ALTENATIVES OF DURABLE SOLUTION FOR REFUGEES FROM MYANMAR IN
THAILAND: POLICIES FOR REPATRIATION AND RESETTLEMENT PROGRAMMES

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ทางเลือกในการแก้ปัญหาอย่างถาวรสำหรับผู้ลี้ภัยจากพม่าในประเทศไทย: การดำเนินนโยบายโครงการส่งกลับผู้ลี้ภัยและการรับไปตั้งถิ่นฐาน

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อังคณา กมลเพ็ชร์ : ทางเลือกในการแก้ปัญหาอย่างถาวรสำหรับผู้ลี้ภัยจากพม่าใน ประเทศไทย: การดำเนินนโยบายโครงการส่งกลับผู้ลี้ภัยและการรับไปตั้งถิ่นฐาน. (ALTENATIVES OF DURABLE SOLUTION FOR REFUGEES FROM MYANMAR IN THAILAND: POLICIES FOR REPATRIATION AND RESETTLEMENT PROGRAMMES) อ.ที่ปรึกษาวิทยานิพนธ์หลัก: ดร. สุภางค์ จันทวานิช, อ.ที่ปรึกษา วิทยานิพนธ์ร่วม: รศ. ดร. สุเนตร ชุตินธรานนท์, 139 หน้า.

สถานการณ์ผู้ลี้ภัยที่ยืดเยื้อยาวนานเกือบสามทศวรรษอันเนื่องมาจากความขัดแย้ง ระหว่างรัฐบาลทหารพม่าและชนกลุ่มน้อยได้ส่งผลกระทบต่อความรุนแรงด้านสิทธิมนุษยชนให้กับ ผู้หนีภัยการสู้รบซึ่งอาศัยอยู่ในศูนย์พักพิงชั่วคราว แม้ว่าจะมีแนวโน้มที่ดีซึ่งประเทศสหภาพเมียน มาร์กำลังมีการปฏิรูปสภาพสังคมและเศรษฐกิจรวมถึงความพยายามในการสร้างความสมานฉันท์ ปรองดองให้เกิดขึ้นภายในชาติ แต่แนวทางการแก้ไขปัญหาสถานการณ์ผู้ลี้ภัยที่ยืดเยื้อยาวนานยัง เป็นเรื่องท้าทายต่อองค์กรที่เกี่ยวข้องทั้งด้านการให้ความช่วยเหลือมนุษยธรรมและความมั่นคง วัตถุประสงค์ของงานวิจัยนี้ต้องการศึกษาถึงปัจจัยต่างๆ ที่เป็นข้อดีและข้อจำกัดขององค์กรสำคัญ ที่เกี่ยวข้องด้านผู้ลี้ภัย ไม่ว่าจะเป็นองค์กรผู้ให้ทุน องค์การข้าหลวงใหญ่ผู้ลี้ภัยแห่งสหประชาชาติ และหน่วยงานสหประชาชาติอื่นๆ องค์กรภาคเอกชน รัฐบาลไทย รัฐบาลแห่งสหภาพเมียนมาร์ รวมถึงผู้หนีภัยจากการสู้รบ โดยจะศึกษาปัจจัยเหล่านั้นที่มีผลกระทบต่อการแก้ปัญหาผู้ลี้ภัย อย่างถาวรในการดำเนินนโยบายตามโครงการส่งกลับผู้ลี้ภัย และโครงการรับไปตั้งถิ่นฐานใน ประเทศที่สาม การศึกษาวิจัยจะใช้การวิเคราะห์ข้อมูลด้วยระเบียบวิธีวิจัยเชิงคุณภาพและ การ สัมภาษณ์ด้วยข้อคำถามในเชิงประมาณ และการสัมภาษณ์เชิงลึก / การสัมภาษณ์กลุ่ม โดย ดำเนินการวิจัยเก็บข้อมูลจากผู้หนีภัยการสู้รบจำนวน 135 คน ในพื้นที่ศูนย์พักพิงชั่วคราวบ้านแม่ ละ จังหวัดตาก และศูนย์พักพิงชั่วคราวบ้านแม่ละอูนและแม่ลามาหลวง จังหวัดแม่ฮ่องสอน รวมถึงเจ้าหน้าที่ระดับสูง และเจ้าหน้าที่ผู้ปฏิบัติงานจากองค์กรและหน่วยงานต่างๆ ในพื้นที่ กรุงเทพฯ และพื้นที่ชายแดน

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AUNGKANA KMONPETCH: ALTENATIVES OF DURABLE SOLUTION FOR REFUGEES FROM MYANMAR IN THAILAND: POLICIES FOR REPATRIATION AND RESETTLEMENT PROGRAMMES. ADVISOR: PROF. SUPANG CHANTAVANICH, CO-ADVISOR: ASSOC. PROF. SUNAIT CHUTINTARANOND, Ph.D., 139 pp.

The protracted refugee situation of almost three decades has its root causes in human rights violations due to the internal conflict between the ethnic minority groups and the Myanmar government which have still continued in some border areas since 1984. Albeit some sign in attempting to approach the peaceful reconciliation through the regional dynamism to Myanmar in transition, The protracted refugee situation of displaced person from Myanmar constitutes a significant challenge to both human rights and national and human security concern. The objective of the research was undertaken as an attempt to understand how all parties of stakeholders and displaced persons from Myanmar view their involvement of protracted situation conditioned with some factors in effort to reach the durable solutions; and how they envisages the future both in term of policy implementation and roles and practices; and which option or alternative of durable solutions ever became possible, what challenges would make it sustainable and durable. Methodologically, 135 displaced persons were interviewed and participated Focus Group Discussions (FGD) in Mae La, Mae La Oon, Mae La Ma Luang Temporary Shelters, respectively located in Tak and Mae Hong Son Provinces. The perspectives of many stakeholders: The United Nations High Commissioner for Refugees (UNHCR), international organizations, non-governmental organizations (NGOs), Thai authorities, Myanmar authorities, community leaders of displaced persons and displaced persons, were also explored through interviews with key informants in Bangkok and Temporary Shelters.

Field of Study: Thai Studies   Student's Signature ....

Academic Year: 2013   Advisor's Signature ....

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CHAPTER I
Research Approach

1.1 Research Proposition

ince the end of the World War II, the phenomenon of Asia's refugee flows

emerged in the Indian subcontinent and in Chinese Mainland which are the two most populous countries of the world. The very large numbers of some fourteen million Indian were compelled to move by decolonization through partition in 1947, seeking immediate safety or hoping to realize a better future in the new Pakistan or the dismembered India. Two years later, the first wave of some 1.5 million soldiers, government officials, and civilians associated with defeated Kuomintang was stimulated by the civil war to move to the island of Taiwan. About one million also sought asylum in Hong Kong over the following decade (Zolberg, Suhrke and Aguyo, 1989: 126).

The current significance of the two early migration patterns of very large numbers of Indian and Chinese refugees appears as classic refugees caused by partition and revolution in associated with the independence and post-independence struggles in Asia. They were the first in a series of similar movements as the classic refugees flows in Europe, which were associated with the French Revolution and the breakup of empires in Central Europe (Ibid.,).

The large refugee movements in the region of South Asia – and some that spilled into other regions as well – resulted from the structure of ethnic conflicts in the post-independence period in demands for rights, power, and protection. In their extreme form, the conflicts meant the reorganization of political communities that includes the category of partition. The formation of Pakistan was an expression of an essentially nationalist movement by demanding territorial and administrative attributes. The subsequent breakup of Pakistan into two separate countries – Pakistan and Bangladesh – and the later demand for an autonomous Tamil state in

Sri Lanka likewise reflect nationalist sentiments that lay claim to territorial and political recognition (Ibid.,). The Bengali war of secession in 1971 generated an outflow of nine million refugees who sought refuge in India until their repatriation. About 250,000 Sri Lankan Tamils had left in the 1980s and 1985 due to the separatist conflict in Sri Lanka and went to India and some went to Western industrialized states.

In the more homogenous states of East Asia, refugee flows have been related to the clash of antagonistic class formations in the process of decolonization and modernization rather than the ethnic divisions. In 1959 the Tibetan rebellion was ruthlessly suppressed, causing almost 100,000 Tibetan to flee to India, where most remained thirty years later. The massive involvement of foreign powers in Korean conflict and the Indochinese wars served to internationalize the consequent refugee movements. The United Nations High Commissioner for Refugees (UNHCR) helped South Korea relocate refugees from communist North Korea and those being repatriated from Japan between 1948 and 1950. Many of the four million people uprooted by the war became the first Asian population to be recognized by the international refugee regime that evolved after World War II.

The Indochinese conflicts generated one of the greatest contemporary flows of internationally recognized refugees about 1.7 million people left Vietnam, Laos and Kampuchea in 1975, of which 1.3 million were resettled in the United States and other industrialized countries under the protection of UNHCR (Ibid.,: 128).

Outside Indochina, radical nationalist forces in Southeast Asia failed to capture the leadership of the independence movements. They were subsequently suppressed, physically liquidated en masse as in Indonesia in 1965, or increasingly marginalized by the economic development strategies adopted by the ruling elites. Social conflict was muted or transformed, in part also by persisting ethnic alignment that cut across incipient class formations. As a result, relatively few international refugees have originated in this part of Southeast Asia. Except for the political exiles from Indonesia and the Philippines, the only UNHCR-assisted flow of rank-and-file populations has been Muslim from the southern Philippines: about 100,000 in the

east Malaysian state of Sabah, of whom about half were aided by UNHCR in the late 1970s. An estimated 11,000 Papuans from the Indonesian-controlled West Irian who in 1984 had sought refuge in neighboring Papuan New Guinea had uncertain status, and international relief agencies were allowed access to them only when there were starvation deaths.

To understand the historical movement of refugee situation would certainly lead us to analyze the situation of forced migration of refugees whose flight provide a model of various types of refugees – historic model of the classic refugees – such as the western historic record and the Asian exodus experiences. This also helps to understand the different types of social conflict situations that have generated the diverse types of refugee flows with their protracted controversies and to the development of commensurate legal category and particularly the challenges in definitional controversies and discretional judgment by state authorities including the formation of refugee policy as well as the root causes of such conflict related to more general economic and political conditions. The historic movement into exile had many features in common with the situation of refugees today: emergency assistance, protection, refoulement, integration problems, resettlement, repatriation (Zolberg, Suhrke and Aguyo, 1989: 6). However, most of the people with whom the UNHCR is concerned today do not fit this classic type. The new types of refugees are much more likely to be a burden than an asset to the receiving countries.

