than as a “one off” activity. This can be particularly relevant in rural Myanmar societies, where over-exertion of one’s personal needs or concerns is often considered brash and arrogant and where fear and distrust is a primary response when dealing with “outsiders”. This further demonstrates the important role of local organizations in such processes, a number of which have already been carrying out consultation activities in relation to recent ceasefires.

### **Towards Rehabilitation Assistance that Builds on Community Approaches to Protection**

As noted, people’s hopes and fears, and intentions, will vary, both within and between families and communities, and also over time, depending on options available and the social-political-economic context. Some forced migrants will likely prefer to stay *in-situ*, others will want to return to a previous location — and will often be the first to actively move on their own initiative — while those with few options will often seek opportunities for organized in-country resettlement, perhaps to a “resettlement village”. As the political and development context will likely remain fragile for some time, large numbers of forced migrant families are likely to become divided, to spread the risks and maximize the benefits inherent in various locations. In many cases, truly durable solutions will likely emerge out of these “transitional” scenarios.

This kind of understanding involves an exploration of the decisions forced migrants have made so far, what situations they are currently in, and, most importantly, the factors that affect their decision-making processes.

A conceptual model is provided here through which to understand these factors. This begins with a typology of conflict-induced forced migrants in and from southeast Myanmar. The typology is followed by an analysis of five main factors that influence their decisions, explaining some of the main differences between the key types.

### **Typology of Conflict-induced Forced Migration in Myanmar**

There are an estimated 400,000 IDPs in southeast Myanmar,<sup>42</sup> plus approximately 110,000 refugees in Thailand, (officially, “displaced persons” residing in Temporary Shelters) in camps along the Thailand–Myanmar border.<sup>43</sup> There are also some two to three million migrant workers (plus non-working family members) from Myanmar currently in Thailand, many of whom are ethnic minorities (including Karen and Mon), and have often left their home country for similar reasons to the refugees, and are also highly vulnerable.

Eight distinct types of forced migrants remain without durable solutions today, categorized primarily in relation to their current locations:

#### *Refugees in Camps in Thailand*

In January 2015 the Thai government announced its intention to undertake a process of verification for unregistered refugees in the camps, in partnership with the UNHCR.<sup>44</sup> The majority of these are Karen and Karenni people who were displaced by conflicts between the government and the KNU and KNPP. The camps are managed by elected camp management structures that fall under the guidance of refugee committees established in the 1980s by the KNU and KNPP.

Since the mid-2000s, the primary option for durable solutions pursued by the humanitarian community for refugees in Thailand’s refugee camps has been third-country resettlement. More than 90,000 refugees have been resettled since 2005, mostly to the United States, although, since the closure of the US group resettlement programme in 2013, resettlement figures have significantly declined,

and third-country resettlement has not been an option for the 40,000 unregistered refugees that have arrived in the camps since 2005. Some of these refugees have started returning to their old lands in Myanmar — at least for “go and see” visits, most commonly if they have land to return to. In many cases, these attempts constitute a proactive attempt to protect the lands left behind in Myanmar.

*Forced Migrants in Thailand, but outside Camps*

Since the 1990s, large numbers of people who may have fled Myanmar for similar reasons to the refugees have found themselves in a highly precarious situation, living hand-to-mouth beyond access to refugee camps. This population tends to live in fairly remote and rural parts of Thailand, close to the border areas. In some cases, these people have not sought access to camps because they have limited community links to EAGs or camp authorities (which they perceive as determining access to refugee camps). In others, there may be no camps in the part of Thailand adjacent to the area of Myanmar from which people fled (e.g. south of Kanchanaburi and north of Mae Hong Son). In other cases, people prefer to stay outside of camps, in order to better access the labour market. Regardless of the “choices” made, these out-of-camp populations are highly vulnerable, and often subject to the same pressures and limited options available to refugees — but with less prospect of organized assistance and systematic protection.

Hundreds of thousands of Shan live throughout Thailand, especially in northern Thailand, often in makeshift settlements on the outskirts of towns adjacent to construction sites where the migrants work, or on fruit or other plantations. A few thousand of these live in a small refugee settlement in northern Chiang Mai Province — although the Thai authorities have been highly reluctant to allow Shan migrants from Myanmar to establish camps in the Kingdom.

*Refugees and Asylum-seekers in Countries other than Thailand*

These are people surviving in similar conditions to refugees outside camps in Thailand, mostly in Malaysia, India and China. Not living close to the borderlands, these (often de facto, if not officially recognized) refugees have fewer options of return than refugees in Thailand (in or out of camps).

*IDPs in New Ceasefire Areas (EAG-dominated Areas that are not Formally Demarcated)*

Before the ceasefires of 2011 and 2012, over 100,000 IDPs lived “in hiding” in southeast Myanmar, refusing or unable to move out of areas influenced by the EAGs.<sup>45</sup> Receiving varying levels of support and security from EAGs and related civil society actors, these IDPs typically lived in temporary settlements in mountainous and forested areas. However, these communities often have to move regularly to avoid Tatmadaw patrols. As well as targeted and indiscriminate attacks from the Tatmadaw, they would face severe human security threats, including food scarcity and health issues.

Though ceasefires have greatly curbed threats to their physical security, until now most of these IDPs remain in temporary settlements away from their places of origin. In a significant number of cases, “hiding sites” are near to their villages of origin, where they often still have land, staying as close as possible to their original homes, with the intention one day of returning. Some have found sanctuary in neighbouring villages, particularly where their land has been taken for the construction of Tatmadaw facilities. Others have moved far from their homes, to be in areas away from Tatmadaw access.

