

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	257
Land:	Myanmar
Kilde:	International Crisis Group
Titel:	An Opening for Internally Displaced Person Returns in Northern Myanmar
Udgivet:	22. maj 2019
Optaget på baggrundsmaterialet:	10. september 2019



An Opening for Internally Displaced Person Returns in Northern Myanmar

Crisis Group Asia Briefing N°156

Yangon/Brussels, 22 May 2019

What's new? The Myanmar government's desire to close internally displaced person (IDP) camps and the Myanmar military's unilateral ceasefire have created an opportunity to return or resettle people displaced by conflict in the country's north. Discussions have begun with civil society groups representing the largely ethnic Kachin IDPs on how this might unfold.

Why does it matter? For seven years, more than 100,000 IDPs have been living in camps in northern Myanmar, where they are entrenched in poverty and vulnerable to abuse. Recent developments may allow a limited number of IDPs to leave camps in the short term, potentially paving the way for larger numbers to follow.

What should be done? The Myanmar military should extend its ceasefire indefinitely and the Kachin Independence Organisation should pursue negotiations toward a bilateral agreement. The civilian government should assume responsibility for IDP return and resettlement, working with civil society and donors and observing best practices to help ensure a safe, voluntary and dignified process.

I. Overview

For the past seven years, around 100,000 people uprooted by conflict, primarily between Myanmar's military and the Kachin Independence Organisation, have lived in camps for internally displaced persons (IDPs) in Kachin state and the northern part of Shan state. Several recent developments have created a potential opening for a limited number of these IDPs to return to their homes or be resettled in new locations. In June 2018, the Myanmar government announced plans to close IDP camps across the country, and in December 2018 the Myanmar military proclaimed a unilateral ceasefire through 30 April 2019 covering Kachin and northern Shan. The latter declaration included a pledge to help people displaced by war return to where they had come from. The ceasefire has since been extended for a further two months, to 30 June 2019.

The military's ceasefire declaration has created a significant opening to accelerate IDP returns and resettlement, even though it has not yet translated into a bilateral ceasefire with the Kachin Independence Organisation. The prospect of the military's

assistance with demining and its willingness to pursue negotiations on troop withdrawals, both of which are in many cases necessary for the safe and voluntary return or resettlement of IDPs, create new potential for progress.

Moreover, in parallel, support is also building among ethnic Kachin leaders for returning the IDPs to their former homes or resettling them elsewhere. Even prior to the ceasefire announcement, ethnic Kachin leaders were preparing for IDP returns and resettlement to begin. Though they are not yet of one mind about when the time is right to start accelerating these efforts, in recent months they have displayed a clear willingness to work with civilian and military authorities on the issue. Some have publicly estimated that between 6,000 and 10,000 IDPs might be able to return to their places of origin or resettle in the near term.

Pursuing these opportunities could not only enable some IDPs to begin rebuilding their lives but also act as a confidence-building measure between the military and government, on one side, and the Kachin Independence Organisation and Kachin civil society, on the other, helping create conditions for large-scale returns in the future. But some initial post-ceasefire government and military actions, such as hurried surveys in IDP camps and military-led resettlement activities seemingly undertaken without sufficient regard for IDP safety, have sown mistrust and threatened to undermine prospects for progress. To make the most of the current opening – and help expand it going forward – the Myanmar military should extend its ceasefire indefinitely and the Kachin Independence Organisation should continue to pursue negotiations toward making it bilateral. The civilian government should assume responsibility for IDP returns and resettlement, and the authorities should work with civil society and donors to create a program that can gain the IDPs' trust.

II. A Growing Impetus for Returns and Resettlement

The June 2011 outbreak of conflict between Myanmar's military and the Kachin Independence Organisation ended a seventeen-year ceasefire. Tens of thousands of people immediately sought refuge in IDP camps, where most remain to this day. Within a year, the IDP population had stabilised at around 100,000. At the end of 2018, according to the UN, 97,000 people were living in 140 IDP camps or camp-like settings in Kachin state, of which around 40 per cent were in non-government-controlled areas, and more than 9,000 people were displaced and are living in around 30 camps in the northern part of Shan state.¹ Of the displaced population, 76 per cent in Kachin state and 78 per cent in northern Shan state are women and children.²

The conflict persists to this day, with extended periods of relative calm punctuated by short bouts of intense clashes. Fighting uprooted roughly 14,000 people in eight Kachin state townships in the first half of 2018, most on a temporary basis. But heavy clashes have not been reported since May 2018.

Against this backdrop, a confluence of factors is creating impetus for returns and resettlement of IDPs. After more than seven years away from their homes, long-term

¹ "Myanmar: IDP Sites in Kachin and Northern Shan States (31 December 2018)", UN Office for the Coordination of Humanitarian Affairs (UNOCHA), 24 January 2019.