When considering the prospects for future refugee flows in and from Asia, it must be recalled that in fact relatively few victims of violent social conflict become international refugees claiming assistance. Asia's insurgencies, ethnic conflict and even generalized repression have produced relatively few refugees. Structural violence, in the sense of systematic and profound economic oppression, is widespread throughout much of Asia and often associated with physical violence; its victims are likely to remain outside the international refugee stream, as they are powerless to move or certain that their claim would be rejected.

As we have seen, the availability of asylum or resettlement for refugees is conditioned by foreign policy considerations in the receiving countries. Because the refugee are either participants in the conflict or passive victims of one or the other side, the decision to support them has, at the very least, implicit political intent and consequences. In the last instances, therefore, international support for a given refugee flow reflects the nature of the foreign interests in the conflict that generated the refugees in the first place. Because an elaborate relief or resettlement apparatus also tend to attract people, refugee flows that have powerful external patrons tend to become very large indeed. It follows that any projection of future trends must start from the premise that great-power involvement, on both the conflict and the relief side, will usually generate substantial refugee flows ((Zolberg, Suhrke and Aguyo, 1989: 176).

To some extent, the lack of comparative framework in forced migration studies especially the study of repatriation and resettlement as part of the studies and of durable solution has led to content and methodology inadequacy (Crisp, 1996; Dumper, 2001). Challenges in refugee policy thus lie in the gap in knowledge needed to be filled.

1.2 Statement of the Problem

Since 1986**,** millions of refugees and displaced persons from Myanmar, struggle to survive in temporary shelters and urban communities in remote and unsafe area along Thailand-Myanmar border, and 151,000 of these displaced persons have been in exile for almost 30 years in protracted refugee situation. UNHCR regards these Thai refuge camps as one of 29 protracted refugee situation in the world (Ditton, 2012) Such situation has posed growing challenges for the durable solution and international refugee protection regime and the international community and the asylum country like Thailand.

Myanmar is one of the world's most poorest and fragile state where the political instabilities, lingering hostilities, lack of responsive and effective governance, an inactive civil society, and social and economic dislocations in Burma are legacies of prolonged armed conflict and ensuing population displacement. Displaced

persons trapped in these situations often face significant restrictions on a wide range of rights – not allowing for wage earning, deteriorating security environment, limitation of responsibilities by state, livelihood, politicization of immigration and confusion of the status of displaced persons and illegal migrants etc. While protracted refugee situation constitutes a significant challenge to both human rights and national and human security concern.

The real figures of refugee and internally displaced person population are scarce although available information indicates that thousands have been displaced in Kayin/Karen, Shan and Kachin States and have moved into Thailand and China between November 2010 and June 2011 (IRIN, 29 November 2010; Shan Herald Agency for News, 13 June 2011; ReliefWeb, 17 June 2011 cited in Sai Wansai, 3 August 2011).

Humanitarian agencies, such as UNHCR have been responsible for caring these exiled population and attempt to mitigate the negative implications of prolonged exile. The response for the durable solutions fails to address the security implication associated with prolonged exile.

However, both solutions have been becoming the great challenges and great tensions for all parties especially for UNHCR. This is because in the case of Myanmar, which is not different from the case of the South, the emphasis on repatriation, is a function of its impoverishment and the absence of burden-sharing (Chimni, 2003: 195) that will involve with various forms of pressure or duress (Executive Committee of the High Commissioner's Programme, 1997 cited in Chimni, 2003: 195). Whereas resettlement in the third countries has still continued and has remained the best resolution due to the situation in Myanmar can not be assured the dynamics of return and possible policy solutions to promote the sustainable repatriation. Although this option would have been de-emphasized in the near future as the repatriation has likely been becoming an alternative option for durable solution.

It has long been recognized that the resettlement is one of the best options for durable solution for the protracted refugee situation and displacement, because the resolutions by local integration in Thai society and voluntary repatriation to the origin country looks obsolete (Jacobsen, 2001). However, the processing and procedure in resettlement assistance might have been impeded by some limitations or restrictions in the host country – probably the bureaucratic system, some rules or regulation - and the incapability of resettlement agencies to attain the durable solution. The problem might come from lack of acknowledgement of the people's attitude and perception. So refugees don't have option. Many experiences can be learnt from those who applied to resettle in the third countries like Bhutanese refugees in Nepal. Lama argues that though all the countries that have offered resettlement options are signatories to the 1951 Convention and 1967 Protocol, there is still absence of adequate information flows about the direction, nature, content and actual conditions of resettlement offers and options and finally they have been lingering in limbo as other remaining camp population. Displaced persons are most at risk for acculturative stress associated with depression and anxiety if the resettlement agency offers inadequately official orientation period. It should learn how better resettlement agencies response to the need of refugees and how does the resettlement operation respond to the needs? (Loescher; Milner; Newman and Troeller. 2008). It is recommended that the processing or procedures for resettlement including the bureaucratic system in refugee management should be paid attention. Smooth resettlement for refugees includes safe and affordable adaptation options. However, this is not always available to them. A high number of refugees experienced problem accessing services because they are unfamiliar with the customs.

The resettlement programme in Thailand has become both a notion of challenging policy and a matter of significant public discussion in recent year.[1] The displaced migrants living in the nine border shelters have been trapped in protracted refugee situations for more than twenty years. The availability and flexibility for repatriation and local integration for those immigrants as other options for durable solutions is not likely taken placed. Such situations constitute a growing challenge for both national and international refugee protection regime as well as the international community in encouraging instead the resettlement programme which has been regarded as the most durable and sustainable solution.

While global resettled refugee population sometime has been accepted with limited number, the number of protracted refugee situations and their duration continue to increase. There are now well over 102,000 displaced persons of Myanmar nationality in nine temporary shelters (UNHCR, 2010), and the average duration of the newcomers has nearly doubled over the past decade. The Thai government permits the UNHCR to facilitate the international resettlement of displaced persons from Myanmar registered in the temporary shelters. Over 60,000 displaced persons have been resettled, mainly to the United States. However, the government has given no indication of when it will be able to screen in additional 70,000 unregistered camp dwellers or assess the claims of thousands of other displaced persons who reside outside the shelters, including 10,000 displaced persons who fled their home in November 2010 and are now living in the unofficial camps at the border with limited assistance.

The situation sets forth some of the principal analysis from coherent policy development and productive public debate that should be critically examined the country's resettlement programme which are challenged by the fact that the conception on the integration of resettlement programme as a key policy objective for the durable solution has encountered some difficulties more or less in

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[1] When we compare with the Burmese resettlement programme, the Indochinese resettlement programme in Thailand started in 1989, had been operated through tripartite cooperation by UNHCR, country of origin, resettlement third countries.

operational process of cultural orientation and other preparedness in resettling them in the third country.

As for repatriation, the Thai government was once severely criticized by the International Communities for its operation to push back forcibly a group of asylum seekers such as Hmong refugees in 2009 (New York Times, 2009; Washington Post, 2009), therefore it becomes very careful about its current policy. Pushing back those who fled from armed-conflict is considered as against the 'non-refoulement' principle which states that '*no Contracting State shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion*' (UNHCR, 2003). Now that Myanmar is render a significant transition in political and economic reforms, repatriation of displaced persons at the border is a timely issue to be discussed. However, there is no public document addressing the issue at the moment.

This research seeks to foster a more critical and realistic understanding of the refugee durable solutions policy, so as to clarify the obligations and limitations of the solution towards displaced migrants in great need, and the ways in which these are best implemented. The research will provide a comprehensive, theoretically grounded explanation of durable solutions. It will attempt to explain whether the resettlement agencies and involved actors give sufficient relief for those who find applicable to resettlement programme; why resettlement option has not rather attracted most people to apply to resettle in third country; and why they sometimes has been refused. On the other hand, it examines the concept and operation of repatriation. The policies of states involved as both country of origin and country of destination. It also examines the possible repatriation programme, and the preparation toward successful return for refugees.

1.3 Research Objectives:

The main objective of this research is to explore refugee policy in the protracted situations and the consequences and challenges of policy implementation.

The research explores whether the resettlement programme in Thailand is functioned realistically and efficiently in contributing a durable solution to the protracted situation of forced migration and displacement of displaced persons. Which factors have undermined the practical operation and processing in administering and attaining a durable solution in the resettlement process?

On repatriation, the research will explore the possibility of return, policies of the International Organizations, the country of asylum (Thailand) and the country of origin (Myanmar).

1.To examine the protracted situations of refugees from Myanmar within the context of regional dynamism

2.To analyze factors influencing the international and national policies and refugee preferences on durable solutions.

3.To propose alternatives for durable solutions to refugee situations along Thai-Myanmar border.

1.4 Research Questions

1. What are the refugee flows from Myanmar to Thailand and characteristics of protracted refugee situation ?.

2. What are the international and national policies on durable solutions for displaced persons from Myanmar to Thailand ?.

3. What factors determine the preference for resettlement and repatriation at the optimal benefits of displaced persons ?.

4. What are challenges in the operations of the two durable solutions?.

1.5 Hypothesis and Study Framework

The research has grounded on the fact that the international and national policies

The research begins with an overview of the circumstances of displacement of refugees from Myanmar in Thailand and various categories of refugees and displaced persons from Myanmar. The research is structured as follows: firstly, the concept of durable solutions in the context of resettlement and repatriation will be critically examined. To study the challenges in durable solutions, a number of specific examples of responses to specific challenges in protracted refugee situation is examined by focusing on the programme towards the resolution of the solution-oriented approach.

The focus of the responses to specific challenges includes the experiences of past and contemporary efforts to find solutions. This means that the engagement of diverse actors from peace and security, development and humanitarian communities are very important as argued by Loescher and Milner (2008: 354). Drawing from the responses and experiences done by these actors, the solution framework is identified to illustrate how the involvement of these actors can cooperate to develop and implement comprehensive solutions. It can illustrate the need for a comprehensive and collaborative response to the challenge of durable solution for protracted refugee situation.