Many of these displaced communities have been on the move for years if not decades, settling temporarily (for a few days, months or years) in one location, only to be forced to move to another nearby site. Furthermore, a series of more regularly settled and organized “IDP camps” exist along the border, in areas under the authority of the KNU and RCSS.

*IDPs Newly Displaced by Armed Conflict*

Due to ceasefires, and a period of relative calm before the post-2012 truces, there are very few newly displaced IDPs in southeast Myanmar. However, occasional outbursts of violence continue to cause displacement, such as clashes between the DKBA and the Tatmadaw in October 2014, which saw more than 1,800 people flee, and remain displaced in May 2015.

*IDPs in Long-established Ceasefire Areas*

In the late 1980s and early 1990s, ceasefires were brokered between the Myanmar military government and many of the EAGs active

at that time. Most of these groups were provided with demarcated ceasefire territories (in some cases called Special Regions). In a number of cases, these provided a relatively safe haven for IDPs to move to, at times with the enthusiastic encouragement of the EAGs.

In particular, the New Mon State Party (NMSP) ceasefire zones, in Ye Township, Mon State and parts of adjacent townships in Karen and Tanintharyi, have been home to around 40,000 IDPs since the mid-1990s. These include some 10,000 previous refugees, who were forced to return from Thailand following a 1995 ceasefire between the military government and the NMSP.<sup>46</sup>

#### *IDPs in Government-controlled Relocation Sites*

According to The Border Consortium, there were 125,000 IDPs in relocation sites across southeast Myanmar in 2010, spread across all states and regions. These IDPs were restricted by the government from returning to their places of origin, and in some cases were not permitted to leave the relocation sites at all. In many sites, they could request permission to leave during the day but were subject to strict curfews. Since ceasefires were signed, these restrictions seem to have been largely lifted, allowing IDPs to begin moving back to their places of origin if they so wish (and if they have land available in the original location).

In many cases, Tatmadaw considerations regarding the location of relocation sites were made primarily on security grounds, meaning these settlements often had inadequate land and water to sustain thousands of new arrivals. In most cases, state authorities provided little or no assistance to populations at relocation sites, who were forced to fend for themselves. However, over time, communities learned to cope and sometimes state services were provided. They occasionally received assistance from local or international organizations too.

#### *IDPs in Urban/Peri-Urban Settlements*

In addition to IDPs in longer-established ceasefire zones, a number of displaced people live in urban or peri-urban settings. Little is known about their condition and vulnerabilities as they have never been systematically documented. It is likely, however, that some families have chosen to move to such areas due to abject insecurity in their previous locations, and due to family and other network connections, as well as job opportunities, in towns and cities. There

is a need for research into patterns of forced migration, and resulting vulnerabilities, in peri-/urban areas of Myanmar.

### **Tentative Movements of Forced Migrants and Factors Shaping their Options**

At least a few thousand IDPs are reportedly beginning to (or planning to) settle, either “returning” to a previous village (sometimes the original home), or “resettling” elsewhere.<sup>47</sup> Predominantly, these are IDPs that have until recently been “in hiding” in what have now become ceasefire areas, as well as those in relocation sites who have now been permitted to leave.

While such movements remain tentative, it is premature to talk about IDPs in southeast Myanmar having achieved widespread “durable solutions”. Firstly, it is not clear whether these “returns” are permanent, or if forced migrants are simply “testing the waters”, as is often the first step. Returnee families will often leave some members and/or property in their previous location, including refugee camps in Thailand. Cautious assessment of these positive signs is also warranted as the territorial extent and specific governance authority arrangements in these newly-agreed ceasefires has yet to be clarified in ceasefire negotiations, continuously undermining stability and security in these areas.

### **Understanding Forced Migrants’ Approaches to Rehabilitation**

Forced migrants’ potential solutions and decision-making processes appear to be influenced by five main factors: first, physical security; second, prospects for stable livelihoods; third, access to services and amenities; fourth, perceptions and levels of confidence in the peace process; and fifth, the influences of various political actors and authorities. All of these factors are central to understanding the approaches to protection taken by communities and the role that such strategies can play in their rehabilitation.

These factors shape the reasons forced migrants have for staying-put, the “push factors” urging them to leave, the “pull factors” of their places of origin (or nearby areas), and the potential hindrances they might face if attempting return. Most migration decisions, including those concerning a return to places of origin, typically require attempts to balance the benefits and opportunities of various locations with the potential risks. This



at times involves individual family members making different decisions in order to spread the risk or maximize the benefits by adopting multiple strategies/attempted solutions, within a particular family unit.

### *Physical Security*

The majority of conflict-induced forced migrants have faced severe physical security threats before fleeing, either as individuals or in their families, particularly as targets of Tatmadaw counter-insurgency operations. Abuses suffered include the systematic destruction of villagers' homes, food stores and livestock; forced portering, forced labour duties, and conscription of males; arrest, detention and torture (particularly among males); arbitrary acts of violence; and sexual abuse (particularly among females). For many IDPs and other civilians, EAGs are often significant protection actors (as well as sometimes being agents of threat). Landmines are used by all armed actors in these areas during times of conflict, and remain a significant threat to security in most conflict-affected areas.

