

STRATEGIC ROADMAP FOR VOLUNTARY REPATRIATION
Refugees from Myanmar in Thailand
2015-2017

Update - March 2015

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 both the local population in general and for some 110,000 refugees who fled Myanmar over the past three decades and are now residing in nine Royal Thai Government (RTG) ‘Temporary Shelters’ (refugee camps) in Thailand. Following a series of bilateral ceasefires between the Government of the Union of Myanmar (GOUM) and the ethnic armed groups,¹ there was considerable progress towards a Nationwide Ceasefire Agreement (NCA). The pace of the peace negotiations slowed during 2014, but an NCA may still be signed in 2015, and a political dialogue would follow. A ‘Deed of Commitment’ towards a peace agreement was signed between GOUM and four armed groups on 12 February 2015.

At the same time, discussions amongst refugees about the possibility of voluntary repatriation and the concrete form that this might take have also increased. There have already been some spontaneous returns to areas of origin by IDPs, and to a lesser extent, by refugees. Meanwhile, the establishment of a new government in Thailand in May 2014 has triggered a renewed focus on the refugee situation.

While UNHCR’s position remains that it is still too early for organized voluntary repatriation to be initiated, the situation will likely continue to evolve in the year ahead. Both the RTG and the GOUM have recently reiterated their commitment to supporting the eventual voluntary repatriation of refugees, in line with international standards and humanitarian principles. In view of the evolving situation and the need to support refugees, communities and relevant authorities, this roadmap document outlines UNHCR’s key strategic directions for voluntary repatriation from Thailand during the period 2015-2017. It also offers 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 document will serve as a basis for further engagement with various stakeholders, including refugees, communities, the GOUM, the RTG, NSAs, UN agencies, NGO, community-based organization (CBO) and civil society organization (CSO) partners.

However, in the event of voluntary repatriation, many questions remain. How many refugees will choose to return, when, and to where? What proportion will return to urban areas, rural villages, or new settlements? What type of support will they need and what will be the role of UNHCR and partners? To what extent will refugees prefer an ‘organic’ return, moving at their own pace, using informal routes and their own means of transport as opposed to organized return with logistical and/or other support? And, how will the actions and activities related to refugee return be linked to IDP return and the needs of vulnerable populations?

The UNHCR strategic roadmap draws on data and information currently available, including a collective assessment of the immediate operational environment, an emerging analysis of the refugee survey commissioned by UNHCR Thailand, and the ongoing monitoring of spontaneous returns by UNHCR Myanmar, to develop an informed assessment of likely scenarios and key

¹ The wording of “Ethnic Armed Groups” or “armed groups” is used in this document to reflect a commonly used terminology in Myanmar. It refers to Non-State Armed Actors (NSAA) involved in the current peace discussions.

planning assumptions. This critical examination of the situation will continue, and the plan adjusted over time, based on a series of consultations.

The roadmap provides for five strategic pillars, each representing a phase of the operation, and which 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.

This note distinguishes between three modes of return, namely spontaneous, facilitated and promoted. For the purpose of this document, UNHCR employs the following definitions:

- **Spontaneous** returns, which are already taking place, are organized by the refugees themselves, without UNHCR's direct knowledge or support before or during the movement.
- **Facilitated** returns actively involve UNHCR both through the provision of information prior to departure, possible assistance to Persons with Specific Needs (PSNs)² during the voluntary return movement, and assistance upon return, with such engagement contingent upon an assessment of the conditions in a specific location.
- **Promoted** returns involve extensive UNHCR support, including support for transportation and the entitlement to a package of reintegration assistance, once the conditions are appropriate for the promotion of return throughout South-East Myanmar.

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

Section II: Scenarios, planning assumptions and benchmarks for UNHCR engagement in supporting voluntary refugee returns

A) Scenarios

In the **most likely scenario**, an NCA will be negotiated and discussions on a Framework for Political Dialogue will continue in parallel, with the objective of leading into formal discussions immediately following the signing of an NCA. The issues of durable solutions for IDPs and voluntary repatriation of refugees (often referred to together under the heading of ‘resettlement’)³ will appear on the agenda of the political dialogue, along with other issues of particular relevance to displaced populations. RTG and GOUM will continue to meet bilaterally on the issue of refugee returns. With a continuing reduction of armed hostilities, overall security conditions will continue to improve, while political space for progress on mine action will open up. At the same time, emerging protection challenges, such as land appropriation for military

² 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.