² "Gender Profile for Humanitarian Action, and across the Humanitarian-Peace-Development Nexus: Rakhine, Kachin and Northern Shan", Myanmar Information Management Unit, 24 January 2019.

residents of IDP camps are eager to avoid even more prolonged displacement.³ The National League for Democracy government's restrictions on aid provision are exacerbating a decline in humanitarian support to IDPs, making life in the camps increasingly difficult. Since June 2016, the government has prohibited the UN and other international organisations from travelling to non-government-controlled areas, and it has increasingly constrained access even to government-controlled areas.⁴ Though local humanitarian partners and community groups are able to provide assistance in areas that international actors cannot reach, many IDPs, particularly in non-government-controlled areas, are not receiving adequate support, and lack sufficient food or cash to buy basic necessities.

Conditions in IDP camps are worsening in other ways as well. Shelters and other infrastructure are in poor condition. As families' economic situations become more desperate, local observers express concern that women and girls may be increasingly vulnerable to trafficking and exploitation through early or forced marriage, while more IDPs may feel impelled to undertake risky illegal migration to China to find work. Drug abuse and gender-based violence are reportedly on the rise.⁵

Among the many IDPs who originally come from rural areas and were formerly farmers, there are also growing concerns about the status of the land they once cultivated.⁶ Few have formal land ownership documents because, prior to their displacement, land tended to be managed under informal arrangements, and the security of their claims was based on community recognition.⁷ Various reports indicate that state security forces and agribusinesses, among others, have formally or informally appropriated at least some land formerly cultivated by IDPs.⁸

At the same time, legal changes starting in 2012 have undermined IDPs' already tenuous rights to the land they previously farmed. Pursuant to these changes, only land being used for a recognised agricultural activity can be registered for ownership. Additionally, the state can classify land that is not being used as vacant and allocate it to others. These rules work to the detriment of many IDPs who for years have not had access to the land they once farmed.⁹

³ Crisis Group interviews, Kachin civil society and NGO workers, Yangon, February 2019. See also "Kachin and Northern Shan State Context and Vulnerability Review", HARP Facility, October 2018, p. 6.

⁴ "2019 Humanitarian Response Plan", Humanitarian Country Team, p. 14.

⁵ 2019 Humanitarian Response Plan, p. 13; see, for example, "Hopelessness breeds drug addiction among Kachin IDPs", *Frontier Myanmar*, 13 December 2016; and "Women targeted by rampant human trafficking in Kachin", *Frontier Myanmar*, 11 December 2017. Crisis Group interviews, representatives of regionally focused civil society organisations, including woman-led civil society and international NGOs, Yangon, February 2019.

⁶ Crisis Group interviews, Kachin civil society and NGO workers, Yangon, February 2019.

⁷ One survey found that prior to fleeing their homes 55 per cent of IDPs had no documentation that could be used as evidence of prior land use under the current system. In total, 84 per cent were no longer in possession of any documents related to land use, as many lost them in flight. See "Housing, Land and Property 2018 Baseline Assessment in Kachin State", UN High Commissioner for Refugees and UN Development Programme, pp. 32-33.

⁸ "Displaced and Dispossessed", Durable Peace Programme, May 2018, p. 9. See also, for example, "Kachin's plantation curse", *Frontier Myanmar*, 17 January 2019.

⁹ "Housing, Land and Property 2018 Baseline Assessment in Kachin State", UN High Commissioner for Refugees and UN Development Programme, p. 7.

Moreover, recent amendments to the Vacant, Fallow and Virgin Land Management Law have further exacerbated IDP concerns. In late 2018, the government issued a notification under the law setting an 11 March 2019 deadline to ensure land is properly registered. After this date, anyone cultivating land classified as virgin, fallow or vacant could face eviction and a possible two-year prison term for trespassing.¹⁰

These and other factors have already prompted a relatively modest number of IDPs to move out of camps, sometimes with government support or assistance from religious organisations. The first small-scale waves were reported in 2014, but these have increased in frequency starting in 2018.¹¹ Some IDPs who can afford to do so have purchased land close to their camps with the intention of settling there in the future.¹²

III. Political Will and Prospects for Peace

Since early 2018, Myanmar's political leaders have increasingly prioritised the return and resettlement of IDPs across Myanmar. For the government and military, the political calculus is fairly simple. IDPs are a visible sign that conflict remains unresolved. By contrast, a reduction in IDPs sends the message that conflict is diminishing. In June 2018, the government in Naypyitaw began working on a national IDP camp closure strategy.¹³

Whatever emerges from this process, however, policy set from Naypyitaw will only go so far in resolving Kachin displacement issues. Government-led return and resettlement activities will also require close cooperation with Kachin civil society. While most IDPs mistrust the Myanmar government and military, Kachin religious leaders and organisations – particularly religious leaders and organisations – are influential in the IDP community in part because they have been a significant source of material and spiritual support over the past seven years. As one leader of an IDP camp told Crisis Group, “Whatever happens, without instructions from the KBC [Kachin Baptist Convention] we will not leave our camp”.¹⁴