The contemporary debate on the subject of international law and international intervention of durable solutions, problem in resettlement and repatriation issues is examined. It illustrates the definitional problem, operational problem, inadequacy of processes, implementation gap, and other limitations and pitfalls. It also reviews the resolution of the issue that is formulated within the main UN agencies dealing with the refugees. The important result of this view is regarded to the relief structure of UN agencies and the experiences of UNHCR and other international NGOs which has led to the a restricted range of policy options. While

there might has been considerable challenges or shortcomings or even success in demonstrating the applicability of international law on refugee situation including operational and programmatic challenges to any significant extent. This will allow us to link the discussion over the resolution of the refugee protracted situation to the broader debate concerning repatriation and resettlement within the UN agencies and other NGOs. The contemporary discussion on the subject of dynamics of return and trend in resettlement process is reviewed and possible policy solutions to promote sustainable return and resettlement for durable solution are examined.

1.6 Expected Outcome

The outcome of this study is to contribute to a more comprehensive understanding of the tendency of durable solution for protracted refugee situation in Thailand and the repatriation and resettlement programmes' impacts with the overall objectives of developing recommendations for the future role of the durable solution in Thailand.

- ➤ To identify gaps and challenges associated with resettlement and repatriation; and the policies and intervention strategies developed to address them
- ➤ To contribute to increased knowledge sharing and understanding of protracted refugee situation phenomenon and challenges in durable solution
- ➤ To generate policy recommendations for national and regional levels on refugee issues

1.7 Research Methodology

The survey included 135 displaced persons. These included 50 in Mae La, 40 in Mae La Ma Luang, and 45 in Mae La Oon. During the time of data collection, Myanmar had begun remarkably signs of change for political and economic reforms. However, the signs of change have not brought the positive perspective for the displaced persons. They are afraid of the rumor of the possibility to repatriate them back to Myanmar. Therefore, in Mae La Ma Luang and Mae La Oon in particular, mentioning about the repatriation made them feel concern that the survey will eventually lead

them to be forcefully repatriated. Moreover, prior to the survey was started, there was a protest of displaced persons in Mae La Ma Luang by expressing for their persistent demand for not accepting the exercise of the repatriation programme. It was also difficult to contact directly through representatives of their local committees to talk about this issue. Fortunately, the survey was undertaken by integrating with another research project concerning the reproductive health of the displaced persons conducted in these selected sites. The researcher was able to meet efficiently with respondents only through prior communication with the major agencies – SMWU located in the temporary shelters.

The research methodology to complete the study's objectives will include the following:

● **Research Sites**

The research chooses three sites for the field study of refugee in Thailand:

Mae La Temporary Shelter in Mae Sod District, Tak province / Mae La Oon Temporary Shelter / and Mae La Ma Luang Temporary Shelter in Mae Hong Son province. Currently refugees live in temporary shelters along the Thai-Myanmar border from Mae Hong Son to Ratchaburi province (see the map). They are mainly from ethnic Karen, Karenni, Mon and Shan. Three temporary shelters in Tak and Mae Hong Son with a diversity of culture, ethnicity and population were purposively selected for this study. Mae La Temporary Shelter is the largest shelter. The majority of the population is Karen ethnicity whereas the shelter population in Mae La Oon / and Mae La Ma Luang Temporary Shelter in Mae Hong Son province are majority Karenni. They are also in a good geopolitical location: two in the north situated in isolation of border area and the other in the central part near the border town.

Data is also collected in Bangkok where most policy makers, both international and national, have their offices. International NGOs who work with refugees and understand the challenges are also located in Bangkok.

● **Sampling and Informants**

Methodologically, due to the study focus on qualitative approach, the samplings size has not followed the calculation quantitatively randomed by well-recognized Yamane's formula. Therefore, the data collection from 135 displaced persons were accidental samplings from the three purposively-selected temporary shelters.

The majority of the 135 surveyed displaced persons are female. The focus on female respondents is not meant to bias the male displaced persons. But to discuss with them on the repatriation issue has caused the emotion of depression, disruption and distrust. The discussion on returning even based on voluntary repatriation has become the sensitive issue and would not have anticipated their consent. Therefore, the interview on their perceptions and responses on the solution of repatriation must have been undertaken in accordance with the question on reproductive health and family planning in which by nature of work has been mainly focused only on women. Furthermore, the condition within the temporary shelters was controlled restrictively under the administration of Ministry of Interior. The permission to carry out the interview tasks with the displaced persons in confinement camp from the government agency has not been endorsed easily. The respondents have been drawn by random accidental sampling with the well-coordinated and well-networked NGOs to random the people.

There are three groups of people who are directly involved in the refugee issue. They are refugee, policy maker and those who provide protection or operate humanitarian assistance.

Refugee / Displaced Persons   Currently, there are approximately 140,000 in the temporary shelters. Mae La Shelter in Mae Sot is the biggest camps with 46,133 people (The Border Consortium - TBC, December 2012). Mae La Oon and Mae La Ma Luang are small shelters with 13,759 and 15,750 population respectively (The Border Consortium - TBC, March 2012). The researcher conducts focus group interviews with displaced persons and leaders in each camp who can represent the camp population.

<u>Policy Maker</u>   *International level*: United Nations High Commissioner for Refugees (UNHCR), United Nations Agencies, United Nations Development Programme - UNDP, Office for the Coordination of Humanitarian Affairs - OCHA, International Organization for Migration (IOM), International Committee of the Red Cross - ICRC,

National level: National Security Council (NSC), Ministry of

Interior (MOI), Ministry of Defense,

1 – 2 key informants from policy group are interviewed totaling 20 persons for both Bangkok and provincial level.

<u>Protection Providers</u>   Committee of Coordination of Services to

Displaced Persons in Thailand (CCSDPT), Non Governmental Organizations (NGOs) such as Adventist Development and Relief Agencies (ADRA), Catholic Office for Emergency Relief and Refugees (COERR), Jesuit Refugee Services (JRS), Norwegian Church Aid (NCA), Right to Play (RTP), DARE Network, Shanti Volunteer Association (SVA), Taipei Overseas Peace Service (TOPS), Women' s Education for Advancement and Empowerment (WEAVE), World Education (WE), ZOA, Première Urgence – Aide Médicale Internationale (PU-AMI, Handicap International, International Rescue Committee (IRC), Malteser International (MI), Solidarités (SOI), ARC International (ARC), Thailand Burma Border Consortium (TBBC), Camp Management Working Group, Livelihoods Working Group, Shelter Sector, Food Assistance and Nutrition Sector. Total 30 persons will be interviewed.

● **Methods of Data Collection**

● **Documentary / Desk Review**

Desk review of durable solution policy related documents: review and analysis of documents on governmental (origin, asylum and destination country), multilateral and organizational policies for resettlement and repatriation of displaced

persons along the Thai-Myanmar border. The investigation consists of library based research utilizing the primary and secondary sources including the UN and NGO documents, research and field reports, and scholarly articles.

Desk review of documents related to resettlement and repatriation programme implementation and impacts: Review and analysis of documents related to resettlement and repatriation process and the impacts of resettlement and repatriation for displaced persons and the displacement situation in Thailand

- Interview

Interview of key informants: Field visits / phone and direct interviews with key individuals at local, national and international levels including representatives from the Thai Government, Myanmar Government, Minority Leaders, Governments of Resettlement Countries, Thai Military, international organizations, embassies, NGOs, CBOs, civil society organizations and representatives of displaced persons.

Interview of displaced persons and people of concerns by UNHCR: Interviews with displaced persons both participating and not participating in resettlement and repatriation within the shelters including people of concerns living in urban areas.

Participation in CCSDPT meeting: Interviews with local NGOs dealing with refugee protection and assistance in the temporary shelters for reflection of conditions and situations encountered within the shelters.

- Field Survey

Information baseline survey: The data from the baseline survey of residents within the temporary shelters in Thailand under the study on the 'Process and Prospects for resettlement of Displaced Persons on the Thai-Myanmar Border' are collected. This includes other findings from some survey studies, for example: 'A Study of Socio-economic Profile of Myanmar Migrants in Thailand' that can be implied to the similar situation on their perspectives and expectation in returning to the country of origin. Some survey studies in other countries or in Thailand provide more

understanding on the experiences on repatriation and resettlement to explore social aspects of displaced persons, particularly in relation to how these were experienced in two different solutions and across different group of displaced persons. This provides opportunity to examine the impact of different local contexts on experiences of repatriation and resettlement; the nature and impact of displaced persons' access to and participation in social and institutional networks and interaction and how this facilitate or constraint their decisions; and displaced persons' own conceptions of, and aspirations including knowledge and awareness regarding the processes of the repatriation and resettlement programmes and forms of support.

Displaced persons' own conceptions of, and aspirations for repatriation and resettlement are clustered into three main themes: the first focuses on the functional aspects of repatriation, relating particular to prospect of return and reintegration, conditions and livelihoods in Myanmar, protection aspects of voluntary repatriation, rights, health, education, political settlement, security consideration, socio-cultural community etc.; the second relates to functional aspects of resettlement, relating particular to prospect of integration, employment, education, language acquisition, cultural adaptation,

● **Focus Group:** Meetings with targeted stakeholder groups within the shelters.

● **Data Analysis**

Comparison and Induction: Mixed methodology on qualitative and quantitative approaches are applied in this research including extensive desk review of relevant documents. The qualitative data from key informant interviews, focus groups and in-depth interview were analyzed and compared with the quantitative data and secondary research data in order to triangulate the research results. The questionnaires consisted of both closed - and open-ended questions. Utilization of both types of questions facilitated the collection of data that could be analyzed both quantitatively and qualitatively. Demographic – and easily quantified –

information such as gender, age, marital status, level of education, marital status, length of stay, occupation was gathered to provide a clearer picture of the study population. This information was entered into the Statistical Package for Social Sciences (SPSS) databases for analytical purposes and comparisons were made across some variables involved with the research hypothesis on durable solutions such as the reasons behind to choose or not to choose for repatriation and the demand for resettlement application.

