

Forced to return? Facilitated return of refugees to Myanmar

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Despite recent political developments in Myanmar and difficult conditions in Thailand, there has been widespread and deep-seated reluctance among refugees to participate in the official facilitated return mechanism.

In early 2016, the conflict in Myanmar appeared to be in a state of transformation. The Nationwide Ceasefire Agreement was signed in October 2015 and the new government came into power in April 2016. The areas of return in the south-east of the country were enjoying a period of relative stability. It was presumed, therefore, that refugees in nine refugee settlements in Thailand would be anxious to return home. In 2016, the governments of Myanmar and Thailand put in place a facilitated return mechanism, with the support of the UN Refugee Agency (UNHCR), but it has failed to generate any significant return momentum, and only 729 refugees out of a population of 100,000 have opted to participate so far.¹

Stakeholder attitudes

One could argue that the return of refugees would have signified peace and the genuine political will of the authorities and the ethnic armed organisations (EAOs) to move beyond conflict. This could also have been an opportunity for the government to demonstrate its ability to provide protection to minority groups. However, the government, military and EAOs did not necessarily consider the official return of refugees as an immediate priority. Many stakeholders were sceptical of the speed of the political negotiation process, through which the return of refugees may eventually be realised.

The Nationwide Ceasefire Agreement was signed by only eight of the 15 EAOs. As such, this Agreement and the subsequent Pyidaungsu Accord (which laid out 37 agreed points towards a peace process) did not provide a solid platform for a return process. With the inauguration of the new government, Myanmar entered a new phase

of the State-building process, not the end of it. There were many reforms needed and meanwhile the delicate balance of power between the civilian government and the military had to be negotiated at all levels. On a day-to-day basis, there was some confusion over how authorities' decision-making processes functioned. In the face of these complexities, the authorities and the EAOs did not prevent the return of refugees but nor were they ready to actively promote it.

The refugees themselves – who are from Karen and other ethnic groups from south-east Myanmar – did not push to return, either. There was some excitement over the political changes happening in Myanmar but, for many refugees, the prospect of return was vague and they were reluctant to give up the limited freedoms available to them in the temporary shelters in Thailand without more concrete evidence of the benefits of return. Many refugees had been resettled from Thailand to a third country, and hope persisted among those who remained – even though resettlement had been phased out – that they too would be resettled.

The refugees made major decisions collectively, rather than individually; there was a general tendency to follow their leaders who, in turn, were usually influenced by the political positions of the EAOs. The refugees in general had little motivation to participate and take a role in State development and peace building. Many thought that the authorities in Myanmar had not demonstrated sufficiently that they would welcome their return. The refugee leaders were hesitant to fully shift their advocacy activities into Myanmar, and some of them were not willing to lead the return but wanted rather to be the

last people to return. The refugees also envisioned return in groups, which had the effect of inhibiting individual decisions to return. Overall, the refugees showed no urgency to return to Myanmar.

The role of the international community

The main stakeholders – the refugees, the authorities in Myanmar and EAOs – did not think that the time was ripe for return in 2016 and 2017 but some in the international community thought that it was indeed the right time to develop and foster a return momentum among the refugees. At that time, there was no particular pressure from the Government of Thailand, which was instead ready to respect a transitional period in politics, State structure and peace in Myanmar before refugees would be expected to return. Significantly, however, key donors began expressing their intention to curtail funding for NGOs providing assistance in the temporary shelters in Thailand.² This became a cause for major concern among both the refugees and the NGOs, threatening their very survival. Some NGOs voiced their concerns about the pressure placed on the refugees to return through the cutting of assistance. Others thought that the shifting of assistance from the shelters in Thailand to the return areas of Myanmar was legitimate, especially given that some organisations based in Thailand regularly supported the areas of potential return across the border.

The overall context in Myanmar was not conducive to the full-fledged promotion of return with safety and dignity, especially in light of the Rohingya crisis in 2017, but those external actors who favoured repatriation argued that there should, at least, be a mechanism to accommodate those refugees who wished to return voluntarily.

UNHCR took on responsibility for the preparations for facilitated returns, and the first facilitated return took place in October 2016. However, even given the reduced assistance in the shelters and the cash incentives provided, only a small number of refugees have opted to return, indicating that the refugees' concerns are not all about assistance.