That said, many religious, community and humanitarian leaders are increasingly favourable to the idea of commencing returns and resettlement and have begun discussing the possibility in earnest. In mid-2018, they formed a new body, the Kachin Humanitarian Concern Committee, to develop a unified position and engage in dialogue with the government, military and Kachin Independence Organisation. The

¹⁰ Crisis Group interviews, Kachin civil society and NGO workers, Yangon, February 2019. This deadline has not yet been widely enforced and there is confusion over the amendments' status. See, for example, “Dispossessed: The human toll of Myanmar's land crisis”, *Frontier Myanmar*, 8 April 2019.

¹¹ In June 2018, for example, the government resettled around 100 households on the outskirts of the town of Waingmaw. “Kachin State refugees resettled in Myanmar government-provided housing”, Radio Free Asia, 19 June 2018.

¹² Crisis Group interviews, humanitarian and civil society workers, Yangon, February 2019.

¹³ Ibid. The strategy would cover Kachin, Shan, Rakhine and Kayah states. A leading international expert, Walter Kaelin, is advising on it and the government has organised workshops with humanitarian partners and other groups. It is unclear when the strategy will be released but, depending on the final text, it could provide a platform for civilian undertaking resettlement and return activities in Kachin and northern Shan states. The UN, however, has proposed a number of improvements to a draft shared at a workshop in November 2018.

¹⁴ Crisis Group interview, IDP camp leader in Myitkyina township, February 2019.

committee includes leaders of the Kachin Baptist Convention and Roman Catholic Church, which run the majority of camps in both government- and Kachin Independence Organisation-controlled areas. It also includes representatives of the Joint Strategy Team, a coalition of humanitarian groups that provide aid to IDPs, and the Peace-talk Creation Group, which provides informal support to the peace process.

Significantly, the Kachin Independence Organisation supported the formation of the Kachin Humanitarian Concern Committee and appointed members of its own Technical Advisory Team based in Myitkyina to serve on the body. Like the Myanmar government, the armed group increasingly considers IDP returns and resettlement a high priority and raised the issue at formal and informal talks with the Myanmar military during 2018.¹⁵

For Kachin leaders and organisations, including the Kachin Independence Organisation and the powerful Kachin Baptist Convention, the key motivation appears to be pressure from their own communities, including IDPs. For them, like the government, IDPs represent a failure to resolve the seven-year conflict. A senior Kachin Independence Organisation representative told Crisis Group that prioritising IDPs was about “standing with the people” and ensuring that they are not displaced for any longer than absolutely necessary. “We don’t want them to lose their lands and we don’t want children in the camps to have their education disrupted any longer”, the representative said.¹⁶

But pressure from China also appears to be an important factor. Since the National League for Democracy assumed control of the government, Beijing has taken a more active role in the peace process, facilitating several rounds of talks between the government and ethnic armed group leaders. According to a government official, it is pushing the Kachin Independence Organisation to sign a bilateral ceasefire and prioritise IDP return and resettlement.¹⁷ To hasten the process, it is blocking cross-border aid deliveries to IDPs in Kachin Independence Organisation-controlled areas – a measure that is exacerbating an already bad humanitarian situation – and has reportedly offered significant financial incentives to IDPs to return home.¹⁸

According to Myanmar officials, China’s motivation for intervening in northern Myanmar is to promote stability on the border and secure government support for its broader economic and geostrategic interests in Myanmar. The two countries are negotiating terms on implementation of the multibillion-dollar China-Myanmar Economic Corridor, part of President Xi Jinping’s signature Belt and Road Initiative. To strengthen its negotiating position, Beijing is keen to show Naypyitaw that it can be a positive force in the peace process, from the government’s perspective.¹⁹

Prospects for major progress on the return and resettlement of IDPs hinge largely on the peace process. During the first part of 2018, there were few reasons for optimism, with major clashes between the Myanmar military and Kachin Independence Organisation occurring through May, sparking further displacement. China-brokered

¹⁵ Crisis Group interviews, Kachin religious and civil society leaders, Yangon, February 2019.

¹⁶ Crisis Group interview, Kachin Independence Organisation official, April 2019.

¹⁷ Crisis Group interview, Myanmar government official familiar with the peace process, May 2019.

¹⁸ Crisis Group interviews, Kachin religious and civil society leaders, analysts and diplomats, Yangon, February and March 2019. See also “Reverend Hkalam Samson talks Chinese diplomacy and the KBC’s role in politics”, *Frontier Myanmar*, 15 March 2019.