● Interpreters

Most of the displaced persons interviews were conducted in their own native language, whether Karen, Karenni, or Burmese, and it was necessary for the researcher to employ the services of interpreters who work with NGOs to overcome language barriers.

1.8 Scope of Research Study:

The data collection from the displaced persons can cover only female respondents. This does not mean to bias the male displaced persons. It should be noted that the field research investigation at the three temporary shelters was carried out in November 2012, one year after the announcement of Myanmar civilian government's political and economic reform. The reform policy has intrigued many stakeholders to consider the possibility on the repatriation process for refugee solution in Thailand. This obviously causes the displaced persons in the shelters with the psychological anxiety and a sense of precariousness pressured by flourishing rumors on forced repatriation. Their fear and persecution from the past experiences causes alarms for the displaced persons who fled killing, forced labour, land confiscation, and many violence by the Myanmar army. Mentioning on the issue of repatriation will agitate their fear and the researcher would have not been capable to anticipate their cooperation and consent to interview them. The interview was necessarily conducted under another project on *'A Baseline Assessment of the Utilization of Reproductive Health and Gender-Based Violence Services by Displaced Persons from Myanmar in the Temporary Shelters in Thailand'* which is the ARCM research project

supported by United Nation Population Fund. I participated to conduct the field research for this project. This allowed me the opportunity and availability to follow the questions on the displaced persons' perspectives on repatriation and other relevant issues. However, the interview on this issue had been cautiously carried out. Sometime, other displaced persons who heard our conversation between researcher and respondent on the topic of returning, might feel some distrust and irritation. The interview was constrained with time and interruption. But in some cases, the researcher could access them easily with their willingness and trust and could continue with focus group interview and in-depth interview.

The selection of temporary shelter respondents was based on a convenience sample of who were available and should be treated as *accidental sampling*. This may have been biased against those who are more active. This may affect the quality of the data.

CHAPTER II

Conceptual Framework and Literature Review

2.1 Definition of Terms

With the specialized nature of the situation of refugees and displaced persons and forced migration, some refugee terminology has been selected to facilitate as essential resource for understanding the research context. These refugee terminology was brought from a web based-version of the International Thesaurus of Refugee Terminology which serve as a efficient medium for identifying indexing terminology and as a value-added mechanism for managing refugee -and forced migration-related information.

"Asylees / Asylum Seekers"

"Scope Note: Persons entering the territorial jurisdiction of a state in search of protection, because they consider themselves persecuted in another territory due to their political opinions or affiliation or by acts which could be considered as political crimes".

"Asylum Country"

"Scope Note: Protection granted by a State on its territory against the exercise of jurisdiction by the State of origin, based on the principle of non-refoulement and characterized by the enjoyment of internationally recognized refugee rights, and generally accorded without limit of time".

"Displaced Persons"

"Scope Note: Concept used since the early 1970's to describe all persons in need of international protection of concern to UNHCR. Included both people who have crossed an international border and people displaced within their own country. In Thailand, displaced persons has been defined as 'persons who are not counted as refugees, but due to any reasons, have fled from their habitual residence but have

not yet lost their nationalities. Their migration into another country is considered illegal under the immigration law of that country' (Chumak and Nualsuwan, 1982)".

"Durable Solutions"

"Satisfactory situation which enables the refugees to integrate into a society; traditionally three durable solutions are promoted: repatriation, local integration and resettlement".

"Forced Migration"

"Scope Note: Movement for place or country of residence, otherwise than by voluntary decision of the individual or group. In practice, used to signify the presence of elements of coercion, such as threats to life or livelihood, arising from natural or man-made causes".

"Protracted Refugees Situation"

"Scope Note: Situations in which refugees find themselves in a long-lasting and intractable state of limbo. They are characterized by on going problems in the country of origin, while responses to the refugee flow typically involve restrictions on refugee movements and employment possibilities and confinement in camps".

"Provincial Administration Board (PAB) / Pre-Screening Programme (PRE)"

"The admission to the shelters was first decided by local authorities. The registration was done with Ministry of Interior. In order to support the formal registration system, the RTG set up the Provincial Administration Board (PAB), a formal body for status determination in 1998. When the PAB was set up, the local investigation team would submit the application to PAB to consider and determine displaced persons status. The PAB has eight members from provincial governmental sectors, with a UNHCR representatives. The UNHCR role is to provide support data and advocate for displaced persons applications.

The approved cases are granted displaced persons status, with the registration based on family unit. Until 2007, an individual identity card was issued to each displaced persons by MOI with support from UNHCR. The presence of UNHCR and formal screening procedure has changed the status determination from localized to internationalized level. The rejected applicants can appeal to the Appeal Board within 7 days with the assistance of UNHCR to submit additional documents. The Appeal Board has twelve members, headed by an Inspector of MOI, and it considers PAB reports and UNHCR filed documents. The Board's decision is final. According to circumstances, most of rejected applicants are not likely to appeal unless they have additional data to support their appeal.

In order to provide more precise information on applicants and improve the screening procedure, the Pre-Screening Programme has been initiated to standardized the interview and screening process in 2009. The authorized interviewers are fully trained and provided with guidelines, UNHCR was one of the trainers; and interviews were done at the same time in four pilot shelters to prevent duplicated applications from moving from one shelter to another. The results of the pre-screening are confidential and pass to PAB".

"Temporary Shelter"

Explanation: Thailand is neither a member to the Geneva Convention. Nor the 1967 Protocol, and there exists no legal basis to handle asylum seekers in Thai national law. Consequently denotations of refugee-related issue are a sensible issue in the country. Terms being used since 1990 such as 'temporary shelter' (instead of refugee camps), or temporarily 'displaced persons'(instead of 'refugees'), clearly show the government's desire to point out the temporary nature of this situation, regardless of the fact that it has been persistent for almost thirty years (Walter, 2013).

Class Name: Humanitarian assistance".

"Refoulement"

"Scope Note: The return by a State, in any manner whatsoever, of an individual to the territory of another State in which she or he may be persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion; or would run the risk of torture. Refoulement includes any action having the effect of returning the individual to a State, including expulsion, deportation, extradition, rejection at the frontier, eatra-territorial interception and physical return. The prohibition of refoulement of refugees (the principle of non-refoulement) is laid down by article 33 CSR51 and is also generally considered to be part of customary international law".

"Reintegration"

"Class Name: Voluntary repatriation"

"Reconstruction"

"Class Name: Negotiation and resolution of armed conflict

Broader Term: peace effort"

"Refugee's Rights Protection"

"Scope Note: Rights provided by refugee instruments such as 'CSR51' and 'OAUR69', and by human rights instruments".

"Resettlement"

"The durable settlement of refugees in a country other than the country of refuge. Generally covers that part of the process which starts with the selection of the refugees for resettlement and which ends with the placement of refugees in a community in the resettlement country".

"Rights of Asylum"

"The right of the State, in virtue of its territorial sovereignty and in the exercise of its discretion, to allow a non-national to enter and reside, and to resist the exercise of jurisdiction by any State over that individual".

According to the UN Convention on the Status of Refugee 1951 and the Protocol Relating to the Status of Refugees agreed upon by the United Nations in 1967, the term refugee applies to '*any person who is outside the country of his nationality...because he has or had well-founded fear of persecution by reason of his race, religion, nationality, membership of a particular social group or political opinion and is unable or, because of such fear, is unwilling to avail himself of the protection of the government of the country of his nationality.*'

From the definition, there are three elements that characterize the status of a refugee: a person must be out of his country, he or she must flee from persecution which is caused by reasons of race, religion, nationality, membership of a particular social group or political opinion, and finally, he or she does not meant to be under the protection of his or her own state.

"From a political science perspective, discourse on the flow of refugees and immigrants conventionally are patterned by the internal factors driven by the types of political regime. Contemporarily, however, the use of conflict patterns in generating diverse types of refugee flows is approached with more clear assumption in sociological basis that refugees flows are patterned by identifiable social forces and can be viewed as structured events that result from broad historical processes. Beyond this, the internal factors themselves often are part of patterns of social change determined by a combination of closely intertwined external and internal processes. (Zolberg, Suhrke and Aguayo, 1989)".

"Evidently, the term of refugees originates as a social phenomenon throughout the history of early modern Europe since the consolidation of political state power between a Catholicism and a Protestants in the late seventeenth

century in 1573 such as the experiences of classic types of refugees for religious persecution – Huguenots, persecuted Calvinists from France; Jews forced to leave Spain and sneaked into neighboring France including Low Countries, Portugal; Iberian Jews scattered among the Muslim states of North Africa and the Middle East".

"The latter decade of the nineteenth century marked the refugee issue to the fore of international concern and gave rise to the institutional apparatus that prevails today. World War I brought about the collapse and dismantlement of the Ottoman and Austro-Hungarian Empires, as well as the collapse of Russian tsarist regime followed by revolution and civil war, which in turn produced numerous national minority refugees and the stateless. A protracted process began with the emergence of Greece as an independent state in 1832 with ongoing ethic struggles in Cyprus and Turkey and continued with thousands of Bulgarian revolutionaries and Christian peasants leaving Bosnia and Herzegovina in the 1860s and 1870s, and Muslim victimized settlers of Christian persecution in Greece, Bulgaria and Serbia and territories annexed by Serbia and Montenegro between 1878 and 1897".

To understand these historic movements and the common elements that merge the distinctive categories into the coherent set helps us to distinguish those people in exiles from others. In the chapter I: 'Who is a refugee' published in the book on 'Escape From the Violence: Conflict and the Refugee Crisis in the Developing World' written by Aristide R. Zolberg, Astri Suhrke and Sergio Aguayo, proposed that "we shall define refugees as persons whose presence abroad is attributable to a well-founded fear of *violence*. The authors emphasized that in the cases of *persecution* covered by the definition, the violence is mostly caused by the government, and directed against dissenters or a specified group. The exiled victims may be the result of flight to avoid harm or the result of expulsion, itself a form of violence. An unofficial publication of UNHCR emphasized that this historic movement into exile had many features in common with the situation of refugees today: emergency assistance, protection, refoulement, pirate attacks on boat people at sea, integration problems, resettlement, repatriation".

