

## **STRATEGIC ROADMAP FOR VOLUNTARY REPATRIATION**

Refugees from Myanmar in Thailand

**2015-2017**

*Update – January 2017*

### **Section I: Introduction**

The formation of a civilian-led government in Myanmar in 2010, extensive political and economic reforms and a dramatic reduction of armed conflict in the South-East of the country have had significant implications for the local population and internally displaced persons (IDPs) and has also renewed expectations that 102,000<sup>1</sup> refugees residing in nine Royal Thai Government (RTG) Temporary Shelters (refugee camps) in Thailand can return home. Following a series of bilateral ceasefires between the Government of the Union of Myanmar (GOUM) and non-State actors (NSAs) in 2012, there was important progress in the peace process including the signing of a Nationwide Ceasefire Agreement between the GOUM and eight NSAs on 15 October 2015. Furthermore, Myanmar General Elections held on 8 November 2015 resulted in the inauguration of a new government led by the National League for Democracy (NLD), in April 2016.

Since 2012 there have been extensive consultations about voluntary repatriation and the concrete form that this would take. Spontaneous returns by IDPs and by refugees have been taking place. In October 2016, the first facilitated voluntary repatriation was organized and it is anticipated that an increased number of refugees will return home during 2017.

UNHCR's current assessment is that it is too early to promote voluntary repatriation. However, the situation continues to evolve and GOUM-RTG have demonstrated their support of voluntary repatriation in-line with the international standards and principles advocated by UNHCR.

In view of the situation and the need to support returning refugees and local communities, this document outlines UNHCR's key strategic directions for voluntary repatriation from Thailand during the period 2015-2017 and also provides a framework to interface between refugee repatriation and a response to the needs of returning IDPs in the same areas of South-East Myanmar. The strategic roadmap supports refugee return preparedness by UNHCR and stakeholders including refugees, local communities, RTG, GOUM, NSAs, UN agencies, non-governmental organizations, community-based and civil society organizations, and donors.

The strategy draws on data and information currently available, including a collective assessment of the immediate operational environment, an analysis of the refugee survey by UNHCR Thailand, and the ongoing monitoring of returns by UNHCR Myanmar to develop an informed assessment of likely scenarios and key planning assumptions. The roadmap provides for five strategic pillars, each representing a phase of the operation that are introduced sequentially and expected to run in parallel for some time before being de-activated in turn. Each of these pillars entails a number of key activities in both the Thailand and Myanmar operations, summarised in Section III below.

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<sup>1</sup> 110,000 refugees were verified by RTG and UNHCR in early 2015. The number has since reduced to 102,000.

Three modes of return are distinguished; namely spontaneous, facilitated and promoted. In the context of the Myanmar situation, they are described as follows:

- **Spontaneous** returns, which are taking place, are organized by individual refugees themselves without UNHCR's direct engagement or support before or during the movement.
- **Facilitated** returns, which are taking place, involve UNHCR's active engagement including protection counselling, and provision of information prior to departure, travel and initial reintegration assistance including to Persons with Specific Needs (PSNs)<sup>2</sup>. UNHCR's engagement in facilitating voluntary return is contingent upon an assessment of the conditions in a specific location and key benchmarks being met.
- **Promoted** returns will occur within a formalised framework and process between the country of origin, country of asylum and UNHCR when the overall conditions throughout South-East Myanmar are conducive to return for the vast majority of the refugees.

The principle of "Do No Harm" is mainstreamed with particular regard to the complex and diverse environment in the areas of return. The UNHCR strategic roadmap does not aim to single-out returning refugees alone. Rather, given the overall vulnerability of local inhabitants in potential return areas, a community-based approach will be applied with due regard to the immediate needs of all vulnerable individuals by strengthening existing community support mechanisms.

## **Section II: Scenarios and benchmarks for UNHCR engagement in supporting voluntary refugee returns**

It is anticipated that the political and socio-economic environment will further improve in 2017. While large-scale return was not expected to be triggered by the NCA and the General Elections in 2015, both events helped build confidence and the prospects for voluntary return grew. For its part, UNHCR will continue to discuss with GOUM, RTG, refugees and stakeholders, the parameters and conditions for supporting voluntary return.