¹⁹ Crisis Group interview, Myanmar government official familiar with the peace process, May 2019.

talks between the two sides halted abruptly. Yet conflict dropped off significantly after May, and observers reported that the overall number of clashes for 2018 was a “record low” since June 2011.²⁰ Then, on 21 December, Myanmar’s military announced a unilateral ceasefire covering Kachin and Shan states until 30 April 2019. As part of the eleven-point announcement, the military said it would “provide necessary assistance and cooperation” so that “persons displaced by armed conflicts will be resettled back to their places of origin”.²¹

The announcement – particularly the pledge concerning IDPs – surprised many observers. The Kachin response was initially muted, due in part to scepticism of the military’s intentions. Mistrust among the Kachin toward the military, the government and the ethnic Burman majority population runs deep.

Since late January 2019, however, the military has made some progress in addressing this trust deficit. On 5 February, during a visit to Kachin State, the military’s commander-in-chief, Senior General Min Aung Hlaing, met Kachin Baptist and Catholic leaders. Though they discussed several issues, IDPs were the top priority, and Min Aung Hlaing said his goal was to see all IDP camps in northern Myanmar close.²² The visit was a step toward more positive relations between the military chief and Kachin religious leaders, who remain upset about the 2015 rape and murder of two female Kachin Baptist Convention teachers in Shan state, allegedly by male members of the armed forces.²³

Other key parties have also held confidence-building talks. On 10 February, the Kachin Humanitarian Concern Committee held informal talks with members of the government’s peace negotiating team, the National Reconciliation and Peace Committee, as well as representatives of the Ministry of Social Welfare, Relief and Resettlement, and the Kachin State government. The ministry agreed to share its draft national camp closure strategy with Kachin humanitarian groups – a significant gesture given the relative lack of consultation on the policy to date. Since that meeting, the Kachin Humanitarian Concern Committee has held talks with representatives of the Kachin Independence Organisation and the Chinese government.²⁴

On 26 April, the Kachin Humanitarian Concern Committee and National Reconciliation and Peace Committee reached a five-point agreement to cooperate on the return and resettlement of IDPs. Under this agreement, the two sides will work together “based on international humanitarian policies” so that IDPs can return or resettle “safely and with dignity”. They will jointly identify prospective returnees and cooperate on pilot locations, while the Kachin Humanitarian Concern Committee

²⁰ “Annual Peace and Security Review 2018”, Myanmar Institute for Peace and Security, April 2019, p. 31.

²¹ “Announcement on ceasefire and eternal peace”, *Global New Light of Myanmar*, 22 December 2018.

²² Crisis Group interviews, Kachin religious and civil society leaders, Yangon, February 2019. See also “Military chief discusses IDPs, peace, Myitsone Dam with Kachin religious leaders”, *The Irrawaddy*, 5 February 2019.

²³ “Raped and killed but not forgotten”, *Frontier Myanmar*, 18 January 2019.

²⁴ “Reverend Hkalam Samson talks Chinese diplomacy and the KBC’s role in politics”, op. cit.

will provide aid and development support and negotiate arrangements with the Kachin Independence Organisation as needed.²⁵

Separately, government peace negotiators have launched a series of informal talks with the Kachin Independence Organisation and allied armed groups in Kunming, China, in an effort to transform the unilateral ceasefire into a two-way agreement. These negotiations have been complicated by an increase in conflict in northern Rakhine state, which was not included in the Myanmar military's unilateral ceasefire. On 4 January, the Arakan Army – a militant Rakhine separatist group and close ally of the Kachin Independence Organisation – launched coordinated attacks on police outposts, killing thirteen police officers and prompting the government to order the military to “crush” the group.²⁶ For the Kachin Independence Organisation, its relationship with the Arakan Army has made it politically difficult to pursue bilateral talks with the government and Myanmar military, because it would be seen as abandoning its ally.

Yet despite the government's continued push to defeat the Arakan Army on the battlefield in Rakhine state, it has shown a willingness to negotiate with the “northern alliance” of armed groups that includes both the Kachin Independence Organisation and the Arakan Army. It is making tentative progress in addressing conflict in Kachin and Shan states. In early March 2019, representatives of the Kachin Independence Organisation and other armed groups collectively proposed signing bilateral ceasefires with the Myanmar military. At peace negotiations in northern Shan state on 30 April, the Kachin Independence Organisation put forward a draft bilateral ceasefire proposal and again reiterated its desire to “discuss with the government ... on returning IDPs to their places of origin”.²⁷ Further talks have been scheduled for late May.

The peace talks prompted the Myanmar military to announce a two-month extension of its unilateral ceasefire, to 30 June, just hours before the original deadline passed. While the extension is welcome and indicative of positive progress, a time-bound, unilateral ceasefire is unlikely to create the conditions necessary for large-scale returns and resettlement to begin. “The resettlement issue really needs a ceasefire with no time limit”, said a Kachin Independence Organisation representative. “Guaranteeing the safety of civilians is the most important factor for facilitating IDP resettlement”.