● **Distinction Between Asylum Seekers and Refugees**

"The term asylum seeker and refugee are often confused: an asylum seeker is someone who says he or she is a refugee, but whose claim has not yet been definitely evaluated. National asylum systems are there to decide which asylum seekers actually qualify for international protection. Those judged through proper procedures not to be refugees, nor to be in need of any other form of international protection, can be sent back to their home countries. This can lead to the situation where the country will see an asylum seeker neither as refugee nor as legitimate migrant even if their life was endangered in the country they fled from. If the person is not a refugee, they will not have the rights and the country will not have the obligations that the legislation and the Convention Relating to the Status of Refugees provides to refugees".

2.2 Conceptual Framework

Conceptual framework
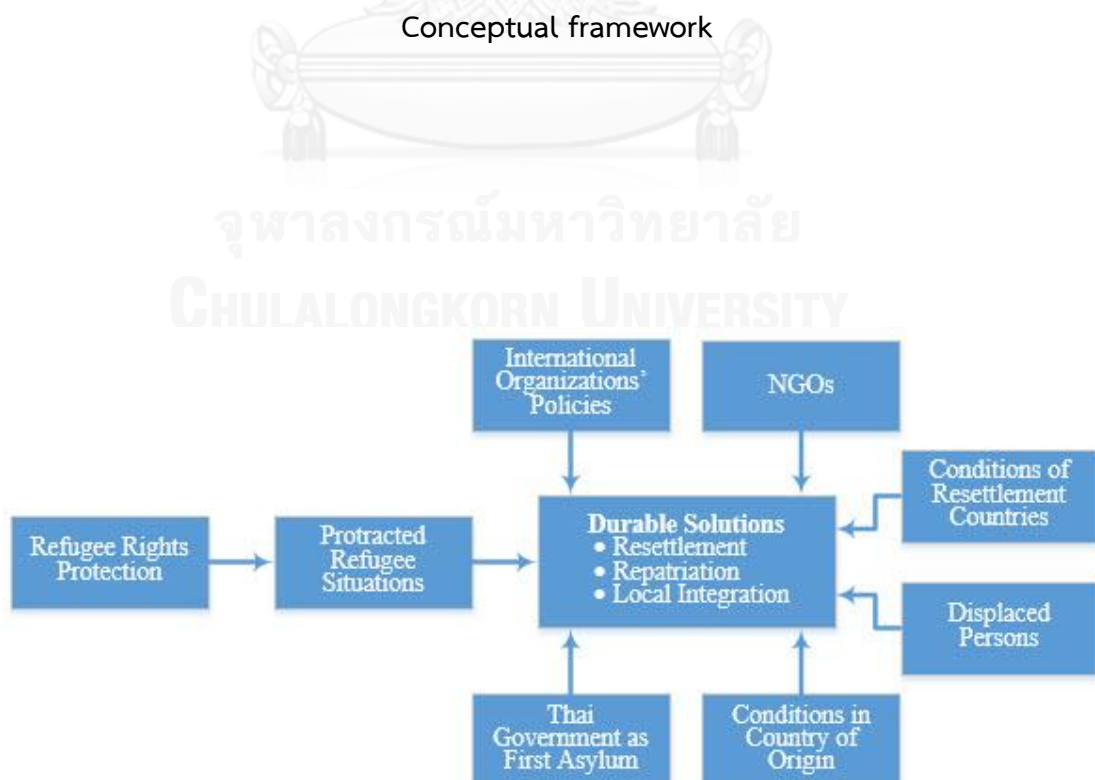
The research addresses these subjects in a period of 2011 – 2012 by focusing the study mainly on the perspectives of diverse stakeholders for the durable solution for protracted refugee situation. This includes the evaluation of the integration experience for displaced persons and refugees within the resettlement countries and repatriation reintegration experiences from Thailand documented in other studies; an analysis of the programmes' impacts for displaced persons in Thailand; including peace-building society, socio-cultural, psychological, camp management and gender dimensions; and an assessment of the impact of the resettlement and repatriation on displacement flows into the shelters.

The research uses four major concepts in refugee studies as conceptual framework, i.e. forced migration, durable solutions for refugee problems, refugee's rights protection and challenges to refugee durable solution. Each major concepts will be elaborated as follow:

2.2.1 Refugee's Rights Protection

"Refugees by definition are victims of human rights violations. According to Article 1(a) 2 of the United Nations Convention Relating to the Status of Refugees 1951 (hereinafter referred to as Refugee Convention) the term 'refugee' shall apply to 'any persons who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country'."

"The term 'persecution' is not defined in the Refugee Convention. But, according to Professor James Hathaway, it is defined in the terms of 'the sustained or systematic violations of basic human rights demonstrative of a failure of state protection. As argued, a well founded fear of persecution exists when one reasonably anticipates that the failure to leave the country may result on the form of serious harm which the government can not or can not prevent. Persecution encompasses harassment from state actors as well as non-state actors".

In approach to analyze the refugee issue with rights-based concept, The Universal Declaration of Human Rights (UDHR), The International Covenant on Civil and Political Rights (ICCPR), and The United Nations Convention Relating to the Status of Refugees (CRSR) are the three main protection mechanisms as follows:.

- "Article 13 of UDHR states that '*Everyone has the rights to freedom of movement and residence within the borders of each State; and everyone has the right to leave any country, including his own, and to return to the country'*".
- "Article 14 states that '*Everyone has the rights to seek and to enjoy in other countries asylum from persecution*', which confirms that any human must have the rights to take a refuge in other asylum countries in term of persecution and the rights must be protected".
- "This is coherent in the Article 12 of ICCPR that *guarantees the individual liberty in the form of freedom of movement, including the rights of persons to choose their residence and to leave a country*. As for The UN Convention Relating to the Status of Refugee, its whole body is the most comprehensive protection tool for refugee, especially the following Articles: in Article 31 (1) CSR51, the responsibility of States party to the 1951 Convention/1967 Protocol to treat persons entering or seeking to enter their territory irregularly, and specifically to take account of their claim to be a refugee entitled to its benefit, may be engaged either by voluntary act of the individual in making a claim for asylum / refugee status. Refugee who comes from the country in which the claimant has a well-founded fear or persecution and no available protection is recognized in itself as 'good cause' for illegal entry".

"The definition of refugee, which also applies to people fleeing from human rights violation from Myanmar to Thailand, figures centrally in the statute establishing the Office of United Nations High Commissioner for Refugees (UNHCR), and for this reason the set of persons constituted on this basis are generally known as statutory refugees. But among those people who genuinely need refuge and assistance, many do not satisfy. For example, given national sovereignty, it is often easier to change

such conditions of the refugee movement for the short term than to change the political economy that is at the root of much of it, or the deliberate political actions that cause flight. People cast abroad by famine and impossible economic survival are refugees to the extent that famine and impossible economic survival are themselves a form of violence, as in the case of confiscatory economic measures or extremely unequal property systems maintained by brutal force, the inability to meet subsistence needs because of unsafe conditions, or the refusal of the state to accept international assistance. The UNHCR definition does not, however, fully encompass the realities of protracted refugee situations".

Thailand is not a party to the 1951 Convention Related to the Status of Refugees but it has an obligation under customary international law of non-refoulement of persons to places where their life or freedom is at risk. International law also obliges Thailand to allow asylum seekers access to Thai territory to seek asylum (Supang Chantavanich, 2011).

"The emergence of refugees from Myanmar stems, in large part, from the

visibility of war-related displacement. The establishment of camps to provide temporary shelter for refugees from war, the proliferation of labels to describe and categorize them, the number of displaced persons and the establishment of a special regime to regulate, protect and assist them are among the primary features of war-related displacement. While understandable, it is overlooked, in fact, a much broader pattern of forced displacement preceding and following the conflict-war. The relative invisibility of ethnic group from Myanmar displaced during these additional period may be ascribed to the incremental or creeping nature of their displacement, the relatively small number of people from Myanmar and ethnics affected, the apparent absence of refugee camps to shelter and institutions to protect and assist them and relative paucity of label used to describe and categorized displaced persons from Myanmar during this period".

"The politics of refugee protection are evolved in the practice of States and international organizations in the period of growing ideological divide. The question is, whether the politics of refugee protection, at any particular moment best serve the refugee – are humanitarian; or whether they serve primarily other purposes, in which the refugees are merely instrumental. It is noted that the international refugee regime that emerged in the late 1940s and early 1950s sprang from an unholy alliance of competing interests. Created through confrontation, refugees were defined by the politics of denunciation in a persecution-oriented definition that continues to limit and confuse, not only at the international operations level, but also in national asylum procedures. For persecution had political consequences also, generally conditioning the approach to solutions in terms of resettlement, rather than repatriation, and thereby excluding co-operation with countries of origin (Goodwin-Gill, 2008)".

"It is unrealistic to imagine that the problem of refugees can ever be entirely non-political, and just as the politicization of protection can constrain options for action, so can too over-emphasis of otherwise self-evident humanitarian considerations. It is emphasized that the persistent reluctance of States to recognize the refugee problem as anything but temporary, to go beyond agreements of limited scope to provide more than limited funds, or to upset the country of origin (Ibid.,)".

"Notwithstanding decades of practice, there seems now to be little clear sense of the refugee as an individual entitled to international protection. Today there are no longer enjoy the guiding certainties of ideological division. The so-called war on terror has disabled understanding of who should be protected, while many of negative effects of globalization are becoming only too apparent. Even into the 1980s, UNHCR did not perceived itself internally as a human rights actor, or as having

human rights obligations towards its primary constituency, the refugees for whose international protection the General Assembly has made it responsible. The debate, inside and out, has moved on in the last 25 years, though not without difficulty. Controversial policies and practices, such as 'safe return', assistance in militarized environments, status determination, the protection of internally displaced persons, and the administration of camps and settlements and delivery of justice, have revealed not only the obvious operational challenges for any international organization dependent on the voluntary contributions of governments, but also the problematic but unavoidable tensions which arise in seeking to protect the rights of the displaced in the face of the politics of hostility or indifference (Ibid.,)".

