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Return to a peaceful Myanmar? Parting with an illusion

How to handle forced displacement in Myanmar from the perspective of sustainable development cooperation

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Policy recommendations

\ Include monitoring and evaluation mechanisms for the implementation of peace processes in development cooperation project strategies on the situation of displacement in Myanmar.

Despite the fact that expectations associated with the transition process in Myanmar are high—they must not compromise a detailed and objective analysis of the current realities. Development cooperation (DC) project strategies aiming to solve protracted refugee situations in Myanmar and its neighbouring countries must continuously monitor which causes of displacement continue to exist—unchanged or in a different form—to react adequately and flexibly on them.

\ Make DC dependent on good governance, the protection of human rights as well as reintegration- or compensation measures

The framework prescribed by the Constitution and the currently prevailing power structures reinforce the marginalization of internally displaced people and returnees in Myanmar. If the international community wants to adopt countermeasures, it must raise up the protection of human rights, reintegration and compensation measures to binding indicators of success for its coordinated and coherent DC-measures.

\ Take sustainable measures to fight causes of displacement in the long term and to support voluntary return.

By supplying legal advice on conflicts about land rights and the depletion of resources, DC can contribute to creating legal certainty for IDPs and refugees again. DC can also help to expand existing health and education infrastructure in those areas that have not been accessible to the government for a long time and that are controlled by armed groups. This infrastructure will benefit host communities, internally displaced people and refugees alike.

\ Create holistic scenarios that also include the (transnational) mobility of refugees as a strategy of survival

Protracted displacement has led to transnational labour migration, diversification, networking and urbanization. DC needs realistic scenarios that not only include refugee repatriation but also take into account social change. Binational training opportunities (for instance with Thailand) and labour market initiatives would open up sustainable income perspectives to refugees and migrants within the respective country and contribute to the economic development of both countries.

Return to a peaceful Myanmar? Parting with an illusion

Summary

In the perception of the international community it was only a matter of time until, after the democratic turnaround in Myanmar, human rights violations would end, and refugees as well as internally displaced people (IDPs) would return. The high hopes that rested on Aung San Suu Kyi, however, tended to blind observers to a critical and realistic assessment of the socio-political and constitutional framework left by the military. The daily lives of many people in Myanmar continue to be characterized by restricted civic rights, lack of state-run services, land grabbing, exacerbating armed clashes and faltering peace negotiations.

To be able to find sustainable and long-term solutions for realities of protracted forced displacement in Myanmar and abroad, it is necessary to analyze challenges and options of development cooperation (DC) in Myanmar in detail rather than to impose sanctions. Moreover, to modify the framework conditions in such a way that survival strategies that were formed when people were forced to flee their homes can be used as potential of development, donors need to develop international, regional and transboundary projects that are coordinated and developed bearing a participatory approach with local initiatives in mind.¹

Current political situation is far from peaceful

Since April 2016, the international community has been generously supporting the new government under the National League for Democracy (NLD) in its efforts to overcome and terminate autocratic rule and military conflicts. The hopes that were associated with the election of the Nobel Peace Prize laureate Aung San Suu Kyi seemed to become true with the 21st Century Panglong Conference in August 2016.

¹ \ This *Policy Brief* is based on research conducted in Thailand and Myanmar between July 2016 and March 2018 in the framework of the research project "Protected rather than protracted - Strengthening refugees and peace", supported by the German Federal Ministry for Economic Cooperation and Development (BMZ). We owe much to all individuals and institutions without whose support this research would not have been possible .

But only two months later, in October, the conflict in Rakhine State intensified so much that the UN Security Council referred to the forced displacement of the Rohingya as "a textbook example of ethnic cleansing" (Thomson Reuters Foundation, 2017). With this, the security challenges of Myanmar were once again in the focus of international attention.

The armed disputes between the Burmese Army and a number of armed ethnic militias, too, continue unabated in many parts of the country. Kachin and Shan State as well as recently parts of Karen State are particularly affected. The situation has even exacerbated as the decade-long divide-and-rule strategy of the military has deepened ethnic tensions and increased the fragmentation of the armed groups. Furthermore, the persecution of the Rohingya is not an exception. In fact, the discrimination of religious minorities that can currently be observed has become a symptom of a religious nationalism that has grown during military rule and is since deeply embedded in the social structure of Myanmar.

The efforts of the new democratic government to alleviate the negative consequences of its heritage from the military government have only been partially successful as they were neither able to stop the armed fighting nor bring all relevant parties together. The efforts of the international community to ease the conflict in Rakhine State by establishing the Kofi Annan Advisory Commission have also failed. This current example also shows that the room for manoeuvre of the new government is severely hampered by the Constitution and the role of the military but also by domestic policy constraints, such as the religious-nationalist line of the NLD and its supporters.