For the time being, however, the optimism of local leaders has been buoyed. Following a coordination meeting with the Peace-talk Creation Group on 20 February, the Kachin Humanitarian Concern Committee estimated that from 6,000 to 10,000 IDPs from 100 camps might be able to return to their homes or resettle in the near term.²⁸

²⁵ “NRPC, Kachin Humanitarian Group agree on five points for resettling IDPs”, *Global New Light of Myanmar*, 27 April 2019.

²⁶ For more detail on these attacks and their implications, see Crisis Group Asia Briefing N°154, *A New Dimension of Violence in Myanmar's Rakhine State*, 24 January 2019.

²⁷ “NRPC delegation meets KIO, MNTJP, PSLF, ULA in Muse Town”, *Global New Light of Myanmar*, 1 May 2019.

²⁸ “Thousands of Kachin refugees may go home”, *The Myanmar Times*, 20 February 2019.

IV. Ensuring a Safe, Dignified and Voluntary Process

So long as there is no bilateral ceasefire between the military and Kachin Independence Organisation, most IDP return and resettlement efforts will be limited in scope. These initiatives will likely steer clear of conflict zones, which, even in the midst of a truce, are generally unsuitable for receiving IDPs because of the possibility of renewed fighting, the persistence of landmines and other hazards. They are also likely to be local and small-scale and focus on IDPs currently in government-controlled areas due both to IDP preferences and security considerations. Still, even limited initiatives are important, above and beyond the positive impact they could have on the lives of the IDPs who are immediately affected, because of the potential for scaling them up if and when the political and security situation allows.

Moreover, over time, such initiatives could make significant inroads. One recent conflict assessment estimated conservatively that 2,000 households per year in government-controlled areas could move out of the camps with international support. At that rate, up to 60,000 IDPs (virtually all the IDPs currently in government-controlled areas) would return to their places of origin or resettle in five years.²⁹

But against this backdrop, it is also critical for all concerned parties to be attentive to the risks that face IDPs who are contemplating return or resettlement, and to their preferences about when and where they move.

As a threshold matter, given worsening conditions in camps and the government's push to empty them for political reasons, there is a risk that increasingly desperate IDPs will be persuaded to relocate against their better interests. This would not only expose the individuals in question to harm, but it could hurt prospects for future return and resettlement initiatives. It is essential that the government properly canvasses and respects the views of IDPs, and refrains from heavy-handed efforts to get them to accept resettlement over returning to their former homes or returning home under unsafe conditions.

On the question of IDP preferences, there is strong evidence that most wish to return to their places of origin when the political and conflict situation permits.³⁰ Of the 1,123 IDP household representatives who completed a recent survey of long-term intentions, 65 per cent said they intended to return to their village of origin, but just 6 per cent said it was possible to return immediately.³¹ For these IDPs, the major barriers to returning home are the risk of renewed fighting, and the presence of armed groups and landmines.³² Camp leaders in February 2019 underscored these concerns to Crisis Group, with most highlighting as a precondition the need for a durable peace agreement between the military and Kachin Independence Organisation. As the leader of a camp in Myitkyina township put it: "The most important thing is to stop the fighting and then to clear the landmines. Our only livelihood is going out into the forest [to forage]. We are really afraid because we know there are landmines

²⁹ Crisis Group interviews, Kachin civil society and NGO workers, Yangon, February 2019. See also "Kachin and Northern Shan State Context and Vulnerability Review", op. cit., p. 26.

³⁰ Crisis Group interviews, Kachin civil society and NGO workers, Yangon, February 2019. "Endline Report", op. cit., p. 5.

³¹ "Intention Survey Analysis in Kachin State 2019", UN High Commissioner for Refugees, 11 April 2019.

³² Endline Report, op. cit., p. 5.

there. If both sides can give a guarantee that they'll clear the landmines, then we can go home".³³

That said, the intentions survey shows a large minority of IDPs do not intend to return to their villages of origin.³⁴ This group includes almost half of IDPs in government-controlled areas, indicating that there are already many people – possibly tens of thousands – who are willing to resettle and are in a security context where it should be possible.³⁵ Interviews suggest that this group consists largely of families with school-age children. Some may be drawn to resettlement because they want to live in cities, or on their fringes, where employment and educational opportunities and other services are better than in their home villages. Those who have already sold their land may also see little reason to return to their place of origin.

Whether they resettle or return home, IDPs will require significant support. Shelter, food and livelihood assistance will be especially important.³⁶ During a recent visit to the largest current resettlement site, Maina in Waingmaw township, a senior UN official identified lack of employment and economic opportunities as a major challenge.³⁷ Donors who have shown increasing interest in supporting development projects in Kachin and northern Shan states could focus on livelihood support and service delivery to help those formerly (or currently) displaced to become more self-reliant.³⁸

There are also measures that the parties could responsibly take to encourage sustainable resettlement, even among those who might normally prefer to return home. The government, for example, could clarify that those who agree to be resettled are not forfeiting any claim to their original land holdings that remain in conflict areas. It should also relax restrictions on the provision of humanitarian and development assistance, as this would help enable donors and humanitarian groups to offer assurances to IDPs regarding the level of support they would provide following return or resettlement.