"There remains the perennial problem of coordination within the United Nations, and the challenges, for example, of identifying and activating the entities most competent in times of humanitarian emergency, to engage in the negotiation of satisfactory political situations, or to deliver protection, including services and assistance, and of organizing and ensuring that level of medium to long-term financing which is as essential to effective forward planning, as it is to prompt response (Ibid.,)".

2.2.2 Concept of Protracted Refugee Situation

In definitional term, although the notion of the protracted refugee situations has become an increasingly familiar discourse on international refugee regime and especially is now commonly used by UNHCR, the concept has never been formerly defined or elaborated by the organization. In the existing situation, the protracted refugee situations are situation where refugees have been in exile for 5 years or more after their initial displacement, without immediate prospects for implementation of durable solutions to their plights by means of voluntary repatriation, resettlement, or local integration. "More generally, UNHCR argues that '*protracted refugee situations stems from political impasses. They are not inevitable, but are rather the result of political action and inaction, both in the country of origin, (the persecution and violence that led to flight) and in the country of asylum. They endure because of*

ongoing problems in the country of origin and stagnate and become protracted of a result of responses to refugee inflows, typically involving restrictions on refugee movement and employment possibilities, and confinement to camps' (UNHCR 2004B: 1)".

"The protracted refugee situation is conceptualized in the way that the situations pose a significant challenges to refugees, the humanitarian agencies, and a wide range of many actors, especially the challenge of refugee livelihoods (Loescher and Milner, 2008; Jacobsen, 2005 and Horst, 2006). The phenomenon of protracted refugee situation is caused, not only from the internal conflict but also increasing restrictive asylum policy and the declining engagement of donor countries. As argued, the durable solution for protracted refugee situation will be achieved if they are pursued within a broad political and strategic context of conflict management, peace building and development activities. However, durable solution is significantly challenged due to the shortcomings of direct involvement of a number of actors from host and donor states including peace and security and development communities (Loescher and Milner, 2008: 354). Therefore, so often, UNHCR is accused in adapting ad hoc, modest, and segmented approach (Jamal, 2008)".

"As argued by UNHCR, protracted refugee situations stem from political impasses, combined with the effect of inaction or unsustained international action, both in the country of origin and in the country of asylum. These chronic and seemingly irresolvable problems occur because of ongoing political, ethnic and religious conflict in the country of refugee origin, then stagnate and become protracted as the consequence of restrictions, intolerance and confinement to camps in host countries. Consequently, a truly comprehensive solution to protracted refugee situations must include sustained political, diplomatic, economic and humanitarian engagement in both the country of origin and various countries of asylum, (Loescher and Milner, 2008: 27-30)".

"The long-term displacement is the combined result of the prevailing situations in the country of origin, the policy responses of the country of asylum, and the lack of sufficient engagement in these situations by a range of other actors. Failure to

address the situation in the country of origin means that the refugees and displaced persons cannot return home. Failure to engage with the host country reinforces the perception of refugees as the burden and a security concern. As a result of these failure, UNHCR are left to compensate for the shortcomings of those actors responsible for maintaining international peace and security".

"The average length of stay in the host states of virtual limbo is now approaching 20 years, up from an average of nine years in the early 1990s. Thus not only is a greater percentage of the world's refugees in protracted exile than before but these situation are lasting longer. However, these do not include many of those protracted refugee situation in urban settings around the world or smaller residual displaced population who remain in exile after other have returned home (Milner, 2011). People of concern of UNHCR in Thailand, mostly living in Bangkok has not been included in this definition and they might find themselves in extended exile like over two millions Iraqi refugees in the Middle east region (Ibid.,). These statistics do not include any of the more than 27 millions Internally Displaced Persons worldwide, the majority of whom are also in state of chronic displacement (Forced Migration Review, 2009)".

"Understanding the problem of protracted refugee situation is taken collectively in the interaction between the security, human rights, and development concerns. To identify the practical durable solution for refugees in prolonged exile is challenging issue because it is important to develop a more rigorous understanding of nature and cause of the protracted refugee situation (Loescher and Milner, 2008). By UNHCR's definition, the refugee situation has already entered its protracted phase: one in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often unable to break free from reliance on external assistance for example education, health, food, rent etc. (The State of the World Refugees, 2005). In the specific case, the protracted situation wastes lives by creating, rather perpetuating, the three dimension of poverty noted by the World Bank[i]. Many refugees have exhausted their resources because they are not given access to the

work market and/or the resettlement process is taking too long; their unstable legal status places them in no position to voice their concerns and expectations in the institutions of the host states or with international agencies; they have limited capacity. They are vulnerable and may be forced to make decision detrimental to them, such as returning to Burma for lack of resource and or because of changing political and security circumstances in host country (Ibid.,)".

The issue of protracted refugee situation is addressed in the implications for asylum debates, international peace and security, civil war, peace building and security studies. Conventional state-centric policy analysis has posed the issue of protracted refugee situation in the area of national and international security, the defense of territory, and the external military threats to the state.

2.2.3 Concept of Durable Solution Theory: Conventional Approach

"A durable solution means the integration of refugees into society: either reintegration into their homeland after voluntary repatriation or integration into the country of asylum if settlement is allowed or into the third country through resettlement (UNHCR, 2008a)".

"As argued, the idea of durable solutions has seen considerable development since 1951, but the essential idea has remained firmly rooted in the notion of citizenship-restoration through either repatriation, resettlement or local integration. However, it has become increasingly clear in recent year that these three durable solutions are not always respond to adequately to the complexity of contemporary forced migration flows (Long, 2009: 3)".

"The durable solution dimension of the organization's mandate which is focused in a series of initiatives launched by UNHCR: Convention Plus, Development Assistance to Refugees, and Development through Local Integration. These initiatives had a number of important operational outcome. In Uganda, UNHCR established a Self-Reliance Strategy for refugees by working in cooperation with government. In Zambia, UNHCR launched development –oriented Initiative for refugees. In Kenya,

Tanzania and Thailand, the organization sought to reinforce the rights and improve the material circumstances of long-term refugees (Milner, 2011)".

This review will address international conceptions about the meaning and functions of refugee definition, resettlement and repatriation, local integration, protracted refugee situation as well as those related to challenges in refugee durable solution.

(1) Concept of Resettlement

"The concept of resettlement is addressed along with the local integration and the voluntary repatriation as one of three principle functions of contributing a durable solution to the protracted situation of forced migration and displacement of refugees. In principle, it must serve as an instrument used exclusively in situations where no other durable solution is feasible (UNHCR, 2008a)".

"From 1945 until 1985 resettlement was perceived as the most preference to approach for refugee situation and as the most appropriate solution for the world's burgeoning population. Since 1985 resettlement has been reserved for refugees most in need of protection, accounting for less than 2% of the global refugee population. Refugee resettlement is reserved for only a small percentage of the refugee population as a whole, and is aimed, in theory, at those with the greatest need of protection (Ellotte, 2001: 1)".

"As argued, the definition of resettlement is in itself is opened to question. There is no agreed time limit in which resettlement should have occurred and no agreement on the extent to which refugees should be expected to assimilate rather than integrate with their host society. The concept of refugee resettlement is therefore opened to a range of interpretations. Terms commonly used include: acculturation, biculturalism, multiculturalism, marginalization, assimilation, integration, segregation and settlement. They refer to both the process and the outcome of resettlement, and confirm that there is no agreed definition of what resettlement is or when it has occurred. However, two definitions are provided":

'resettlement means the selection of persons and their transfer from the first

country of asylum to a third country prepared to accept them, provide them

with international protection, and ensure that they have, first, protection
fully consistent with the non-refoulement principle.....and, secondly, access
to fundamental human, civil, political, economic, social, and cultural rights
with the prospect of obtaining citizenship of the country concerned'. (UNHCR,
2004: 2)

In this respect, resettlement in the developed country stands alongside

international protection for spontaneously arriving refugees as the second pillar of
the refugee protection system (Chapter III; Ibid). The process of selection means
there is a criteria for eligibility for resettlement in the third country that permits only
registered refugees through the status endorsement of UNHCR and the government
of the host country. This is implied that some agreement for the standard practices
of resettlement assistance should be met with the legislative formality of asylum
country,

'resettlement is a means of protection and a way of providing a
durable solution based on the individual and systemic handling of the
situation of a specific individual or a group of refugees. Other refugees,
country of first asylum, other countries, and international protection system
also benefit. Therefore, resettlement inherently combines mechanism of
managed migration, individual protection of refugees, a durable solution to
their situation, and a statement of their solidarity with regions affected by
refugee flows by sharing the burden in areas with a high incidence of
refugees. (UNHCR, 2004a: 1)

According to UNHCR resettlement is a tool to provide a durable solution for
larger number of refugees alongside voluntary repatriation and local integration. It is
considered 'a responsibility sharing mechanism, allowing States to help share each
other's burdens, and reduce problems impacting the country of first asylum (Ibid: 1)

The notion of 'sharing the burden' or in other word 'responsibility sharing'

derived from Italian Presidency at European Union level in second half of 2003. That

means

> *'Resettlement is a sometimes unrecognized yet compelling instrument and symbol of international solidarity and burden sharing to find a durable solution for refugees who are either unable to return to their country for fear of continued persecution and do not have the option to stay in their country of asylum.'* (IOM, 2011).

● **Prospect of Resettlement for Refugees**

The history of Thai resettlement politics is marked by a series of challenges since the government's engagement in approving the resettlement programme for Karen displaced persons since 2005. The nine temporary shelters along the Thai-Myanmar border have emerged some challenges derived from the complexities of camp management, magnitude of forced population displacements, immigration legislation, screening process in pre-registration, responsibility sharing among agencies, fraud in resettlement, asylum status determination, consequences of resettlement on services provided in the shelters and loss of educated and skilled persons, protection and assistance for the remaining population and returnees, budget reduction from donors, and so on - a fundamental questioning about the integration of resettlement programme as one of durable solution strategy and legal structure including the impact of resettlement to Thailand's policy implementation in management system and plan of action for sustainable solution of displaced persons as well as social justice and equity.