Ceasefires signed in Myanmar over the years have reduced human rights abuses significantly.<sup>48</sup> However, as the military has expanded and remained dominant in civil affairs, particularly in ceasefire areas, while discipline and oversight over military actors remains weak, many threats to the physical security of civilians persist. Further, in some cases, displaced people face individual threats to their security, having refused to accede to conscription demands, or to pay hefty taxes, for example.

An end to these abuses in the long term will likely depend on comprehensive security sector reform, involving significant demilitarization. This in turn would likely depend on a negotiated political settlement to the conflicts themselves. In the short-term though, negotiations regarding ceasefire provisions could begin to address such issues to a lesser degree. However, it seems unlikely that a large-scale withdrawal of either government or EAG armed personnel will occur in the short-to-middle term.

Forced migrants will therefore likely have to continue navigating an extremely unpredictable security environment for years to come. This means they are likely to spread out family members, seeking first and foremost to remain safe, while balancing their attempts to achieve secure livelihoods or access other opportunities against the potential risk to their security. This demonstrates clearly the

importance of appreciating forced migrants' own approaches to their difficulties in a context where the support provided by international actors will not be able to solve the root problems or ensure adequate short-term measures.

### *Prospects for Stable Livelihoods*

A large portion of the forced migrants currently returning to previous locations are doing so to reclaim old lands, which may have been in their family for generations. This constitutes a significant form of community self-protection, and is central to understanding the movements of people currently taking place.

The majority of conflict-induced forced migrants come from rural areas and have traditionally depended on agriculture to ensure their livelihoods, primarily for sustenance, and to a lesser extent for sale in local markets. The main crop is rice paddy, which can be grown most easily in wet lowlands, but also in the hills. However, after in some cases more than twenty years in exile, during which a significant proportion of refugees were born in the camps, many will not return to the agricultural lifestyles that they left.

Access to land has been restricted in many ways for rural people across Myanmar by armed actors, particularly the Tatmadaw, which has systematically confiscated land for military expansion and development projects. More recently, since the agreement of ceasefires, private companies connected to influential (including military-connected) powerholders have been implicated in widespread "land grabbing" cross the southeast.<sup>49</sup> Since 2012, new land legislation has been used increasingly by the state and private companies to confiscate unregistered land, even where it has been used by local communities. Myanmar law makes it easy for powerful actors to appropriate unregistered land where land has been left unused. Difficulties of this kind are experienced particularly by people with claims to upland fields where they engage in rotational (swidden) agriculture, who often leave large areas of land untouched for years. It has also created urgency for people to register their land, which has been particularly difficult for those living in (or returning to) areas under the authority of EAGs, and/or zones of on-going armed conflict. Meanwhile, among many conflict-affected communities, customary land ownership and local recognition of holdings remains a widely practised and respected system.

During the years of armed conflict, in many areas which people had fled, land remained more-or-less vacant, as control was actively contested by the Tatmadaw and EAGs, and/or because of landmine contamination. In this sense, displaced communities have considered EAGs as protectors of their homeland, preventing the Tatmadaw or government occupying abandoned settlements and farms. In other cases, the Tatmadaw would prevent EAGs and their supposed civilian supporters from re-accessing their lands and settlements by contaminating the areas with landmines, and/or setting up new camps nearby.

In the context of the ceasefires, however, access to these areas is opening up, providing new opportunities for the private sector — for example large-scale plantation agriculture in Tanintharyi Region (oil palm, and to a lesser degree, rubber). Many displaced people are concerned that if they do not reclaim their land, well-connected companies or other outside interests and powerholders may do so. Therefore, patterns are emerging of IDPs returning to their farmland on the understanding that (although they usually lack official documentation) “possession is nine tenths of the law”, and that by re-occupying their lands they can dissuade outsiders from considering dispossession. Thus, in some cases at least, IDP and refugee return may constitute a form of land rights protection.

In Tanintharyi Region, the situation is complicated by various attempts at environmental conservation. International NGOs in Tanintharyi Region are keen to access forested and richly bio-diverse areas, which have long been under KNU authority areas, in order to map and survey, so that they can encourage the government (and have credibility with donors) to register new protected forests. While laudable in many ways, such activities are complicated by the fact that these remote areas were often previously home to IDPs (currently in government-controlled Relocation Sites) or refugees (now in Thailand). To the extent that IDPs’ previous homes are designated as empty forest to be preserved, this could create problems in the future, if and when displaced people choose to return to their previous settlements. If the government and/or environmental conservation organizations designate these forests as empty, this may lead to accusations in the future that returning displaced people are trespassing on “virgin forest” reserves.

Many IDPs in relocation sites in Tanintharyi are unable to return home because their land has already been taken by companies. In

some cases, palm oil plantations have already been planted, in others logging is underway or completed to clear land in order to start plantations soon. For most IDPs remaining in relocation sites, if their land has already been taken by the companies, there will likely need to be a political agreement with the government, and some kind of legal settlement with the companies, before they can hope to regain access. This kind of arrangement could be “fast tracked” in parallel to negotiations towards a Nationwide Ceasefire Agreement, and would not have to wait for a final negotiated settlement to the peace process to be implemented.