This is why it is necessary to part with the belief that democratization and development happen automatically and to carry out an in-depth analysis of the societal context of Myanmar. The ideology of the military

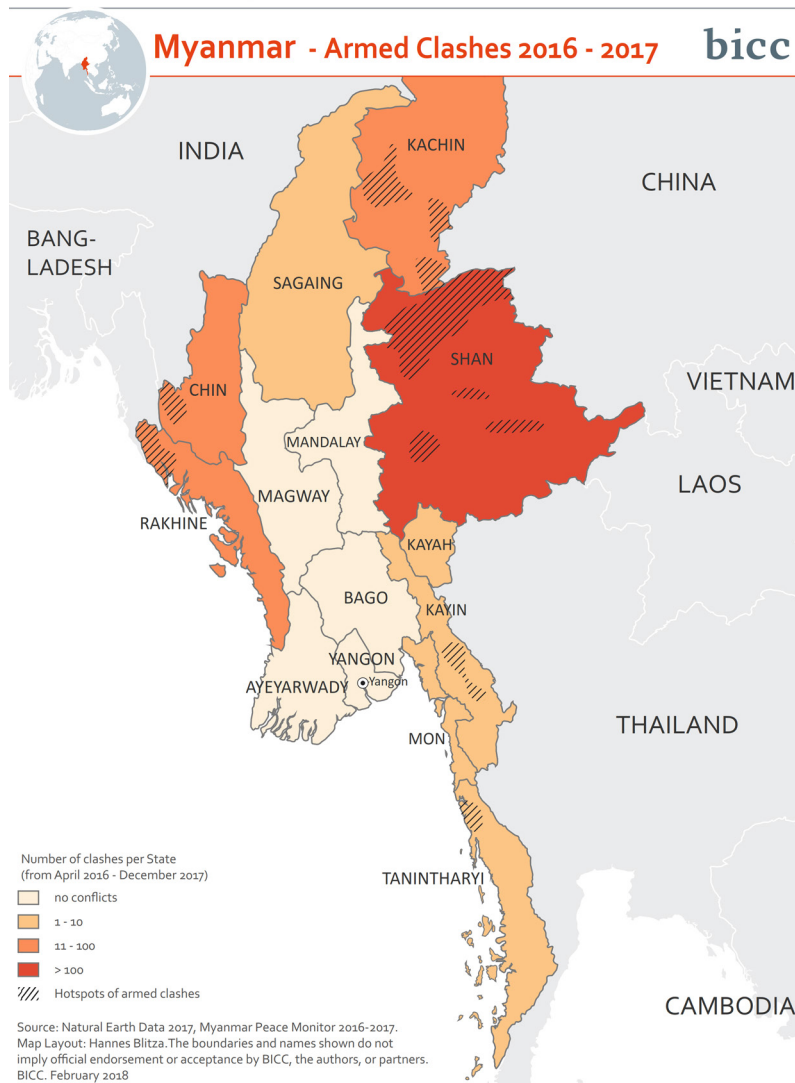
had not been detached from everyday life in Myanmar. It referred back to local patterns of thinking and influenced them over decades. Therefore, diverse traits of the junta policies are still present. They manifest in a) the political understanding of the structure and role of the state, b) nationality and the protection of minorities in civil society, c) the increasing fragmentation of the armed groups fighting each other in the peripheral regions as well as d) the ideological self-image of the military and its close links to the administration that turn it into a state within a state.

Armed groups and protracted conflicts

In many parts of Myanmar, insecurity and continued fighting are an obstacle to return of IDPs and refugees. After the democratic elections, the intensity of armed disputes increased markedly. The population from Kachin, for instance, that was affected by the conflict complained that its situation had not changed much. “We hear of peace talks but see something different: Soldiers, air raids, mines” (IDP, Bahmo, Kachin, September 2016). Even where the ceasefire is observed, the actions of the military do

not instill trust in the people. In most cases, the army does not want to withdraw from its positions and is even increasing its presence in some areas. This is why the displaced often do not return but rather continue to observe the situation attentively from a safe distance.

Even the 21st Century Panglong Conference, named after the historic agreement of 1947 on the independence of Myanmar, did not change anything fundamentally. This conference neither led to binding provisions nor did it officially include important actors of the Northern Alliance Burma, formed later. It also did not address the conflict between Buddhist Arakan and the Muslim minority. This conflict escalated after border posts were attacked in October 2016 for which the Islamist Rohingya militias were blamed. In summer 2017, after further attacks on police and army posts, the situation deteriorated, such that more than 700,000 individuals fled to neighbouring Bangladesh.