History reveals that the resettlement for Karen displaced persons from Thailand is not the first arrangement in the region. Two decades ago, Thailand had experienced with the resettlement processes of Indochinese refugees in various countries during 1975-1986.[ii] The process was complemented with well-coordinated operation and well-planned policy formulation from various agencies and institutions

in resettling these people. However, in the case of Karen ethic group, the Thai government has greatly concerned that the decision in approving of resettlement programme would enlarge the magnitude of the displaced persons problem and become as pull factors in attracting increasing number of crowded population in the shelters as well as bring it into the political arena. Primarily, Thai Government has no regime on resettlement due to some fear of influx of more asylum seekers. The resettlement regime shows sign of giving way to more complex humanitarian assistance and integration – distinct modes of multilateral response to human resettlement of displacement.

The phenomenon has posed the question on how Thailand view those people and policy response to resettlement programme. Thailand has not ratified the 1951 Geneva Convention and Protocol relating to the Status of Refugees. Therefore, Thailand does not comply with the regulations; i.e. to allow those people for local integration and resettle in territory. Nevertheless, Thai government permits them to seek refuge in the country with the status of displaced persons, which signifies as illegal, irregular and unauthorized migrants.

Thai government is generally tolerant of the exiles, who made few demands on them beyond asylum itself, as long as they stayed out of domestic politics and their presence is compatible with foreign policy. Such refugees tend to remain in the camp rather repatriation on their voluntary repatriation.

"As argued in the prospects of refugee flows in and from Asia, it is apparent a few victims of violent social conflict become refugee claiming assistance[iii]. When considering the refugee flow from Myanmar, the victims are likely to remain outside the international refugee regime. Thailand has no direct policy on refugee and has not ratified with the Refugee Convention 1951 and Protocol 1967. As we have seen, the availability of resettlement for refugees is conditioned by foreign policy considerations in the receiving countries".

"Similar findings about the risks and the de facto lack of social justice and equity in resettlement process come from many other countries. The loss in each case is vast. No less serious a consequences is a political tension that surrounds forced political forced migration and displacement. The cultural and psychological stress experienced by people who are forcibly uprooted, affecting their subsequent individual and group behavior".

In retrospect, some asylum country like Thailand had experienced the resettlement of Indochinese and Hmong refugees in 1990s. Interestingly, for the case of Hmong, a large number of refugees have crowded to apply for resettlement until the U.S. had to announce urgently to close the application. In comparison, not high number of ethnic displaced migrants from Myanmar who applied for resettlement. That has generated some concern to UNHCR, local NGOs and particularly Thai government as the campaign is underway throughout the camp to attract the attention of these migrants. Such concern is an ambiguous mixture of humanitarian mind for the plight and future of them and their children and of fear that they might have overstayed in the camp.

Some person might be able to find solution and put an end to sometimes years of prolonged displacement with the progress in resettlement as best option for durable solution resettlement, the refugees have still confronted with the new life in the third country where many experiences recorded in many literatures and mass media.

(2) Concept of Repatriation

"Repatriation means the return of refugees to their country of origin. But in order to be useful both in theoretical and policy terms, repatriation must be qualified. In fact there are two different way to think about repatriation: 1) whether the repatriation is voluntary or involuntary (forced); or 2) whether it is organized or spontaneous (Toft, 2007). However, it has been argued with reference to the 1951 Convention on the Status of Refuges that it does not call for the application of the standard of voluntary repatriation because the requirement of voluntariness is not mentioned therein; it finds a place only in the Statute of the Office of the High

Commissioner for Refugees. The need to respect the standard of voluntariness was more easily dispensed with in the context of temporary protection regimes established in Europe to deal with a mass influx of refugees from former Yugoslavia; the concept of 'safe return' was invented and replaced the standard of voluntary repatriation (Chimni, 2003: 203)".

"The concept of 'safe return' (Hathaway, 1997 cited in Chimni, 2003: 203 - 204) do is to substitute the judgment of the refugee with the decision of the host state. First, this view entirely overlooks the fact that, although there is no reference to voluntary repatriation in the text of the 1951 Convention, the involuntary return of refugees would in practice amount to refoulement".

"Second, by denying that the refugees' subjective assessment of the situation is an important element in the decision to return, it proceeds to redefine the meaning of the term 'refugee'. As Goodwin Gil has perceptively observed, such a view 'effectively substitute objective' (change of) circumstances for the refugee's subjective assessment, thereby crossing the refugee/non-refugee line (Goodwin Gil cited in Chimni, 2003: 203). In other words, the objectivism that characterizes the concept of safe return disenfranchises refugees from eliminating their voices in the process leading to the decision to deny or terminate protection. It also allows the state to decide whether it is necessary for refugees to return to the place where they fled. It means not only forcibly return but also a whole host of difficult problems relating to property claims, employment, and education, which deny returnees a life of dignity".

"Third, it is the element of voluntariness that ensures the sustainability of return, especially in a post-conflict situation. Involuntary return tends to inject an element of instability into the situation, in particular when it involves large numbers of refugees. It also accentuates the problem through a containment effect because it discourages people to leave and seek asylum. Furthermore, the increasing presence of the UNHCR in the country of origin makes it easy to classify asylum seekers as economic migrants rather than refugees".

"Generally, the repatriation issue in the developing countries is conceptualized

in the challenges of 'post-conflict' societies and the implications of deploying it. As argued, the most challenge of repatriation issue in the South is emphasized as a

function of its impoverishment and the absence of international burden-sharing (Chimni, 2003: 195). Thus, the concept of 'peace building'. 'sustainable return' and 'principle of burder-sharing' is linked to the repatriation and reintegration issue in an integrated manner (Ibid.,: 215). This includes the international causes of internal conflict that need to be identified. Additionally, the role of UN agencies is required to move from a culture of reaction to a culture of prevention (Ibid.,)".

"Many authors note that the repatriation challenge is the repatriation of returnees do not meet the standard of voluntary repatriation (Crisp, 2000; UNHCR, 1997). Therefore, UNHCR has been under pressure to facilitate and promote the return of refugees even when conditions in the countries of origin is not peaceful (Chimni, 2003). The issue of repatriation is emphasized the needs to return refugees in the human rights discourse (Coles,   ). However, the challenge of repatriation is that few studies investigate the experiences of returnees themselves (Coles, 1989; Cornish, Peltzer and MacLachlan, 1999; IRIC). These studies on the experiences of returnees, for example, the study on voluntary repatriation of Laos returnees conducted by Indochinese Refugees Information Center, provide useful information on UNHCR's initiatives and concept of returnee aid and development responding to humanitarian needs. However, to assess the longer term consequences of its intervention is difficult albeit the attempts to undertake more systematic. Understandably, the scope of returnee aid is confined to achieving the objective of establishing minimum material and social conditions in which the return of refugees can be promoted (Chimni, 2003: 212)".

Prospect for Repatriation

"Currently, the option of repatriation has come to be defined by the international community and UNHCR as another solution to the problem of displaced persons in Thailand beside resettlement option. Local integration has been unlikely viable formally. The Royal Thai Government has steadfastly opposed the effort of displaced persons to locally integrate and has restricted freedom of movement. Resettlement in third country, this option is applicable to less attention among Burmese (Harkin, Navita and Aungkana., 2011). In the case of refugees from Burma, the emphasis on resettlement is, among other things, only option. Resettlement raises issues for community management of the camps and is causing tensions within the refugee population (Bree, 2009). Overall, there is a tendency for developed countries, due to the global financial crisis, to be slow in assessing asylum seekers and letting the developing countries bear the burden of cross-border forced migration (Ditton, 2012). At least, through 2012, current levels served in third-country resettlement as protection tools, a durable solution and a burden sharing mechanism are anticipated to decline in coming years and there will remain a significant population for whom other durable solutions will be required (UNHCR, 2011). Repatriation is likely taken placed as more flexible solution and UNHCR has been under pressure to facilitate and promote the return of those refugees. However, uncertainties exist as some political prisoners have not been released and clashes between Burmese troops and local insurgent groups continue (The Diplomat, 2012)".

(3) Concept of Local Integration

"Local integration defined as 'the ability to participate fully in economic, socio-

cultural, and political sphere in the host country without relinquishing one's ethnic-cultural identity and culture' (Valtonen, 2004). Scholars have argued that in situations where there are numerous cultural and economic similarities between refugees and their hosts, and where voluntary repatriation is not achieved, local integration of

refugee should be promoted as durable solution. However, while a policy level local integration of refugee in first asylum countries is increasingly being seen as a panacea for protracted refugee situations in developing countries, especially in Thailand, in practice many of the legal, socio-cultural and economic issues regarding local integration in host communities are vaguely explained. The potential success of local integration as durable solution is largely reliant on the willingness of host government to pursue the aims. Many studies that have suggested local integration in first asylum country as a durable solution to the refugee problem often argue that even in the absence of any specific policy that formalized local integration, the phenomenon still happens unofficially, hence the need for policies to legalize it (Jacobsen, 2001)".

"In addition to government cooperation, another key actors in the potential success of local integration remains under-explored and under-consulted within this debate – namely host population (Agblorti, 2001). The key to implementation of local integration as a durable solution is the legal framework of the host state, But in Thailand has not allowed for such a process to legitimize. Many Governments have been reluctant to promote the idea of local integration. As in other refugee hosting countries in the global South, security implication and the resource burden of hosting refugees are the main reasons for this stance. The lack of policy and implementation mechanisms has translated into a lack of information that would allow refugees to make a decision regarding the viability of local integration. Whether as a result of this lack of clarity over local integration or as a result of other issue, local integration may a popular choice for many refugees in Thailand. Of course, a number of refugees have no doubt integrated already – whether through marriage or through self-settling. However, these individuals remain outside of the official processes, and their status as self-settled has not been normalized (Ibid.,)".

2.2.4 Challenges to Refugee Durable Solution

The challenges encountered the durable solution's policy implementation, the process and the impacts and implications resulting from repatriation and resettlement programmes are the focus of this study in order to determine the trend in durable solution's policy and what role resettlement and repatriation should play in future policy and strategy towards the displaced person situation in Thailand. Challenges lie in both resettlement and repatriation policies of the refugee problem.