Land tenure issues also arise between civilians as a result of displacement, as populations are frequently moving around. In some cases, for example, relocation sites were situated on land previously belonging to other civilians (including neighbouring villages’ grazing lands or rice farms). During the period of authoritarian military rule, those upon whose land relocation sites were built were unable to complain. In the more open political context of Myanmar in transition, such dispossessed communities are beginning to demand the return of their land and other properties. In other cases, land belonging to those who left has been occupied by other locals who were able to stay, or at times by other displaced people who moved into the region at a later date. Such episodes of “secondary occupation/displacement” are under-reported, but are likely widespread across conflict-affected parts of Myanmar. There are also cases where economic migrants from other parts of the country have moved into lands previously occupied by people who fled the areas due to conflict.

As movements of forced migrants in relocation sites become less restricted, and old settlement sites have become available again, disputes have emerged over land management issues. Areas with better land for farming have typically attracted greater numbers of IDPs than other areas, leading to disputes for which no clear traditional resolution mechanisms exist. In relocation sites in Kayah State, for example, cases were documented of IDPs leaving the relocation sites and starting work on land that had belonged to other IDPs who were unable to send working-age members of their own families to reclaim their farmland. In some cases, land was sold by people before they left their homes, particularly where departure was due to a slow build-up of pressure rather than one traumatic event.

### *Access to Services*

Central to communities' approaches to self-protection are their assessments of the benefits provided by different authorities or organizations in various locations. Access to services play a crucial role in shaping the decisions taken by forced migrants.

In a number of cases, displaced people have secured better access to services in their new locations than they had at their places of origin, despite their situation not being sustainable (or "durable") overall. This has encouraged them to find ways to keep children in these locations, while other family members attempt return or resettlement for other benefits such as access to old lands. This "coping mechanism" has divided families in a number of areas. Particularly in relocation sites, in refugee camps in Thailand and in organized IDP camps, access to services represents a central factor keeping families *in situ* (as opposed to attempting return to their places of origin), despite other difficulties faced.

Refugees in Thailand and IDPs in EAG-controlled areas have depended for decades on social services networks provided by EAGs and their associated networks. There are therefore key questions regarding the extent to which these medics, teachers and other staff (and their qualifications) will be recognized by the Myanmar government and if/how they will be able to operate independently in the long run. Likewise, truly durable solutions will depend on similar considerations regarding the qualifications received by children studying under EAG education systems. To a large extent these issues depend on the way that relationships between EAG social service systems and those of the state develop in the context of the peace process.

### *Perceptions of the Peace Process and its Sustainability*

Decisions about return/resettlement among all types of people displaced by conflict depend largely on their confidence that the conflict has come to an end. The movements of displaced people are typically tentative during times of ceasefire and often involve protracted processes of trial and error, before it can be said that they have fully settled in a particular location. Central to the growth of confidence during these periods are the perceptions among conflict-affected communities of the sustainability of peace agreements.

Across southeast Myanmar, communities are experiencing the benefits of the 2011–12 ceasefires. Key improvements include: freedom to travel; being able to spend time on farms without fear or having to bribe the Tatmadaw; decreased taxation and fewer checkpoints; greatly reduced incidence of human rights abuses; and improved livelihoods. However, widespread concerns persist regarding the durability of ceasefires, as well as the fear of emerging issues that include widespread land-grabbing (often facilitated through 2012 land-laws) and mega-infrastructure projects (implemented without proper consultation or impact assessments). The drug trade is also on the rise in most ceasefire areas presenting a wide range of new security and social concerns in times of ceasefire.

Overall, displaced people have received no information or consultation from the government regarding ceasefires and how that affects their prospects for finding durable solutions. Limited consultations of this kind have been undertaken by armed groups and associated networks but have been somewhat ad hoc, sometimes coming only after official milestones, and thus are not regular enough to help displaced people gauge accurately how much progress is being made.

Forced migrants typically have a basic understanding that current ceasefires are not yet permanent, and that sustainability depends on more comprehensive “peace agreements” being signed. In some cases, interviewees explained that “real peace” would mean that “the Burmans” would return to “their place”, implying that current Myanmar rule of their lands is considered an external occupation. More frequently, “real peace” was said to mean freedom to work without excessive taxation, violent harassment, forced labour and other demands, as well as freedom to associate with “their leaders” without punishment. In almost all cases, forced migrants interviewed made a firm distinction between “peace”, that implied a lasting end to conflict, and ceasefires, which were seen as fragile — even in cases like the NMSP ceasefire which has been stable for almost twenty years, while political issues remain unsolved.

#### *Influence from Political Actors/Authorities*

While international standards place importance on the decisions of displaced people being entirely voluntary, combinations of

loyalty to, respect for, and fear of, armed actors (including the state) inevitably impact the decisions made by conflict-displaced people about their futures. “Voluntary” decisions are inevitably impacted by the range and nature of options available, and in all situations are heavily influenced by the views/interests of figures who hold legitimacy and/or authority among migrant communities.

This reality contrasts somewhat with the predominant emphasis by international protection actors on the rights of refugees to choose the solution that works for them, and to not have the decision made for them. In practice, particularly where displacement has been caused by state attempts to forcibly relocate people to live under its control, and where EAGs have asserted claims to govern populations of their ethnicity, solutions for displaced people risk being shaped by political factors and dynamics.

On the whole, rural non-Burman communities in Myanmar hold deep loyalties to those they consider leaders, including those who may be part of or maintain close relations with an EAG, meaning that the armed groups at times can exert notable influence over the decisions of forced migrants regarding their future. This is hardly surprising, given that refugees represent a subset of the broader conflict-affected community, having chosen to “vote with their feet” and enter areas of perceived EAG control. However, such leaders’ interests and identities may be shaped by economic, political and other considerations which are not necessarily aligned with the interests of refugees. Furthermore, there are often significant differences (and tensions) over differing positions, policy and doctrines within EAGs, sometimes between figures at headquarters (or even District/Brigade) level, and those at lower levels. This is particularly notable in cases where EAG leaderships are based in neighbouring countries or otherwise distant from the situation on the ground, while lower-level commanders remain in the field.

