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Refugee-state distrust on the Thai-Burma border

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Distrust between refugees and their state of origin must be given due consideration in institutional approaches to repatriation of refugees, on the Thai-Burma border and in other refugee contexts worldwide.

In 2011, following the installation of a nominally civilian government in Burma, Thai local media began to report rumours that Thai government officials were discussing plans to repatriate the approximately 100,000 refugees from Burma housed in camps on their territory. In 2015, four years on, despite continuing rumours concerning repatriation and declining aid to the Thai-Burma border camps, organised return operations have yet to begin.

In many ways, this fact is to be celebrated. Burma's reform process remains incomplete, and in many cases the circumstances which caused refugees to flee remain. A return operation in current conditions would be likely to put returnees at risk of serious human rights violations. However, even if significant political change is secured in Burma, another serious barrier to the success of future repatriation operations exists, namely, pervasive distrust of the Burmese government among refugees in exile.

The United Nations High Commissioner for Refugees (UNHCR) published in 2012 a *Framework for Voluntary Repatriation: Refugees from Myanmar in Thailand*. Perceived institutional encouragement to start repatriation was met by widespread criticism, both from Burma's well-organised civil society and from international NGOs, which emphasised that conditions in Burma were not yet suitable for large-scale repatriation. UNHCR has since consistently affirmed that operations are currently only at a pre-planning stage and that the institutional standard of voluntariness will be safeguarded in any repatriation process.

It is this criterion of 'voluntariness', however, that becomes problematic. In 2013 a Karen

Refugee Committee survey reported that only 27% of refugees in Tham Hin camp would return to Burma if peace and political stability were achieved.¹ These findings suggest that if institutions want to safeguard voluntariness yet nonetheless wish to see refugees repatriate, more must be done than simply to ensure rights-respecting conditions within Burma. Additionally, it must be ensured that refugees **want** to return.

There are many reasons why refugees in this context might resist return, even given significant political change in Burma – better economic prospects in Thailand and the sheer length of time spent in encampment, to name two. However, and crucially, it is likely that Burma's displaced persons still fundamentally distrust the Burmese government, and the very nature of this refugee-state distrust suggests that political change may not in itself be sufficient to make Burma's refugees voluntarily choose to return.

Why take distrust seriously?

Distrust has been characterised as an attitude adopted by individuals as a rational response to risk, in particular providing a means to protect against the disastrous consequences of misplaced trust.² In the case of the refugee in exile, we see distrust towards a refugee's state of origin as a rational response to the risk involved in resuming dealings again with that state. However, an interesting feature of distrust is that, even if generated on a rational basis, it can take on non-rational features in that, once adopted, distrustful attitudes become a lens through which all subsequent developments are interpreted; distrust thereby often takes on a largely non-rational self-reinforcing tendency, rendering it a particularly difficult attitude to dislodge. This alone indicates that, in the case of the refugees

on the Thai-Burma border, fundamental political change within Burma may not in itself be sufficient to dislodge distrust and stimulate voluntary wishes to repatriate among refugees. Facilitating repatriation requires us to directly engage with and address refugees' distrustful attitudes, acknowledging that they have rational origins and that (where appropriate) they may require substantial time and effort to renegotiate.

Yet institutional repatriation frameworks offer little direct guidance on managing the thorny issue of refugee-state distrust. The 1996 UNHCR *Handbook on Voluntary Repatriation* makes just three mentions of 'trust' and, in this document, the focus on trust is aligned with refugees' relationship with UNHCR and other information sources; there is no specific consideration of refugee-state trust. The more recent 2004 UNHCR *Handbook on Repatriation and Reintegration Activities* also contains only three mentions of 'trust' but does at least situate trust in terms of government (rebuilding trust in local authorities and public institutions); however, these mentions relate to reintegration rather than repatriation. UNHCR's approach appears to be that trust in the state becomes relevant once the refugee has returned to her country of origin. There is no direct suggestion that refugee-state distrust might be a barrier to repatriation in itself and something worthy of consideration prior to return.

Both UNHCR documents do contain some hint that some such obstacle might exist but this is couched in terms of 'confidence', not 'trust'. The 1996 *Repatriation Handbook* makes twenty-two references to confidence building, over half of which refer to how refugees in exile might – prior to return – develop confidence in the situation in their country of origin and their future treatment. In the 2004 *Repatriation and Reintegration Handbook* a third of the references to 'confidence building' consider pre-return confidence building in this sense.

However, this focus on confidence building fails to encapsulate the complex nature of

distrustful refugee-state attitudes prior to repatriation. The idea of building confidence implies that the solution is simply to make refugees sufficiently aware of the objective facts of the case, through recommended activities such as information campaigns, go-and-see visits and legal guarantees. However, this focus ignores the way in which distrust, as an attitude distinct from lacking confidence, pervasively affects the way in which the 'facts' are likely to be interpreted.

Renegotiating distrust

To some extent, this policy deficit might be excused by the fact that addressing the complex obstacle of distrust requires the renegotiation of intensely personal attitudes – a clearly momentous task. However, there are some direct strategies that can be implemented to encourage refugees to reconsider their distrust of their state of origin. While these efforts do not represent fundamentally new approaches, they can gain new strategic importance as part of a concerted focus on refugee-state distrust.

Strategies include:

- symbolic renouncement by the state of origin of past rights violations, incorporating redress mechanisms
- introducing low-risk channels of refugee-state cooperation prior to repatriation (such as out-of-country voting)
- establishing a role for bodies already trusted by refugees (for example, refugee committees) in return negotiations
- providing channels for refugees from minority and previously persecuted ethnic groups to have genuine representation in their state of origin's government.³

If, as UNHCR suggest, we are still in a 'preparedness' phase for a possible future repatriation from the Thai-Burma border, preparedness should incorporate steps to lay the groundwork for renegotiating refugee-state distrust; voluntary repatriation may

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then become possible, should further political reform render it a rights-respecting option.

This is not a problem unique to the Thai-Burma border context. Scrutiny of this case suggests that, while international institutions espouse a wish to curtail protracted refugee situations all the while committing to standards of voluntariness in repatriation, they lack a framework for coherently addressing refugee-state distrust as a challenge to operations. Institutional actors must recognise that by endorsing voluntariness in repatriation, they endorse the importance of refugees' own thoughts, feelings and attitudes regarding their future movements. Refugee-state distrust, as one of these attitudes, and

one that poses a significant obstacle to repatriation, thus deserves policymakers' acknowledgement and attention.

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1. See Saw Eh Na (2013) 'Refugee survey – most do not want to go back to Burma', <http://karennews.org/2013/07/refugee-survey-most-do-not-want-to-go-back-to-burma.html/>
2. See Hardin R (ed) (2004) *Distrust*, New York, Russell Sage Foundation (in particular, papers by Russell Hardin, Roderick Kramer and Deborah Larson).
3. See Hargrave K (2014) 'Repatriation through a trust-based lens: Refugee-state trust relations on the Thai-Burma border and beyond', RSC Working Series No. 104 <http://tinyurl.com/Hargrave-trust>