But what worries some Kachin community leaders – including the Kachin Baptist Convention and Kachin Independence Organisation – is that recent IDP return and resettlement efforts suggest insufficient attention to the long-term well-being of the IDPs.

Several incidents in the first three months of 2019 raised concerns. On 30 January 2019, the military's Northern Regional Command assisted seventeen IDP families to return to the village of Namsanyang. In early March, a second group of 29 families was moved to Namsanyang. In each of these moves, IDPs appear to have participated voluntarily, but the military conducted these activities in cooperation with leading Catholic officials, without consulting the Kachin Independence Organisation or the Kachin Humanitarian Concern Committee and with little civilian government partic-

³³ Crisis Group interviews, IDP camp leaders in Kachin state, February 2019. In the event that IDPs can return, camp leaders also raised the need for extensive financial support, because it would take at least one to two years for returnees to become self-sufficient again. Essential services would also need to be re-established.

³⁴ Crisis Group interviews, Kachin civil society and NGO workers, Yangon, February 2019.

³⁵ "Intention Survey Analysis in Kachin State 2019", op. cit.

³⁶ Ibid.

³⁷ "Myanmar: 'Protection and long-term solutions for all people affected by conflict' – Deputy Humanitarian Chief", UNOCHA, 14 May 2019.

³⁸ "Kachin and Northern Shan State Context and Vulnerability Review", op. cit., p. 7.

ipation.³⁹ It is unclear whether the military assessed conditions in the relocation areas before it moved the families. Civil society sources raised concerns about the locations, saying these were places, in the absence of a bilateral ceasefire agreement, where conflict was at risk of once again breaking out.⁴⁰ Further, at Namsanyang, the military carried out only limited demining around homes before former residents began returning.⁴¹

Other government actions are also fuelling the impression that it is pressuring IDPs to resettle. In February 2019, staff from the government's General Administration Department visited dozens of IDP camps across Kachin state to collect information on camp residents and ask whether they could return to their homes. "Normally, they come and collect the data, but this time it was quite detailed", said the leader of one camp in Myitkyina. "They said, 'Who wants to return? In some villages it's safe to go back, right?' We feel like the [resettlement and return] process is starting, but we haven't heard anything directly". The camp visits have sown confusion and anxiety, particularly because the government did not inform Kachin leaders or IDPs about the visits. Some IDPs said they felt pressured into making a decision right away, with the government rejecting their requests for extra time to consider their options.⁴²

These developments have created concern among Kachin religious and civil society leaders as to the intentions of the government and military. They also threaten to undermine prospects for future progress by damaging trust with IDPs and groups representing their interests. Cooperation and dialogue, especially with religious leaders, will be essential for the success of IDP returns and resettlement, because the majority of IDPs will base their decisions on religious leaders' advice rather than government officials' assurances. The 26 April agreement was a potentially significant confidence-building step but the parties will need to press on in the same vein, with the authorities working to avoid further missteps that undermine trust.

V. Conclusions

A combination of events, including the declaration of a ceasefire by the military, the drafting of the government's national camp closure strategy and the prioritisation of the IDP issue among the Kachin, has presented an important opportunity to lay the groundwork for IDP returns and resettlement in the years ahead. Much will depend on the outcome of ongoing discussions between the Myanmar military and Kachin Independence Organisation. Conditions are not yet conducive for large-scale returns in Kachin state, but in the short term it may be possible to identify resettlement opportunities away from conflict zones and to provide support to communities that receive IDPs.

To seize this opportunity, it will be essential to build further trust between the government and military, on one side, and the Kachin Independence Organisation, Kachin civil society and IDPs, on the other. Despite some positive steps, for now,

³⁹ Crisis Group interview, Kachin civil society and religious leaders, February 2019.

⁴⁰ Crisis Group interview, Kachin civil society and religious leaders, February 2019.

⁴¹ Crisis Group interview, Kachin civil society and religious leaders, February 2019.

⁴² Crisis Group interview, IDP camp leader, February 2019.

confidence remains low due to years of fighting and successive failed attempts to negotiate an end to the conflict. Moreover, confidence-building measures have been to some extent offset by initial unilateral steps by the government and military that suggest emptying the IDP camps is more important for them than ensuring IDP safety.

The Myanmar government and military could take a number of measures to bolster return and resettlement efforts. Most importantly, they should continue and expand dialogue and consultation with their civilian and Kachin Independence Organisation counterparts in Kachin State on planning for the return and resettlement of IDPs. For IDP camp residents to consider these initiatives credible, it is essential that Kachin religious and humanitarian leaders be involved in the planning and execution. Putting the civilian government in the lead over the military will be essential to gain the support and participation of Kachin stakeholders because of the deep-seated mistrust of the military.