For forced migrants making decisions related to return or movements elsewhere, their own relationships with particular commanders or other EAG personnel play a significant role — potentially a more important role than their allegiances to particular EAGs as a whole. Geopolitical changes in places of origin, such as the expansion of influence, or conquering of lands by new armed actors, or the splintering of EAGs, therefore adds a complex dimension to decision-making. The most obvious examples are those where lands formerly governed by EAGs are now under state control, but this can also be seen in areas where EAGs have expanded to those formerly held by other groups.

Aside from those in relocation sites, the majority of forced migrants in southeast Myanmar have never been properly governed by the state, with only the Tatmadaw having interacted with them before, usually in a violent and predatory manner. Civilians who refused to leave “black areas” have been named by the government as “none other than members of KNU/KNLA and their families” and have been typically perceived and treated as insurgents by the Tatmadaw.<sup>50</sup> Recently conducted interviews with an officer from the Ministry of Border Affairs working on displacement recovery and a national humanitarian worker in one ethnic state, confirm similar sentiments. It is assumed by such actors that civilians who refused to move to relocation sites and remain in the forests must be family members or firm supporters of EAGs.<sup>51</sup> Similarly, prior to 2011, state media often accused refugees of being insurgent supporters.<sup>52</sup>

## Conclusion

Civilian populations have been the primary victims of more than half-a-century of armed conflict in southeast Myanmar. Forced migration has been driven by armed conflict and associated human rights abuses, as well as inappropriate “development” activities and insecure livelihoods. Assistance to help IDPs and refugees to find durable solutions to forced migration will be most effective if framed by an understanding of the approaches to protection undertaken by the communities themselves.

Ceasefires in southeast Myanmar have already transformed the environment for forced migrants, and have opened up limited opportunities for them to rebuild their lives. Meanwhile, the peace process shows potential to address a range of issues related directly and indirectly to the prospects for forced migrants to find durable solutions. While some spontaneous processes of return and resettlement have emerged, it must be recognized that such efforts on the part of forced migrants will likely involve protracted decision-making processes, and will be guided by a wide range of factors. Until the basic needs of conflict-affected communities (including the need for protection) can be satisfied in one location, many families will remain divided. While returns and resettlements are likely to increase in number over the coming years (particularly as programmes are expanded by local and international actors), ending cycles of displacement in a sustainable manner will likely take many years, if not decades, to achieve. Furthermore, given



the respective economic situations in Myanmar and neighbouring Thailand, related patterns of “economic migration” are likely to persist for some time.

International actors should be cautious in how they frame and present the challenges of transition in conflict-affected areas. Although across most of southeast Myanmar armed conflict has come to an end (for now at least), conflict-affected communities — particularly IDPs and refugees — remain highly vulnerable. Ending armed conflict is necessary, but not sufficient, to achieving durable solutions for forced migrants. Therefore, for the time being at least, southeast Myanmar remains a site of chronic humanitarian crises.

In order for solutions for refugees and IDPs to be really *durable*, interventions on the part of the state and national and international organizations should be based on a recognition of forced migrants’ agency, and approaches to self-protection and thus on extensive and regular consultations with IDPs and refugees, as well as with local organizations which work closely with migrant communities. This will require regular engagement to assess stakeholders’ varying positions and options, depending on a dynamic political and security situation, and to keep track of how their needs and conditions are changing over time.

In order to be conflict sensitive and “do no harm” to the peace process, interventions to support durable solutions should be aligned with the broader political environment. This should involve aid agencies and donors recognizing the (albeit sometimes contested) legitimacy of EAGs, which have been recognized by the government as partners in peace. Ultimately therefore, the relationship between peace and forced migration in Myanmar involves four parties: the government; EAGs; forced migrants and other conflict-affected communities (including CBOs); and international actors.

Ultimately, prospects for durable solutions will remain deeply connected to prospects for a sustainable end to conflict. In turn, such an achievement will depend not just on successful negotiations at the table, but more on a transformation of the security, political and economic environment. While international engagements in southeast Myanmar have the potential to contribute to such processes, they will be contingent primarily on local actors and local dynamics, which, for the time being, remain uncertain and in some ways highly problematic. International protection bodies

should seek roles in supporting local actors to assist their communities in an unpredictable environment, to be responsive to individual needs, and to be prepared for both improvements and deteriorations in the security environment.

## NOTES

This paper is based largely on research conducted for Ashley South and Kim Jolliffe, *Forced Migration and the Myanmar Peace Process*, UNHCR Policy Evaluation and Development Service, New Issues in Refugee Research, Research Paper No. 274, 2014, available at <<http://www.unhcr.org/cgi-bin/texis/vtx/home/opensslPDFViewer.html?docid=54f588cb9&query=%22New%20issues%20in%20Refugee%20Research%22>>. Dozens of interviews and focus groups were undertaken for this study in Loikaw and Shadaw townships, Kayah State; Hpa'an town, Karen (Kayin) State; and Yangon, Myanmar as well as in Mae Sot, Mae La refugee camp, and Chiang Mai, Thailand. The study also draws extensively on research previously conducted by the authors for UNHCR in EAG-controlled areas of Mon, Karen and Kachin regions, as well as the mostly Karen refugee camps in Thailand. Email correspondence with a number of stakeholders also provided additional data.