Facilitated returns are expected to take place during 2016 and into 2017. UNHCR received clear expressions by refugees on their intent to return, whether as individuals or as part of group returns to specific pre-identified locations. A change in the pattern of refugee return will occur as the rate of spontaneous returns will decline once facilitated repatriation begins with assistance provided for transport, food and initial reintegration. UNHCR monitoring in Myanmar and refugee reports in Thailand indicate that spontaneous returns have exceeded 10,000 persons. UNHCR will continue to monitor and record all refugee returns (spontaneous and facilitated).

A key assumption remains that the majority of refugees will return to their townships of origin, but not necessarily to their exact places of origin. Return destinations will vary between urban centres, rural villages and new settlement sites. Access to land is a crucial challenge to be addressed in relation to sustainable return while other factors will impact the timing of return such as the agricultural seasons and school terms.

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<sup>2</sup> PSNs include unaccompanied or separated minors, single-headed households, older persons without family support, chronically ill persons, persons living with a physical or mental disability, survivors of trauma, etc. Religious minority subgroups may also require special care and attention with regard to their return.

There will be similar dynamics in terms of the return of IDPs, however, a significant proportion of IDPs who have settled in their current locations have also found durable solutions. Moreover, although their needs are often significant, and they remain in a vulnerable situation, these needs may not be distinct from the local population, but rather reflect the prevailing socio-economic and protection circumstances in the area.

## **Benchmarks**

**Facilitation** of voluntary return will be offered by UNHCR on a case-by-case basis upon the request of refugees themselves, when and where key benchmarks and conditions are met in the specific location of return.

The facilitation phase will require the agreement of GOUM and RTG and a procedure to verify the voluntary nature of the return through individual interviews - by UNHCR - and the use of the Voluntary Repatriation Form (VRF).<sup>3</sup> Individual or group return arrangements must also meet the following key conditions in the intended area(s) of return:

1. UNHCR assessment confirms no significant protection risks in the location of return.
2. Knowledge of landmines in the location of return is shared and MRE is provided.
3. UNHCR and/or humanitarian partners access for follow-up support and monitoring.
4. No evidence that the return is part of an exploitative arrangement.
5. Return location is not temporary in nature but will host permanent returns.
6. Plans developed in consultation with refugees, local community and local authorities to ensure a sustainable return, with special regard to land and livelihoods opportunities.
7. If land is allocated, returning refugees be accorded security of tenure in accordance with the formal or informal systems in use in that area.

**Promotion** of voluntary repatriation will be initiated by UNHCR only when the overall conditions of legal, material and physical safety throughout South-East Myanmar are conducive to return for the vast majority of refugees.

In particular, it is envisaged that the following benchmarks should be met:

- Nationwide Ceasefire Agreement and/or other durable ceasefire agreements are signed;
- Free and fair general elections have been held;
- UNHCR and/or humanitarian partners unhindered access for monitoring and support;
- Framework for mine action in place and mine risk education (MRE) provided;
- Tripartite Agreement is in place which confirm national protection of returning refugees.

## **Section III: Framework for Engagement**

**Goal:** Myanmar refugees in Thailand who choose to return are able to do so in a safe, dignified and voluntary manner, and to successfully reintegrate with due regard to the needs of the receiving communities and vulnerable IDPs.

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<sup>3</sup> The VRF is a form used by UNHCR to record the voluntariness of the decision made by a refugee to return home and confirm key information to enable a range of actions including monitoring and support upon return.

**Strategic Pillars:** Introduced in phases, they will run in parallel for some time and sequentially be de-activated. The pillars are scalable, depending upon the dynamics of the specific time and the area of return and are designed to include the communities as a whole. The return of IDPs can be integrated where refugee repatriation is also taking place.

### **Pillar 1: Preparedness**

Activated in 2012, it will continue throughout the process of voluntary refugee return.

In Thailand, key activities include consultations with refugee leaders and refugees at the group, household and individual level. UNHCR will expand focus group discussions and answer refugees questions about repatriation. Mine Risk Education (MRE) and livelihoods activities will be undertaken by partners and humanitarian agencies. The UNHCR refugee profiling conducted by the Mae Fah Luang Foundation is supporting longer-term planning processes as will the 2015 RTG-UNHCR Verification Exercise and the use of UNHCR e.Cards to support return assistance.