Expanding consultation on the camp closure strategy, lifting restrictions on humanitarian access, and where possible halting implementation of amendments to the Vacant, Fallow and Virgin Land Management Law would also be important steps. In addition to being potential confidence-building gestures, they would also alleviate hardship and anxiety for IDPs.

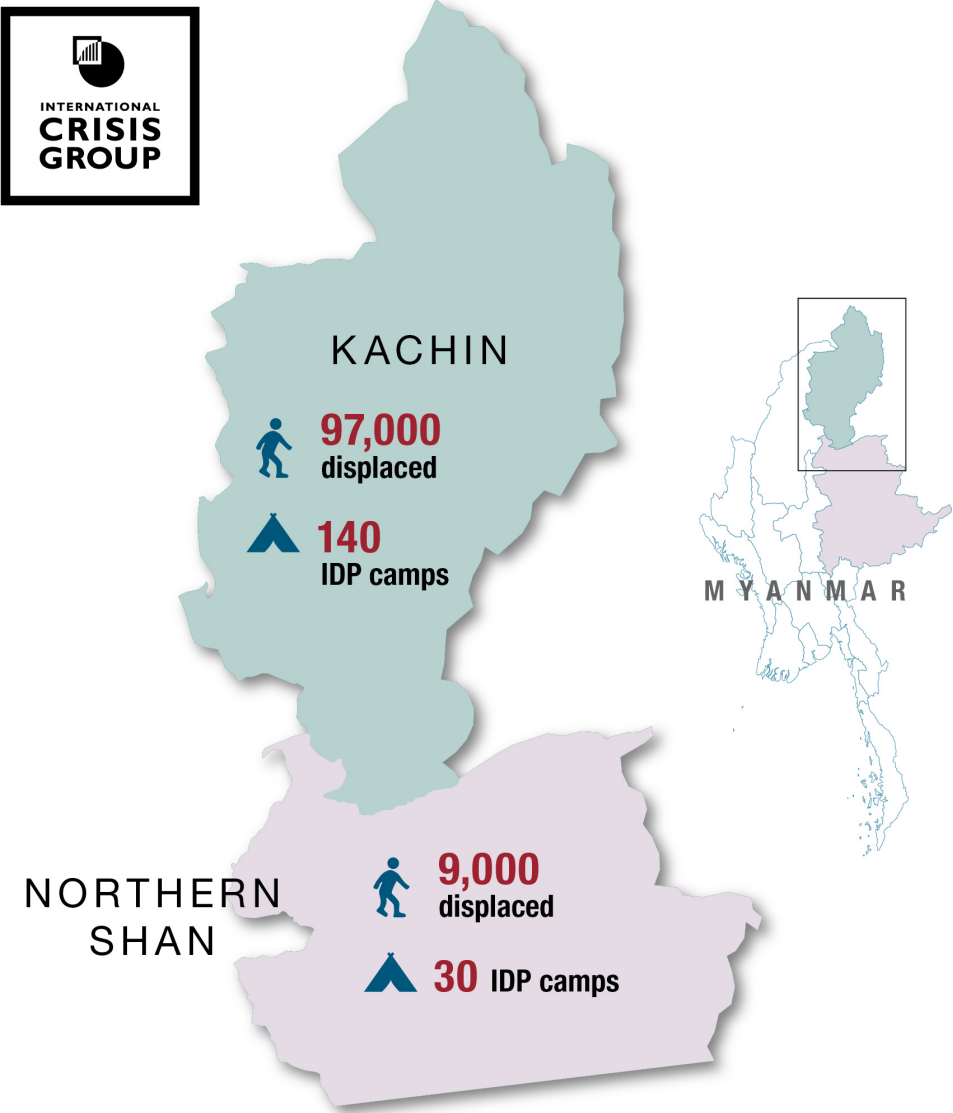
Beyond these unilateral steps, a bilateral ceasefire agreement between the Myanmar military and Kachin Independence Organisation remains a core goal, which is especially important for efforts to enable IDPs to return to their place of origin. In this context, the military should extend its unilateral ceasefire indefinitely, while the Kachin Independence Organisation should continue to pursue negotiations toward making it bilateral.

Because the Myanmar government will likely depend on outside support, donors and international humanitarian agencies should agree on minimum standards for returns and resettlement that they are prepared to back practically and financially. Donors and humanitarian organisations should then be prepared to support initiatives that meet these standards. Relaxing or removing restrictions on access will be important for gaining donor support.

While it will be important to proceed prudently, and in a manner that protects the interests of a community that has already borne too much hardship, the opportunity to begin responsibly returning and resettling a significant portion of the Kachin IDP population is a rare bright spot for peacemaking efforts in Myanmar. The parties should make the most of it.