³ While the primary focus of this note is voluntary repatriation of refugees from Thailand, given the prevalence of mixed return flows and vulnerability of communities in the region, UNHCR will also continue to focus on supporting IDPs and local communities.

and commercial purposes may increase and confidence in the on-going peace process will remain tenuous.

Evidence has yet to emerge that the prospect of elections in late 2015 has or will directly contribute to an increase in returns. Nevertheless some refugees and migrants may cross the border on temporary visits in order to be registered to vote (assuming out of country voting is not an option to them). The holding of elections may not trigger a significant wave of permanent returns prior to November, although a successful election process, following substantial progress in the peace talks, will contribute to growing confidence of the refugee and IDP communities.

B) Planning assumptions

Based on the most likely scenario, spontaneous returns will continue in the current dry season (November 2014 to May 2015) in time for the main planting season, and initiatives may emerge for small 'group return' projects. These would be to particular sites to be targeted for support, with the involvement of refugee leaders, armed groups and state-level GOUM authorities. Provided that key conditions are met, UNHCR may facilitate individual or group returns, primarily through the provision of assistance inside Myanmar.

Few returns will take place during the 2015 rainy season (June to October), but larger-scale refugee returns may commence by the end of 2015, and assuming that key benchmarks are met (see below), UNHCR may switch to the promotion of return phase in early 2016.

A key assumption is 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 in the areas of origin, and new settlement sites, and for many, a desire to remain in areas close to the border may play a role in return choices. Access to land will emerge as an especially crucial challenge to be addressed in relation to sustainable 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. While the overall security situation will improve, there may be sporadic displacements due to localized insecurity or natural disasters.

Contingency Preparedness

The potential area of refugee return along the Myanmar-Thai border has seen repeated displacements due to conflict, economic exploitation and natural disasters. While the primary purpose of the document is to offer a strategic direction towards voluntary repatriation of refugees from Thailand, with clear benchmarks towards safe and sustainable return, the possibility of further displacement – for various reasons – cannot be excluded. Within the framework offered in this document, UNHCR will maintain an ongoing analysis of threats and associated risks, so as to enhance overall preparedness.

C) Planning figures

Based on UNHCR field monitoring in Myanmar and refugee community reports from Thailand throughout the year, it is estimated that spontaneous refugee returns in 2014 were fairly low at around 5,000 individuals.

Planning figures for 2015 are up to 10,000 spontaneous returns; and 10,000 to 20,000 returns facilitated by UNHCR (primarily through support provided inside Myanmar to group return sites).

Planning figures for 2016 are up to 45,000 facilitated and/or promoted returns and 5,000 spontaneous returns.

D) Benchmarks

Facilitation of voluntary return may be offered by UNHCR during the 2014-2015 dry season, on a case-by-case basis upon the request of refugees themselves and to specific locations where key conditions are met, even while overall conditions are not yet conducive to the return of the majority of refugees. It is envisaged that the majority of facilitated returns would take the form of group return projects, as described above.

The facilitation phase will only be initiated if the following benchmarks are met:

- Agreement of Myanmar authorities to receive returnees;
- A procedure for verifying that an individual or group return arrangement meets the following key conditions.

Conditions for UNHCR's facilitation of individual or group return movements:

- Verification of the voluntary nature of return through individual interview(s);
- An assessment in the location of intended return by UNHCR confirms that there are no significant ongoing protection risks in that location;
- Full UNHCR access to the return location for follow-up support and monitoring;
- No evidence that the return is being undertaken as part of an exploitative arrangement.

For facilitation specifically of group returns to planned settlements, the following additional conditions would need to be met:

- Surveying and (if appropriate) mapping and demarcation of land mines are under way or has already been undertaken;
- The site location is not temporary in nature but rather is intended to host permanent returns;
- Plans have been developed in consultation with refugees and local communities in the area of return;
- The project has the 'green light' from the Myanmar authorities, ethnic armed groups present in the area, and local communities;
- Plans are in place to ensure a sustainable return (in particular, through access to land and livelihoods opportunities);
- Refugees will be accorded security of tenure if land is allocated, in accordance with the formal or informal systems in use in that area.