In Myanmar, a range of community-based projects, primarily livelihoods-related activities are on-going, aimed at enhancing the absorption capacity in locations of return. Strengthening protection capacities is another focus in the areas of civil documentation, housing, land and property (HLP) rights, safety and security, and training for government officials, NSAs and associated community organisations, NGOs and civil society at state and township levels. UNHCR is also advocating for equal access for basic services for returnees, among other things and the reintegration strategy will continue to centre on a return monitoring system established in June 2013.

UNHCR Information Management Units in Thailand and Myanmar will strengthen partnerships with all concerned actors to provide authoritative and reliable information to refugees. “Go and See Visits” will be supported by UNHCR and others.

Policy papers and guidance notes developed by both operations on voluntary repatriation will be further developed and disseminated including independent research papers (a lessons learned review on past ceasefires and durable solutions in Myanmar, and forced migration and the Myanmar peace process). These are complemented by analyses by internal consultants on three key issues affecting return: shelter, livelihoods, and HLP issues.

Coordination mechanisms to support voluntary repatriation in Thailand include the Stakeholders Meetings and the Donor and Humanitarian Agencies Working Group (DHA-WG). These coordination fora are complemented by meetings convened by the Refugee Committees supported by UNHCR and the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT). UNHCR also convenes cross-border consultations with the NGOs and CBOs and continues to strengthen the return coordination mechanism (at national and state levels) with concerned actors that builds on existing mechanisms such as the South-East Consultations that also links to a broader platform engaging GOUM, NSAs, NGOs, CBOs, community and refugee/returnee representatives.

UNHCR will continue to advocate for a formal framework, i.e. a Tripartite Agreement between RTG, GOUM and UNHCR as a basis for the promotion of voluntary repatriation.

## **Pillar 2: Support provided to spontaneous returnees**

The rate of spontaneous refugee returns is estimated to be more than 10,000 while IDPs have also returned in larger numbers. Through its returnee monitoring system, UNHCR has identified 163 locations in which IDP and/or refugee returns have taken place. These “verified return villages” are prioritised for community-based support and Non-Food Item (NFI) distribution as a means of supporting refugee choices and the community as a whole, while building confidence on the part of those who may be contemplating return. As the number of verified return locations increases, support will be expanded accordingly.

UNHCR’s community-based approach to assistance to returnees benefits both the formerly displaced and the non-displaced communities, and supports peaceful coexistence in verified return villages. In 2015 and 2016, UNHCR provided community-based projects in a number of return locations, providing water, infrastructure, livelihoods and life-skills training. Throughout its engagement with communities, community-based protection is encouraged, and this method will be rolled-out on a larger scale in the context of facilitated and/or promoted return.

UNHCR will continue to provide support in spontaneous return locations verified through the return monitoring process until the promotion phase is initiated, at which point it is envisaged that the rate of spontaneous refugee returns will drop significantly. Spontaneous IDP returns are expected to continue throughout both the facilitation and promotion phases, with those individuals continuing to receive community-based assistance.

## **Pillar 3: Facilitation of voluntary returns**

The benchmarks for initiating the facilitation of voluntary repatriation are set-out in Section II, together with the conditions that should be in place before return is facilitated to a particular location. Facilitation may be provided to individuals and/or groups.

Preparatory work will include individual counselling and verification of voluntariness carried out by UNHCR in the refugee camp, identification and referral of vulnerable individuals, issuance of a Voluntary Repatriation Form (VRF) and the electronic updating of the e.Card that was issued during the RTG-UNHCR Verification Exercise.

Assistance prior to departure will focus on individual and family-level counselling and provision of information, verification of individual voluntariness and assuring that the conditions set out in Section II are in place. The referral and transport of PSNs in need will be organised. Family tracing of Unaccompanied and Separated Children (UASCs), medical screening and referrals to health partners (e.g. vaccination, provision of interim medical supplies/treatment) will be undertaken. In order to manage and coordinate this process, UNHCR with the support of NGOs, has developed Standard Operating Procedures (SOPs).

Three types of assistance will be provided to refugees during the facilitation phase. First, returnees will receive organized transport assistance that includes a cash grant to cover their transportation costs. Following years of exile, refugee families will want to bring back personal effects and the transport assistance will take this into account.

Second, an initial reintegration cash grant will also be provided with a view to supporting their preliminary reinstallation costs.

Third, a food assistance cash grant will be provided to cover initial three months and an additional assistance may be provided in Myanmar based on a food security assessment in the area of return. UNHCR and partners will focus on livelihoods support rather than in-kind food distribution.