Yangon/Brussels, 22 May 2019

Appendix A: Internally Displaced Persons in Kachin and Shan States



Appendix B: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 70 situations of conflict or potential conflict around the world.

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May 2019

Appendix C: Reports and Briefings on Asia since 2016

Special Reports and Briefings

Exploiting Disorder: al-Qaeda and the Islamic State, Special Report N°1, 14 March 2016 (also available in Arabic and French).

Seizing the Moment: From Early Warning to Early Action, Special Report N°2, 22 June 2016.

Counter-terrorism Pitfalls: What the U.S. Fight against ISIS and al-Qaeda Should Avoid, Special Report N°3, 22 March 2017.

Council of Despair? The Fragmentation of UN Diplomacy, Special Briefing N°1, 30 April 2019.

North East Asia

Stirring up the South China Sea (IV): Oil in Troubled Waters, Asia Report N°275, 26 January 2016 (also available in Chinese).

East China Sea: Preventing Clashes from Becoming Crises, Asia Report N°280, 30 June 2016.

China's Foreign Policy Experiment in South Sudan, Asia Report N°288, 10 July 2017 (also available in Chinese).

The Korean Peninsula Crisis (I): In the Line of Fire and Fury, Asia Report N°293, 23 January 2018 (also available in Chinese).

The Korean Peninsula Crisis (II): From Fire and Fury to Freeze-for-Freeze, Asia Report N°294, 23 January 2018 (also available in Chinese).

South Asia

Nepal's Divisive New Constitution: An Existential Crisis, Asia Report N°276, 4 April 2016.

Political Conflict, Extremism and Criminal Justice in Bangladesh, Asia Report N°277, 11 April 2016.

Sri Lanka: Jumpstarting the Reform Process, Asia Report N°278, 18 May 2016.

Pakistan's Jihadist Heartland: Southern Punjab, Asia Report N°279, 30 May 2016.

Pakistan: Stoking the Fire in Karachi, Asia Report N°284, 15 February 2017.

Afghanistan: The Future of the National Unity Government, Asia Report N°285, 10 April 2017.

Sri Lanka's Transition to Nowhere, Asia Report N°286, 16 May 2017.

Sri Lanka's Conflict-Affected Women: Dealing with the Legacy of War, Asia Report N°289, 28 July 2017.

Countering Jihadist Militancy in Bangladesh, Asia Report N°295, 28 February 2018.

China-Pakistan Economic Corridor:

Opportunities and Risks, Asia Report N°297, 29 June 2018 (also available in Chinese).

Building on Afghanistan's Fleeting Ceasefire, Asia Report N°298, 19 July 2018 (also available in Dari and Pashto).

Shaping a New Peace in Pakistan's Tribal Areas, Asia Briefing N°150, 20 August 2018.

Sri Lanka: Stepping Back from a Constitutional Crisis, Asia Briefing N°152, 31 October 2018.

South East Asia

The Philippines: Renewing Prospects for Peace in Mindanao, Asia Report N°281, 6 July 2016.

Myanmar's New Government: Finding Its Feet?, Asia Report N°282, 29 July 2016 (also available in Burmese).

Southern Thailand's Peace Dialogue: No Traction, Asia Briefing N°148, 21 September 2016.

Myanmar's Peace Process: Getting to a Political Dialogue, Asia Briefing N°149, 19 October 2016 (also available in Burmese).

Myanmar: A New Muslim Insurgency in Rakhine State, Asia Report N°283, 15 December 2016 (also available in Burmese).

Building Critical Mass for Peace in Myanmar, Asia Report N°287, 29 June 2017 (also available in Burmese).

Buddhism and State Power in Myanmar, Asia Report N°290, 5 September 2017 (also available in Burmese).

Jihadism in Southern Thailand: A Phantom Menace, Asia Report N°291, 8 November 2017 (also available in Thai and Malay).

Myanmar's Rohingya Crisis Enters a Dangerous New Phase, Asia Report N°292, 7 December 2017 (also available in Burmese).

The Long Haul Ahead for Myanmar's Rohingya Refugee Crisis, Asia Report N°296, 16 May 2018 (also available in Burmese).

Myanmar's Stalled Transition, Asia Briefing N°151, 28 August 2018 (also available in Burmese).

Bangladesh-Myanmar: The Danger of Forced Rohingya Repatriation, Asia Briefing N°153, 12 November 2018.

Fire and Ice: Conflict and Drugs in Myanmar's Shan State, Asia Report N°299, 8 January 2019 (also available in Burmese).

A New Dimension of Violence in Myanmar's Rakhine State, Asia Briefing N°154, 24 January 2019 (also available in Burmese).

Building a Better Future for Rohingya Refugees in Bangladesh, Asia Briefing N°155, 25 April 2019.



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