<sup>1</sup> For documentation by local human rights groups on issues related to development and militarization in the post-ceasefire period, see Karen Human Rights Group, *With only our voices, what can we do?: Land confiscation and local response in southeast Myanmar* (Karen Human Rights Group, 2013), available at <<http://www.khrg.org/2015/06/with-only-our-voices-what-can-we-do-land-confiscation-and-local-response#sthash.p8CpQ4Rx.dpuf>>; Karen Human Rights Group, *Losing Ground: Land Conflicts and Collective Action in eastern Myanmar* (Karen Human Rights Group, 2013), available at, <<http://www.khrg.org/2013/03/losing-ground-land-conflicts-and-collective-action-eastern-myanmar>>; Karen Human Rights Group, *Truce or Transition: Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire* (Karen Human Rights Group, 2013), available at <<http://www.khrg.org/2014/05/truce-or-transition-trends-human-rights-abuse-and-local-response>>; and Human Rights Foundation of Monland, *Disputed Territory: Mon Farmers' Fight Against Unjust Land Acquisition and Barriers to Their Progress* (Human Rights Foundation of Monland, 2013), available at <<http://www.rehmonnya.org/reports/DisputedTerritory.pdf>>.

<sup>2</sup> For a comprehensive historic overview of armed ethnic conflict in Burma/ Myanmar, see Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (London: Zed Books, 1999); see also Ashley South, *Ethnic Politics in Burma: States of Conflict* (Abingdon, Oxon: Routledge, 2008), pp. 26–27.

<sup>3</sup> Elites within Myanmar's minority communities prefer the designation “ethnic nationality”, believing this confers greater political status, in line with the view that the country is a union of nations rather than a unitary nation within which they are minorities.

<sup>4</sup> For a detailed overview of human rights abuses in the context of warfare, particularly abuse committed by the Tatmadaw as part of military strategy,

see International Human Rights Clinic, *LEGAL MEMORANDUM: War Crimes and Crimes against Humanity in Eastern Myanmar* (Cambridge Massachusetts: International Human Rights Clinic, Harvard Law School, 2014), available at <<http://hrp.law.harvard.edu/wp-content/uploads/2014/11/2014.11.05-IHRC-Legal-Memorandum.pdf>>; for a more general up-to-date overview of human rights abuses by armed actors in southeast Myanmar, see Karen Human Rights Group, *Truce or Transition*, op. cit.

<sup>5</sup> There are perhaps a dozen Karen ethno-linguistic sub-groups, consisting of Buddhists, Christians, animists, and even Muslims, living in urban, peri-urban and rural areas. Ashley South, “The Politics of Protection in Burma”, *Critical Asian Studies* 44, no. 2 (June 2012): 175–204.

<sup>6</sup> On the “Four Cuts” strategy, see Smith, *Burma*, op. cit., pp. 258–62; Maung Aung Myoe, *Building the Tatmadaw: Tatmadaw Since 1948* (Singapore: Institute of Southeast Asian Studies, 2009), pp. 25–26; South, *Ethnic Politics*, op. cit., pp. 34, 86–87.

<sup>7</sup> South, “The Politics of Protection in Burma”, op. cit.; Ashley South with Malin Perhult and Nils Carstensen, *Conflict and Survival: Self-protection in South-east Burma* (London: Chatham House/Royal Institute of International Affairs & Local to Global Protection Initiative, 2010).

<sup>8</sup> It should be noted that “Karen State” is the locally preferred term; the official government designation is “Kayin State”.

<sup>9</sup> Karen Human Rights Group, *Truce or Transition*, op. cit.

<sup>10</sup> A previous, fairly widely used, typology of forced migration in Myanmar, designated three types of IDP: armed conflict-induced, development-induced and economic migrants. See Ashley South, *Burma: The Changing Nature of Displacement Crises*, Refugee Studies Centre, Working Paper No. 37 (Oxford: Oxford University, 2007).

<sup>11</sup> Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Washington, D.C.: Brookings Institution Press, 2008).

<sup>12</sup> Sorcha O’Callaghan and Sara Pantuliano, *Protective Action: Incorporating Civilian Protection into Humanitarian Response*, Report No. 26 (London: ODI Humanitarian Policy Group, 2007), p. 35.

<sup>13</sup> Peter Walker and Daniel Maxwell, *Shaping the Humanitarian World* (Abingdon, Oxon.: Routledge, 2009), p. 77.

<sup>14</sup> Oliver Richmond criticizes international aid interventions, such as the R2P, which undermine local perspectives and agency. See Oliver Richmond, “Resistance and the Post-Liberal Peace”, *Millennium: Journal of International Studies* 38, no. 3 (May 2010): 667. See also Alex de Waal, “Protecting Civilians in Fragile States”, paper presented to Oxfam-Novib at The Hague, 21 September 2009.

<sup>15</sup> Michael Barnett and Thomas G. Weiss, *Humanitarianism Contested: Where Angels Fear to Tread* (Abingdon, Oxon.: Routledge, 2011), p. 34.

<sup>16</sup> Marc Vincent and Birgitte Refslund Sorensen, eds., *Caught Between Borders: Response Strategies of the Internally Displaced* (London and Oslo: Pluto Press and Norwegian Refugee Council, 2001).