Beyond the aforementioned provision of assistance during the facilitation phase of return, UNHCR's reintegration support in Myanmar will employ a community-based approach. This approach emphasizes consultation with and participation by communities and returnees while some specific support will be provided.

Monitoring will continue throughout the facilitation phase to ensure the nature and content of engagement with group return remains appropriate as the context evolves. UNHCR's returnee monitoring system, in place since June 2013, centres around community-level discussions with key informants in areas of return. The following issues are particularly focused for monitoring and assistance:

- Physical safety and security;
- Access to civil documentation;
- Supporting the resolution of housing, land and property issues;
- Promoting equal access to basic services; and
- Increasing opportunities to access livelihoods.

Returning refugees that have made their voluntary decision to return will be de-registered by UNHCR and RTG upon their departure from the refugee camp. The facilitation mode will be deactivated when the promotion of voluntary return is initiated.

#### **Pillar 4: Promotion of voluntary repatriation**

It is envisaged that the promotion of voluntary repatriation may be initiated during 2017, depending on the prevailing assessment of the situation. However, while the NCA and the General Elections in 2015 were notable steps, significant groundwork remains to satisfy other conditions related to Pillar 4.

Preparatory work and return assistance will remain along the same lines as that provided during the facilitation phase described above, including individual counselling and the verification of voluntariness, identification and referral of vulnerable individuals, and the use and issuance of a VRF. There will be a marked increase in the intensity of information provision to refugees in the run-up to and during the promotion phase.

Subject to negotiations with Myanmar and Thai authorities, up to seven border crossing points may be utilized during repatriation. Immigration and customs formalities will need to be streamlined to the extent possible, including those related to the transport of livestock. The border crossing points are:

1. Phu Nam Ron/ Htee Hkee (Latitude 13.89402 N, Longitude 99.08195 E), the entry point from Kanchanaburi Province into Dawei Township, Tanintharyi Region;
2. Three Pagodas Pass/Hpa Yar Thonesu (Latitude 15.30196 N, Longitude 98.3866E), the entry point from Sangkhlaburi District into south-eastern Kayin State;
3. Mae Sot/Myawaddy (Latitude 16.69091 N, Longitude 98.51736 E), the entry point from Tak Province into Myawaddy Township in eastern Kayin State;

4. Ban Sob Yuam/Ma Ner Plaw (Latitude 17.7870 N, Longitude 97.7424 E), the entry point from Mae Sariang District into Kayin State;
5. Huay Ton Non/Nam Mang (Latitude 18.77565 N, Longitude 97.75291E) the entry point from Mae Hong Son Province into Shadaw Township in Kayah State;
6. Ban Sob Moei/Tsu Moei Hta (Latitude 17.83384 N, Longitude 97.69315 E), an alternative entry point from Mae Sariang District into Kayin State; and
7. Ban Mai Nai Soi/Tha Na Kwey (Latitude 19.350982 N, Longitude 97.801332), an entry point from Mae Hong Son Province into Shadaw Township in Kayah State.

As above under Pillar 3, refugees that have made their voluntary decision to return will be de-registered by UNHCR and RTG upon their departure from the refugee camp.

### **Pillar 5: Reintegration and measured disengagement**

UNHCR's strategic focus in the reintegration phase will be on ensuring interconnectedness among humanitarian, recovery, development and peace-building initiatives, taking into account local capacities and the role of service providers. Development approaches will have to be conflict-sensitive and appropriate for the South-East Myanmar context. Sustainable reintegration will be linked to progress in the peace process, including on issues related to convergence of state and non-state systems in areas of education, health, and land management.

UNHCR will increase its work to promote a stronger role for the Resident Coordinator's Office in the South-East, in line with the Secretary General's Policy Decision on Durable Solutions. UNHCR will provide technical advice for nationally-led assessment and planning processes, including the Joint Peace-building Needs Assessment (JPNA), and will seek to mainstream considerations related to durable solutions for IDPs and refugees within these processes. UNHCR will also promote the active role of local NGOs, CBOs and CSOs in efforts towards the sustainable reintegration of returning refugees and IDPs.

With the RTG, UNHCR will coordinate and support the decommissioning of the refugee camps and the environmental rehabilitation of those locations. UNHCR will also continue to work with RTG in securing solutions for refugees that are unable to return home to Myanmar.