Number of displaced people in Myanmar and abroad remains high

During the decades of autocratic rule, a large number of individuals fled armed conflicts between the Burmese Army and a multitude of armed ethnic militias, either abroad or to locations in Myanmar. After the end of the military rule, this initially did not change much. At the time of writing, the Internal Displacement Monitoring Centre (IDMC) estimates the number of IDPs at 635,000 (IDMC GRID, 2018). Moreover, in 2016, 560,832 individuals lived in Thailand under the mandate of the UNHCR. While the number of registered individuals in the nine temporary camps along the Thai border decreased to 102,359 in March 2017, the number of refugees in Bangladesh, mainly Rohingya, increased in the same year by 693,000 (August 2017 to May 2018) to approx. 878,000.²

In addition, natural disasters forced 509,000 (2016) and 351,000 (2017) people from their homes (IDMC GRID, 2018). Refugees, particularly from the rural areas of Myanmar, mention yet another cause of displacement or obstacle to return, namely poor living conditions, bad training opportunities and lacking health-care. Forced relocations due to development projects, such as the Asia Highway, are usual practice.

To be able to realistically judge the situation of the displaced and any sustainable approaches to protracted refugee situations, both the causes of displacement and the scale of displacement must be analyzed from a holistic perspective. The number of internally displaced people and that of the refugees and not recognized displaced outside of Myanmar is much higher than official figures would let one suspect. For Bangladesh, for example, the already high numbers of data do not include individuals who live outside of camps or in host communities according to UNHCR. One has to add another 1.5 to five million Burmese who live there as labour migrants, guest students or illegal migrants to the officially listed refugees in Thailand.³

2 \ <http://www.refworld.org/country,,UNHCR,,MMR,,590743874,o.html>; UNHCR Global Report 2016, 2017; <https://unhcr.maps.arcgis.com/apps/Cascade/index.html?appid=5fdcaof47f1a46498002f39894fcd26f>

3 \ "Three million Myanmar nationals working legally in Thailand and perhaps as many as two million more are undocumented" (Herman, 2016).

Current causes of displacement and obstacles to return: Forced recruitment, landmines, religious discrimination

Conflicts remain the main cause why people are forced to flee their homes in Myanmar. In northern Shan State, for instance, the number of armed militias has even increased in the recent past. In particular families with male adolescents are concerned about the continuous presence of armed groups. Due to the fragmentation of ethnic armed groups (EAGs) and the worsening of inter-ethnic fighting, forced recruitment has increased recently (interviews around Lahio, September 2016). And this is the reason why people flee their homes and do not return. Another obstacle to return are landmines, particularly in Karen, Karenni and Kachin State. A short-term improvement is unlikely as neither the army nor EAGs are prepared and willing to clear the areas of mines, which shows that both lack the trust in the ceasefire agreements.

The established confusion of religious nationalism and exclusive access to civil rights aggravates reconciliation between enemy groups—not only in the case of the Rohingya. Across the country, Muslims and Hindus report discrimination, for instance by laws to protect religion and race. In other conflicts, too, the military exploited religious divisions that had been reinforced further by fighting. In Karen State, the junta unilaterally backed Buddhist Karen and thus promoted tensions between them and Christian parts of the population. In doing so, the military and the government lose more and more control over the genie that is out of the bottle. By now, the religious nationalism can no longer be attributed to individuals, such as the Buddhist priest Ashin Wirathu but has become a phenomenon that affects the entire population.

Include monitoring and evaluation mechanisms for the implementation of peace processes in DC project strategies on the situation of displacement in Myanmar

In hindsight, it must be said that many return scenarios overestimate the degree of transition. They do not take into consideration that some of the expectations of the military, armed groups, the government and the international community with regard to the autonomy of sub-regions or design of unity of the state are irreconcilable. For ethnic minorities, a federation of autonomous entities is the most basic condition in the negotiations. The army, conversely, sees its *raison d'être* in the defence of the union of Myanmar. Realistic scenarios must take into account that first, all sections of the population must be involved and, second, their basis must have a say if agreements are to be considered as binding.

Our study, conducted from mid-2016 to early 2018 (cf. *Working Paper 1/2018*) shows that for displaced persons to return, the implementation of the current peace process is decisive rather than mere political declarations of intent. As long as there is fighting, human rights violations and people are forced to leave their homes, any prospects of voluntary return are small. A scaling down of the supply to the camps or even the closure of camps does not change much in this respect. Successful development cooperation (DC) project strategies as a solution to the protracted refugee situation in Myanmar and its neighbouring countries must, therefore, continuously monitor whether (and which) causes of displacement remain unchanged or have changed to solve these if possible.