- <sup>17</sup> Marc Vincent, "Introduction and Background", in *Caught Between Borders*, op. cit., p. 1.
- <sup>18</sup> Jeff Huysmans, Andrew Dobson and Raia Prokhovnik, eds., *The Politics of Protection: Sites of Insecurity and Political Agency* (London and New York: Routledge, 2006), p. 2.
- <sup>19</sup> Ibid., p. 2.
- <sup>20</sup> Ibid., p. 13.
- <sup>21</sup> Ibid.
- <sup>22</sup> On the "humanitarian accountability revolution", see Elizabeth Ferris, *The Politics of Protection: The Limits of Humanitarian Action* (Washington, D.C.: Brookings Institution Press, 2011). However, Ian Smillie observes that "outsiders appear to have great difficulty working effectively with local organisations ... [and] when they do, the relationship is more often one of patronage than partnership". See Ian Smillie, "Introduction" and "Capacity Building and the Humanitarian Enterprise", in *Patronage or Partnership: Local Capacity Building in Humanitarian Crisis*, edited by Ian Smillie (Bloomfield, Connecticut: Kumarian Press, 2001), pp. 1 and 7.
- <sup>23</sup> See The Sphere Project, "Humanitarian Charter and Minimum Standards in Disaster Response" (London: Oxfam, 1998). See Michael Barnett and Thomas G. Weiss, eds., *Humanitarianism in Question: Politics, Power, Ethics* (New York: Cornell, 2008), p. 253; Barnett and Weiss, *Humanitarianism Contested: Where Angels Fear to Tread*, op. cit., p. 214.
- <sup>24</sup> United Nations High Commissioner for Refugees, *A Community Based Approach in UNHCR Operations* (Geneva: UNHCR, 2008), available at <<http://www.unhcr.org/47f0a0232.pdf>>, p. 5.
- <sup>25</sup> Ageng'o et al. ask "to what extent do agencies and populations at risk [in Kenya and Timor-Leste] share similar definitions, ideas and priorities, regarding protection?" However, they still orientate local understandings of protection towards a normative acceptance of international standards. See Yvonne Ageng'o, Nicolau dos Reis da Costa and Louise Searle, "Community perceptions of 'protection' in Kenya and Timor-Leste", *Humanitarian Exchange Magazine* 46 (2010): 16–19.
- <sup>26</sup> Susanne Jaspers, Sorcha O'Callaghan and Elizabeth Stites, *Linking Livelihoods and Protection: A preliminary analysis based on a review of the literature and agency practice*, Humanitarian Policy Group Working Paper (Overseas Development Institute, December 2007), p. 8.
- <sup>27</sup> Ibid.
- <sup>28</sup> Birgitte Refslund Sorensen and Mark Vincent, "Conclusion", in *Caught Between Borders*, op. cit., pp. 269–73. See also Marc Vincent, "Introduction and Background", in *Caught Between Borders*, op. cit., pp. 11–12, which identifies five types of "response strategies": protection strategies, subsistence strategies, access to education, civic strategies and property issues.
- <sup>29</sup> Kate Berry and Sherryl Reddy, *Safety with Dignity: Integrating community-based protection into humanitarian programming*, Humanitarian Policy Group Network Paper No. 68 (London, March 2010). The typology consists of: positive protection

strategies; strategies which aim to be positive, but have harmful side effects; and negative coping mechanisms.

- <sup>30</sup> Susanne Jaspers, Sorcha O’Callaghan and Elizabeth Stites describe vulnerable people “avoiding risk — displacement; reducing risk through alliances with powerholders; minimising exposure to or spreading risk ... ; and [engaging in] resistance or confrontation”. See Susanne Jaspers and Sorcha O’Callaghan, *Challenging Choices: Protection and livelihoods in conflict*, Humanitarian Policy Group Working Paper No. 31 (London: Overseas Development Institute, 2010), p. 11. The paper provides a detailed discussion of similarities between livelihoods-vulnerability and other forms of protection-vulnerability.
- <sup>31</sup> Andrew Bonwick, “Who really protects civilians?”, *Development in Practice* 16, no. 3 (June 2006): 270.
- <sup>32</sup> Hugo Slim, *Killing Civilians: Method, Madness and Morality in War* (London: Hurst, 2007); Barnett and Weiss, eds., *Humanitarianism in Question*, op. cit.; Ethlet Chiwaka and Roger Yates, *Participatory Vulnerability Analysis: A step-by-step guide for field staff*, ActionAid, 2008, available at <[www.actionaid.org.uk/\\_content/documents/PVA%20final.pdf](http://www.actionaid.org.uk/_content/documents/PVA%20final.pdf)>.
- <sup>33</sup> Ferris, *The Politics of Protection*, op. cit., p. 62.
- <sup>34</sup> Hazel Lang and Anita Knudsen, *Protracted Conflict: Protection Challenges for Humanitarian Agencies*, Sri Lanka Briefing Paper (Canberra: Australian Research Council, 2008), p. 15.
- <sup>35</sup> Walker and Maxwell, *Shaping the Humanitarian World*, op. cit., p. 1490.
- <sup>36</sup> See Smillie, “From Patrons to Partners?”, in *Patronage or Partnership*, op. cit., pp. 187–88.
- <sup>37</sup> See UN 1951 Refugee Convention and 1967 Protocol, United Nations, available at <<http://www.unhcr.org/3b66c2aa10.html>>.
- <sup>38</sup> This definition of “dignity” in the context of humanitarian protection is provided in Humanitarian Policy Group, *Safety with Dignity: Integrating community-based protection into humanitarian programming* (London: Overseas Development Institute, 2010), available at <<http://www.odi.org.uk/events/2163-safety-dignity-integrating-community-based-protection-into-humanitarian-programming>>, p. 6.
- <sup>39</sup> Bonwick, “Who really protects civilians?”, op. cit., p. 270.
- <sup>40</sup> For a critique of, and recommendations to, international support to the Myanmar peace process, see Myanmar Peace Support Initiative, *Lessons Learned from MPSI’s Work Supporting the Peace Process in Myanmar*, 2014, available at, <<http://www.peacedonorsupportgroup.com/mpsi-lessons-and-reflections.html>>. This approach is in line with William Easterly’s distinction between foreign aid “planners”, who impose top-down blueprints, and “searchers”, who proceed by innovative trial and error. See William Easterly, *The White Man’s Burden: Why the West’s Efforts to Aid the Rest Have Done So Much Ill and So Little Good* (New York: The Penguin Press, 2006).
- 4 Kim Jolliffe, *Ethnic Conflict and Social Services in Myanmar’s Contested Regions* (Yangon: The Asia Foundation, 2014), available at <<http://asiafoundation.org/publications/pdf/1375>>. On the important, albeit politically contentious, role these organizations have played in the protection of vulnerable groups, see