Promotion of voluntary repatriation will be initiated by UNHCR only when 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:

- A Nationwide Ceasefire Agreement or other durable ceasefire agreements are in place;

- UNHCR has unhindered access to most of the return areas and is able to conduct protection monitoring, including through confidential interviews with returnees and receiving communities;
- An effective framework for mine action at the regional or national level is in place; in particular, a system throughout the South-East for demarcation of return routes and locations, and mine risk education (MRE);
- Plans for free and fair elections remain on track, or more likely the vote has been completed, with a political transition underway;
- A tripartite agreement for return is in place which clearly re-establishes national protection for returnees.

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 reintegrate in a sustainable manner with due regard to the needs of the receiving communities and vulnerable IDPs.

A) Strategic Pillars

These are being introduced in phases, will run in parallel for some time, and will be sequentially de-activated. The pillars are scalable, depending upon the dynamics of the specific area 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

This pillar was activated in 2012 and will continue until the promotion phase begins.

In Thailand, key activities will continue to include extensive consultations with refugee leaders, and refugees at the group, household and individual levels about durable solutions. UNHCR will further expand focus group discussions on potential return and UNHCR Myanmar staff will continue to visit the camps to meet with refugees to provide information about the situation in South-East Myanmar and answer their questions. Mine Risk Education (MRE) and livelihoods activities will continue to be performed by partners. Analysis of the results of the refugee profiling carried out in 2013-2014 will be used to further support humanitarian and longer term planning processes. Dedicated coordination mechanisms on voluntary repatriation will be strengthened and regular meetings with the RTG and other actors will be undertaken.

In Myanmar, a range of projects, primarily Water, Sanitation and Hygiene (WASH), livelihoods, Sexual and Gender-based Violence (SGBV) prevention and response, and community mobilisation, will continue, aimed at enhancing protection and absorption capacity in locations of potential refugee return, with particular emphasis on key townships of origin for refugees. In 2015 target locations will be refined based on data from the refugee profiling. Protection capacity building will continue, including training on international standards related to durable solutions for government officials, ethnic armed groups and associated community based organisations, NGOs and civil society at state and township levels. Assistance to victims of land mines will continue to be provided through a partner.

UNHCR Information Management Units in Mae Sot and Hpa-An will strengthen their collaboration with all concerned actors to provide authoritative and reliable information to refugees. Meanwhile, UNHCR Myanmar's strategy will continue to centre on a return monitoring system established in June 2013, which will be modified in the facilitation phase to adopt an individual or household-level approach, rather than the current community-level method.

A range of policy papers and guidance notes have been developed in both operations on voluntary repatriation and durable solutions, and these will be further disseminated, developed and/or supplemented as necessary.

The following three activities will be prioritised in early 2015:

- Verification of the refugee population in the nine Temporary Shelters in Thailand and the issuance of 'smart cards';
- Analysis of land-related challenges to return, building on refugee profiling results; and development of advocacy positions and technical advice on addressing refugee access to land;
- Development of a strategy to address returnee shelter needs in the context of facilitated and promoted return.

UNHCR-led coordination mechanisms for voluntary repatriation have been active in Thailand since 2012, including the Voluntary Repatriation Coordination Group (VRCG), which includes the refugee leadership, donors, NGOs, IOM and UNHCR, as well as the Donor and Humanitarian Agencies Working Group (DHA-WG). These structures are supported by a quarterly Stakeholders Meeting and regular operational planning consultations with sector leads.

In Myanmar, UNHCR is to form a voluntary repatriation coordination mechanism (at national and state/regional levels) by the end of 2014, with focal point leads for each of the key sectors. This approach will build on existing coordination mechanisms such as the South-East Consultations, and should link to a broader platform engaging the GOUM, ethnic armed groups, local NGOs and CBOs, and community and refugee/returnee representatives. The mechanism, with engagement of the relevant authorities, will have a common strategic analysis and resource needs to support voluntary repatriation.

During the preparation phase, it is also necessary to initiate discussions on a framework to govern voluntary repatriation, for which a tripartite agreement between the RTG, GOUM and UNHCR offers a proven model, as seen elsewhere globally. The discussions have been initiated and they are expected to continue.