Make DC conditional on good governance, the protection of human rights as well as reintegration- or compensation measures

The international community ought to make measures that promote the transition and the peace process or other DC projects it considers suitable

conditional on the compliance with certain indicators of success. It is decisive here to prevent further and to punish existing human rights violations as well as to support reintegration and compensation measures. For this, the international community has to communicate these as a fundamental condition for cooperation and find innovative alternatives to bilateral, state-centred cooperation, even if countries like China are ready to step in. Donor countries that want to support a human rights-based democratization process should not only foster good governance but directly back non-state basic institutions and organizations.

A consistent combination of diplomatic pressure (in view of the implementation of recommendations of the Kofi Annan Commission) with more pronounced conditionalities of DC, which, for instance, support an equal share of the different ethnic and religious groups is necessary to sustainably multiply options for return. By the same token, alternatives to income opportunities from the in reality still existing, structurally embedded market of violence must be generated. The broader the alliance of donors who commit to a corresponding code of conduct the higher the negative follow-on costs of practices such as forced displacement or land grabbing by armed actors.

Take sustainable measures to fight causes of displacement in the long term and to support voluntary return

Displaced persons generally do not aspire a return to the status quo before their displacement but rather assess their outlook in comparison to their current situation. Besides the end of the armed conflict and the acute threat by armed groups as causes of forced displacement, most displaced people consider access to rights, health services and education decisive criteria for (partial) return. These factors represent the basis for the development of an individual. To combat causes of displacement and to foster voluntary return, it is therefore vital for DC to take action in these areas.

Support the legalization of land titles

Many people in the country's public administration and ministries responsible for land issues remain linked to the former military dictatorship. In current administrative practice, information on the rights of the civilian population that is passed on is either incomplete or wrong; laws are only implemented selectively. In concrete terms, competent officials refuse to survey and register land due to security concerns.

In the point of view of the displaced, there is hardly any difference whether access to land is refused due to formal bureaucratic obstacles or at the barrel of a gun. To also prevent a small military-economic elite instead of large parts of the rural population from profiting from the current process of rewriting land titles to collective land ownership, DC ought to support comprehensive legal assistance—as is currently offered by various NGOs.

Build up education and health sector by using existing structures

The structures of healthcare and education services in the periphery have grown over time against the background of central-state infrastructure. In the areas controlled by the militias and that have not been accessible to the government for a long time, an independent health care and education infrastructure has developed with different training standards, curricula or languages used. For a large part of the local population, this is the only way of receiving medical or educational support. Short- or medium-term care of the population can thus only be maintained if these existing structures are supported and, in the long run, transferred to federal structures. Host communities, internally displaced people and refugees would equally profit from such a dovetailing.

The experience Médecins Sans Frontières have made with the dissolution of (political) conflicts of interests in the health service in Shan State shows that it is worth supporting the merger of state and para-state services by DC to guarantee that basic needs are met.

Such cooperation has the additional advantage that working together builds trust in one another. Wherever state-run education is accessible again, alternative structures change into additional options. Some 'ethnic' schools have since then turned into afternoon schools. As teachers in Myanmar typically offer private (and thus fee-based) tutoring or additional lessons, pupils in peripheral border areas are at an advantage by virtue of informal mergers when it comes to English lessons, for instance. This combination of private and state-run agencies could serve as a country-wide model for the current school reform programme.

Create holistic scenarios that also include the (transnational) mobility of refugees as a strategy of survival

Rural exodus, urbanization, sounding out chances of access to livelihoods, services and rights beyond Myanmar's border as well as the decade-long practice of labour migration resulting from this are no temporary phenomena. The thus created transnational diversification of work, education, place of residence and shifts in the understanding of one's role and work distribution in families and networks are inter-related with the peace and return processes. Therefore, realistic scenarios must take account of social change and must be geared to the real existing challenges.

Foster bi-national training opportunities and labour market initiatives

There is a high demand for jobs in the agriculture, industrial and service sectors in Thailand. There, it is undisputed that host communities and displaced or migrants depend on one another in the labour market. But the working conditions for refugees are precarious, their current insecure legal situation facilitates different kinds of exploitation. To counter this, DC-measures ought to tie in with ASEAN efforts to increase the mobility of persons and goods in the internal market.

The large majority of employers and consumers in Thailand as well as employees and business people from Myanmar would profit from the removal of administrative obstacles, in particular in the area of planning security, wages and prices. Bi-national training opportunities and labour market initiatives supported by DC would, furthermore, serve the need of workers and reduce grievances that refugees and migrants have suffered from for generations.

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