Ashley South, "The Politics of Protection in Burma", *Critical Asian Studies* 44, no. 2 (June 2012): 175–204.

- <sup>42</sup> According to The Border Consortium, there were approximately 110,000 IDPs in 23 surveyed townships across southeast Myanmar in 2014. The study noted that only 33 per cent of the population in 23 townships were surveyed, so this could be extrapolated to identify an approximate IDP population of nearly 400,000 IDPs in 36 townships (most of the region), as was identified as the total number in 2012. A similar methodology leads TBC and its partners to estimate that somewhere over 10,000 new IDPs had been forced to flee in 2014. See The Border Consortium, *Protection & Security Concerns in South East Burma/Myanmar* (Bangkok: The Border Consortium, 2014), available at <<http://www.theborderconsortium.org/news/protection-and-security-concerns/>>, pp. 13–14. For the full survey from 2012 see, The Border Consortium, *Changing Realities, Poverty and Displacement in South East Burma/Myanmar* (Bangkok: The Border Consortium, 2012), available at <<http://theborderconsortium.org/idps/report-2012-idp-bu.zip>>.
- <sup>43</sup> The Border Consortium, *PROGRAMME REPORT July to December 2014* (Bangkok: The Border Consortium, 2014), available at <<http://www.theborderconsortium.org/media/57485/2014-6-Mth-Rpt-Jul-Dec.pdf>>, p. 6.
- <sup>44</sup> The number of residents in refugee camps remains a matter of some contention, between UNHCR, international NGOs working in the camps, and refugee communities and their advocates.
- <sup>45</sup> In 2010, the Thailand Burma Border Consortium (TBBC) estimated that 115,000 IDPs remained in hiding sites in southeast Myanmar. See Thailand Burma Border Consortium, *Protracted Displacement and Chronic Poverty in Eastern Burma/Myanmar* (Bangkok: Thailand Burma Border Consortium, 2010), available at <<http://www.tbcc.org/idps/report-2010-idp-en.zip>>, p. 60.
- <sup>46</sup> See Kim Jolliffe and Ashley South, *Ceasefires and durable solutions in Myanmar: a lessons learned review*, UNHCR Policy Evaluation and Development Service, New Issues in Refugee Research, Research Paper No. 271, 2013, available at <<http://www.unhcr.org/533927c39.html>>.
- <sup>47</sup> Ashley South and Kim Jolliffe, *Forced Migration and the Myanmar Peace Process*, UNHCR Policy Evaluation and Development Service, New Issues in Refugee Research, Research Paper No. 274, 2014, available at <<http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=54f588cb9&query=%22New%20issues%20in%20Refugee%20Research%22>>; The Border Consortium, *Changing Realities, Poverty and Displacement in South East Burma/Myanmar*, op. cit.
- <sup>48</sup> For an overview of trends in human rights abuses in Karen areas since the 2012 government–KNU ceasefire, see Karen Human Rights Group, *Truce or Transition*, op. cit.
- <sup>49</sup> See Karen Human Rights Group, 'With only our voices, what can we do?', op. cit.; Karen Human Rights Group, *Losing Ground: Land Conflicts and Collective Action in eastern Myanmar*, op. cit.; Karen Human Rights Group, *Truce or Transition*, op. cit.; Human Rights Foundation of Monland, *Disputed Territory: Mon Farmers' Fight Against Unjust Land Acquisition and Barriers to Their Progress*, op. cit.

- <sup>50</sup> This quote is from an official statement of the Myanmar Ministry of Foreign Affairs. Myanmar Ministry of Foreign Affairs, “Ministry of Foreign Affairs releases Press Statement in response to declaration of EU Presidency”, Nay Pyit Taw, June 2009.
- <sup>51</sup> Specific state withheld to ensure anonymity.
- <sup>52</sup> For recent examples see Saw Po Si, “What is KNU?”, *New Light of Myanmar*, 8 January 2010; and Saw Po Si, “Which way, KNU?”, *New Light of Myanmar*, 14 February 2010.