Pillar 2: Support provided to spontaneous returnees

The rate of spontaneous returns by refugees to Myanmar has so far been low, with over 10,000 estimated spontaneous returns in past three years (2012 through 2014), including approximately 5,000 last year, based on UNHCR's field monitoring. The rate may increase in the 2014-2015 dry season. IDPs have also been returning spontaneously in larger numbers.

Through its returnee monitoring system, UNHCR Myanmar has identified 82 locations in which IDP and/or refugee returns have taken place since January 2012. These 'verified return villages' are prioritised for community-based support and Non-Food Items (NFIs) 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.

An approach for Integrated Support for Spontaneous Returnees (ISSR) developed in 2013 is being rolled out as the number of spontaneous returnees increases. This approach benefits both the formerly displaced and the non-displaced communities and envisages a package of community-based support in verified return villages.

In early 2015, two new projects were launched targeting spontaneous return locations, in which approaches to, a) community-driven livelihoods support, and b) community-based protection involving local partners, will be field tested initially in communities with IDP returnees, with a view to rolling these out on a larger scale in the context of facilitated and/or promoted return. A livelihoods strategy has been developed and will be piloted during this period.

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 in line with the ISSR concept.

Pillar 3: Facilitation of returns, including calibrated engagement with group return projects

The benchmarks for initiating 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 or groups, but it is envisaged that the primary focus will be on engaging with group returns managed by refugees themselves in negotiation with ethnic armed groups and state government officials, and may entail the allocation of land in specific locations. Furthermore, it is anticipated that many group return projects will involve mixed return flows of both refugees and IDPs.

UNHCR Myanmar and Thailand are jointly developing Standard Operating Procedures (SOPs) to ensure that the conditions set out in Section II above are met prior to any facilitated return movement and to guide UNHCR's engagement. Where feasible and appropriate, 'go and see visits' will be conducted, UNHCR will engage in consultations with refugees, the receiving community and other key stakeholders such as the Myanmar authorities and ethnic armed groups.

The SOPs will guide UNHCR's engagement with both individual return movements and group return projects. Monitoring will continue throughout the facilitation phase to ensure the nature and content of engagement with group return projects remains relevant and appropriate as the context evolves. In the event that promotion of return is not initiated in 2016 as envisaged, the content of the facilitation mode may be adjusted and/or expanded over time.

Assistance prior to departure will focus on counseling and provision of information, verification of voluntariness and that the conditions set out in Section II are in place; identification, referral and potentially, transport of Persons with Specific Needs (PSNs), including family tracing of Unaccompanied Minors (UAMs), medical screening and referrals, coordination with health partners, (e.g. on vaccination, provision of interim medical supplies/treatment). Refugees will be de-registered by UNHCR upon departure.

In Myanmar, the community-based ISSR approach will be applied. Additionally, based on individual needs, assistance upon return may also include food assistance, non-food items, support to obtain civil documentation, access to education and support to PSNs. It is envisaged that UNHCR's community-based support will focus on promoting a consultative and participatory approach to planning, WASH, livelihoods (through an expansion of the approach mentioned above), protection and potentially, shelter.

UNHCR's existing returnee monitoring system, which has been in place since June 2013 and centres around community-level discussions with key informants in areas of possible return, will be adapted to support UNHCR's engagement during the facilitation phase.

The facilitation mode will be de-activated when promotion of return is initiated.

Pillar 4: Promotion of voluntary repatriation and initial reinstallation support

It is envisaged that promotion of voluntary repatriation will be initiated towards early 2016, spanning the 2016-2017 dry seasons, and to be phased out in 2017.

Preparatory work will include individual counseling and verification of voluntariness carried out at camp level, identification and referral of vulnerable individuals, issuance of a Voluntary Repatriation Form (VRF) and the electronic updating of the smart card issued during the population verification exercise. There will be a significant increase in the level and intensity of information provision to refugees in the run-up to and during the promotion phase.

UNHCR Thailand will liaise closely with health partners in the camps to ensure medical records are collected and reviewed prior to departure. This process will allow partners to identify those who require vaccinations prior to departure, and will ensure the chronically ill are properly referred to the Myanmar health focal point prior to departure. Repatriation may be delayed in cases where screening and counseling raise concerns about whether an individual is fit to return.