The real obstacles to return

Focus group discussions on return and reintegration conducted in Myanmar in 2016³ highlighted five areas of deep-seated concern among refugees (and other stakeholders) about the refugees' potential return:

- **Physical safety and security:** With no progress in the peace process, returning refugees could still be caught up in violence in the areas of return, while the return of refugees could trigger an increase in crime and unrest. Refugees also expressed concern about the dangers posed by unmarked and uncleared landmines.
- **Citizenship documents:** For those who do not possess such documents (especially those with 'problematic profiles', such as those who had been, or were suspected of having been, engaged in rebel or criminal activities, and those of ethnic and religious minorities), it takes a considerable leap of faith to place sufficient trust in the authorities to apply for them, especially as the authorities or others could use the citizenship documents or the process of obtaining them as a tool for discrimination.
- **Land tenure:** The refugees' homes may have been destroyed or confiscated. New houses will need to be built (and land found for this) for returning refugees, and rebuilding and restitution will also be required. Ownership of land in Myanmar in general is complex and is becoming a cause of new conflicts.
- **Basic services:** Much of the rural returnee areas are conflict-affected and have suffered long years of neglect and underdevelopment; return areas lack basic services, such as health, education, electricity and roads. Refugees also express concerns linked to broader minority rights issues, for example the limited use of minority languages in education.
- **Livelihood opportunities:** New jobs or industries are needed in the returnee areas. The economy of south-east Myanmar relies heavily on remittances from those working abroad, mainly in Thailand.

Many of these concerns were discussed in the focus groups but they reflect the main challenge of reintegration – human security. Addressing this needs to be part of a longer-term State- and peace-building strategy, but no visible roadmap for reintegration has emerged and the enormity of the task ahead may explain why many refugees cannot see return as a reality.

Trust underlies human security. The facilitated return mechanism requires a returning refugee to deregister from the refugee database and the assistance lists in the shelters; his/her name is then submitted to the Governments of Myanmar and Thailand for clearance. With little trust in the authorities, the refugees consider official return risky and prefer anonymity. Between 2012 and 2017, an estimated 18,000 refugees⁴ have returned unofficially to Myanmar. Some of those who signed up for facilitated return also chose ultimately to return unaided.

In order to help trust be built, the refugees called for goodwill gestures from the authorities and EAOs to demonstrate their commitment to peace, to reducing tensions, and to mitigating community-level prejudice. Instead, there were significant delays in the Myanmar government's processing of the list of refugees' names submitted for facilitated return, which has not helped to reduce the mistrust.

Several points can be learned from this case-study of facilitated return. First, the facilitated return mechanism was neither part of the peace process framework nor did it reflect refugees' strong will to return; it had more to do with responding to externally generated pressure for the return of the refugees.

Second, the decision to return was not simply a question of assistance and incentives (even though there was some demand for larger return packages and for assistance in the returnee areas). Much of the refugees' concern was, in fact, around the need for human security – from physical security to access to citizenship documents and livelihoods.

Third, the decision to return may be linked to the potential contribution that

refugees can make to State- and peace-building but more could have been done to enable refugees to trust the authorities and to cultivate refugees' awareness of their role in the State- and peace-building processes.

Fourth, the international community needs to consider a more comprehensive approach that places return within the context of peace and development. The international community played a role in encouraging the return and helping to establish the facilitated return mechanism, in accordance with the principle of assisting refugees who voluntarily wish to return with safety and dignity. Given the importance refugees place on human security and peace building, however, there is a need for longer-term development in order to improve the conditions in return areas.

The decision to return is complex, influenced by both push and pull factors. The slowness to return in the case of refugees from Myanmar suggests that certain political and human security conditions and progress in peace building must be in place to generate a return momentum. The international community may help maximise the existing momentum but cannot create it.

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The views expressed here are the author's own and do not necessarily represent those of UNHCR.

1. According to UNHCR, 71 people were facilitated in their return to Myanmar in October 2016, another 93 in 2018 and 565 in 2019.

2. The Border Consortium (2017) *2017 Annual Report* bit.ly/BorderConsortium-AnnualReport-2017

3. UNHCR (2017) 'UNHCR Report on Return and Reintegration Workshops in Southeast Myanmar', January 2017. About 500 people from different stakeholder groups and the international community participated in the discussions.

4. See endnote 2.



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