Other than for vulnerable individuals including medical cases, transport will be self-arranged, with costs covered through a cash grant paid in Thailand. Its amount will be based on anticipated needs to cover travel costs up to the ultimate return location, and to bridge subsistence/ accommodation needs en route.

Subject to negotiations with Myanmar and Thai authorities, five to seven border crossing and reception points will be utilized during the promotion phase. At each of the reception points, returnees will have their smart cards read, thus activating their entitlement to assistance at a later point. Immigration and customs formalities need to be streamlined to the extent possible, including those related to the transport of livestock.

The following border crossing points will offer the most efficient logistic choice, based on the data of refugee population, subject to the agreement of the RTG and GOUM:

- 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 Mese Township in Kayah State.

Additionally, the following two entry points will also be considered:

- 1) 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;
- 2) Ban Mai Nai Soi/Tha Na Kwey (Latitude 19.350982 N, Longitude 97.801332), an alternative entry point from Mae Hong Son Province into Shadaw Township in Kayah State.

Approximately ten 'one stop' centres will be established at key township and sub-townships inside Myanmar, at which advice and information will be offered, a cash reintegration grant

paid, and a limited NFI package and initial food assistance provided. Through a partnership with the GOUM's Immigration and National Registration Department (INRD), returnee would be able to have access to necessary documentation including Citizenship Scrutiny Cards (CSCs). Returnees can either opt to pass through these centres en route to their final destination, or at a later date within a defined window of time (e.g. one month). Assistance should be provided through partners, with UNHCR staff present to monitor and troubleshoot, for example in the case of lost or damaged "smart cards".

The level of the cash grant will be in the range of USD100 per person (adult and child), with a view to covering initial reinstallation costs, including most NFI needs. Over time, the possibility of providing the cash grant through mobile phone transfers will be explored. As it is anticipated that following years of exile, refugee families will bring back a number personal effects, the NFI package will be limited to items that may not readily be available, especially items addressing protection needs of women and children.

The provisional contents of that package will be as follows, may include some element of choice for the returnees, and will be reviewed upon completion of a participatory assessment with the refugee community in Thailand:

- Mosquito nets
- Hygiene/sanitary kits
- Solar lanterns
- Clothing (longyis and school uniforms)
- Plastic sheeting
- Blankets
- Mobile phone (may be used for information dissemination and also for cash transfers)

UNHCR will work with the sector focal point to ensure access to food, through in-kind, cash or voucher-based support. It is anticipated that food assistance will be required for one year, possibly in instalments of three or six months, in order to ensure all returnees are able to benefit from one planting season before assistance is complete. Beyond the first year, food assistance may be provided to persons with specific needs as required.

The mode of UNHCR's interventions will be community based and the focus of UNHCR's direct involvement will be a) protection, including documentation and land issues; b) support to PSNs; c) community-based protection, to build local capacity; d) shelter, based upon the forthcoming strategy; e) livelihoods, employing the ISSR model; f) WASH; g) mine action; and h) returnee/protection monitoring, building upon the existing community-level system, based on an analysis of refugee profiling and return assessment results and a review of current coverage by other actors.

It is envisaged that focal points for education and health will be identified to coordinate and lead delivery of assistance in these sectors, with UNHCR support. Health support should include referral mechanisms for persons with specific needs, mapping and ensuring control of malaria in return areas and providing information to refugees about the health services and facilities available in their areas of return.

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 an active role for local NGOs and CBOs and will promote their inclusion in relevant coordination mechanisms.

In Thailand, UNHCR's engagement will support camp decommissioning, and negotiation of durable solutions for the residual refugee population who may be unable or unwilling to return, including resettlement and transition to migrant status. Environmental rehabilitation will be ensured for local populations in former camp areas.

Assuming that the relevant protection benchmarks are met, and that the changes in Myanmar are assessed as sufficiently extensive and durable, a declaration of cessation may be considered ultimately. Cessation will only be considered when a range of solutions has been made available and the vast majority of refugees have availed themselves of these. A mechanism to assess the validity of ongoing protection claims will be required at that point.