The diagram represents the major factors that will be studies as influences on the challenges and implementation and outcomes of the repatriation and resettlement programme within the research. The challenges are partly influenced by the structural disadvantages of refugee law which will be analyzed factors inherent in the protracted refugee situation. The political structure of international system treats refugees as largely homogenous group, with little attention to the differences between or within displaced populations with regard to gender, class, or generation. Mechanisms need to be analyzed to identify social realities that confront different group of different choices for either repatriation or resettlement. The progress of repatriation and resettlement negotiations and possibilities or trends will be emphasized to reflect international and national policies, conditions in countries of resettlement and country of origin.

The research will study various interlinked factors and functions impeded in search of durable solutions both the resettlement and repatriation programme. The component of the international response is essential mechanism in providing bilateral basis and multilateral building through UNHCR auspices to guarantee the certain conditions of resettlement country and country of origin. Resettlement commitment is incorporated as not only a tool of protection of refugees whose safety and security can not be guaranteed in their country of first asylum, but also the effective way to help refugees with special humanitarian needs as well as an important means of sharing responsibility in supporting the international refugee regime for the global refugee problem. Meanwhile, the repatriation operation is in

capacity of UNHCR's involvement in return and reintegration. The conditions prevailing in resettlement country, country of first asylum are the imperatives to envisage appropriate measures and arrangements to facilitate the reintegration of returning refugees into the society of their country of origin or the integration and reasonably self-sufficient solution in resettlement country. The situation in country of origin is challenged to facilitate the organization's protection and assistance role for the safety of returning refugees. These factors will be examined to the importance of repatriation and resettlement as a durable solution challenges.

2.3 Literature Review

The literature review will illustrate refugee's rights protection and durable solutions for protracted refugee situations to ground the understanding not only for the global refugee regime but also for broader actors within the national and international systems. It also seeks to provide some background to recent changes in refugee problems that have impeded the attainment of durable solutions and to examine some of the difficulties and possibilities challenging for the durable solutions in developing countries particularly in the contemporary debates towards the issue of displaced persons or refugees from Myanmar in Thailand.

2.3.1 Refugee's Rights Protection and Durable Solutions for

Protracted Refugee Situations in Africa and Asia

● Indochinese Refugees

"The history of refugee in Southeast Asian nations has emerged firstly in 1975 with the exodus of Vietnamese boat people to seek asylum. The flow of Vietnamese by boat started in 1979 which was the burgeoning year of rivalry and deteriorated relations between China and Vietnam due to communist solidarity led by Vietnam (Chantavanich and Reynolds, 1988). Strategically, to counter the fear from the Communism invasion supported by Soviet Union, after the Vietnamese occupation in Cambodia and the retaliation of China's incursion into Vietnam, Thailand and most of its ASEAN partners inclined to polarization – Thailand and Singapore took side toward China while Malaysia and Indonesia sought to acknowledge the legitimate security

interests of both Thailand and Vietnam. The Vietnamese occupation of neighboring Cambodia which is regarded as buffer zone, proclaimed the new China-United States alliances of interests by encouraging China to support Pol Pot although Pol Pot was abhorrence for the US. China could convince diplomatic recognition from the United States, while Vietnam had received military hardware supplies and cooperation from the Soviet Union (Robinson, 1998)".

"Fear of persecution from the communist victory ruled by Vietnam forced more than 100,000 Cambodians to escape and seek temporary safety in Thailand in 1978. Thailand's strategy to securitize the border from a threat of Vietnamese armed intervention was to move closer to China and supported Khmer Rouge by allowing the use of U-Taphao airbase for military trips of Khmer Rouge leaders. In exchange, China agreed to withdraw support for the Communist Party of Thailand and to provide the Thai military with favorable terms in arms sales (Robinson, 1998: 66). The United States under the Republican administration also encouraged Thailand to help the Democratic Kampuchea (DK) (Ibid.,)".

"Meanwhile the exodus of Vietnamese displaced persons during dangerous departure were exhausted with the despairs in confrontation with many troubles in the sea - loses of their beloved and relatives, gold and property theft by the piracy at the sea, rape, dehydration, hunger, malnourishment. Several ASEAN countries like Thailand, Malaysia, Indonesia and Hong Kong had provided refuge for Indochinese refugees arriving by boat (Ibid.,)".

"Thailand had no asylum policy for refugees. By June 1978, Cambodian asylum seekers crowded at the border were pushed back by Thai authorities (Chantavanich and Reynolds, 1988). There were also internally displaced persons in Cambodia. In September 1979 after Democratic Kampuchea had been recognized by the UN General Assembly as the legitimate government of Cambodia. Albeit closed-door policy at the borders, Thailand had still allowed aid organizations – World Food Programme (WFP), United Nations Children's Fund (UNICEF), International Committee of the Red Cross (ICRC) to deliver relief supplies such as food, medicines, blanket,

and tarpaulins to the people at the border in the assistance operation characterized by Joint Mission. Aid had been administered by Thai authorities to hand it over to the representatives of Khmer Rouge and to displaced Thai villagers along the border. Meanwhile in July 1979, the People's Republic of Kampuchea (PKK) had requested 100,000 tons of food from WFP and additional humanitarian assistance from ICRC and UNICEF by setting some condition to channel the international aids not to go to the Khmer Rouge (Mason and Brown, 1983)".

"Evidently, the political ramification between the two regimes of Khmer Rouge and the People's Republic of Kampuchea (PKK) had impacted the refugee's rights in providing the reliefs and protection. Another 2.5 million Cambodian still remained inside their country with 80-90 per cent of malnourished children had weakened by hunger and communicable diseases such as Malaria, dysentery, intestinal parasites and respiratory diseases. The continued Vietnamese presence were compelling Cambodians to uproot themselves in larger number (UNICEF, 1979; Robinson, 1998: 68)".

"Thailand's Open Door Policy for asylum allowance was started in 1979 by establishing the three temporary camps – Sa Kaeo, Kamput, and Surin for the influx of displaced persons crossing the border due to the Vietnamese attacks on Khmer Rouge sanctuaries. These three camps were concluded to a national refugee center at Mairut. During that time, an estimated 100,000 Cambodians were living in two sprawling encampments – Nong Samet and Mak Mun in the northern sector controlled by non-communist resistance or the Khmer Serei (Free Khmer) (Robinson, 1998: 68). Below the town of Aranyaprathet in the southern sector on the border, more than 60,000 Cambodians were controlled by Khmer Rouge. International relief agencies like UNICEF, ICRC, had accessed to provide assistance in these encampments very difficult under the care of Royal Thai Government. Thai government had allowed UNHCR to establish a holding center to house (Ibid.,)".

In consideration of the history of refugee resolution and refugee's rights protection, the experiences learnt from the asylum countries in the policy implication have reflected the impact of asylum politicization to the durable solutions.

Throughout most of the 1970s and 1980s, most asylum countries in Asia like Thailand, Malaysia, Philippines, Indonesia, Hong Kong where more than three million of refugees and displaced persons from three countries of the region – Cambodia, Laos and Vietnam - had being sought a refuge, had set the criteria for screening the people for management and resolution. For example, in Malaysia, Vietnamese boat people were required to undergo a screening interview to meet with the refugee status for resettlement eligibility. Those who were screened out would have to return home. During that time, in 1979, more than 240,000 boat people registered as refugees in Malaysia. Malaysia and other ASEAN countries had established the deadline schedule as the cut-off-date including push-off policy. This policy had caused some delayed newcomers to be screened out from the process of refugee status determination and failed from access to resettlement programme in the third countries. Hong Kong had also imposed its own course with local screening. The problem had reached some solution following the second International Conference on Indochinese Refugees in 1989, which came to be known as the Comprehensive Plan of Action (CPA), ASEAN accepted the rights to asylum admission and refuge in the region but on the temporary basis only and it was agreed with the commitment from the third countries to resettle these refugees. The compromise had meant the cooperate acceptance of burden sharing responsibility. However, this commitment had concentrated on the obligations of the regional countries and the international community and had not claimed the responsibility of the country of origin towards their own citizens. Consequently, the rights of people to return has been ignored.

"The imposition of any policies generated the controversy to the rights of the people – rights for residence, rights to movement and rights to return including rights to resettlement - and ultimately perpetuated the refugee situation in seeking the durable solutions. Rights to resettlement for screened-out Vietnamese boat people who had set out from Vietnam in March 1989, would not be possible due to the cut-

off-date policy. Even people who arrived before the cut-off-date deadline, were required to undergo a screening interview for the refugee status. Those who had not met with the criteria would not be able to continue on for resettlement and they would have to return home. In reality, they have to be forced to repatriate or known as repatriation of screened-out. But this alternative of involuntary repatriation had not been recognized under the international practices. Meanwhile, the Cambodian displaced persons living outside the UNHCR holding centers and Laotians getting screened in Thailand since 1985, would never had a prospect for refugee status and third-country resettlement. At the end of 1989, CPA made no provisions for Cambodians including Laotians asylum seekers. The focus of the CPA, with the financial endorsement in excess of $500 million over the next eight years, was some 100,000 Vietnamese boat people spread out over five Southeast Asian countries and the territory of Hong Kong (Ibid.,)".

"During 1987-1989 after ten years of mass exodus of Indochinese refugees, the Southeast Asian countries and Hong Kong had still struggled to find temporary shelter for Vietnamese boat people. The push-backs policy of boat arrivals from Thailand imposed an anguished and prevailed sort of burden sharing toward Malaysia in granting temporary asylum to 63,000 and more than 250,000 Vietnamese in 1988 and 1989 respectively. Cut-off date policy in March 1989 intended as a human deterrence and then Malaysia shifted more restrictive policy to consider the Vietnamese boat people as illegal immigrants, just allow boat to land and reprovision with food and medicine supplies and fuel before towing back to the sea. Push-back victims from Malaysia had redirected to Indonesia, some people died of dehydration, starvation and exposure. The difficult circumstances, some were attacked and robbed by local fishermen (Ibid.,)'.

"Since the beginning of Indochinese refugees exodus in 1975, Southeast Asian countries have periodically expressed their attitudes of compassion fatigue toward Indochina refugees. Ironically, whereas the asylum countries were no longer willing to offer open-ended asylum, the resettlement countries were unwilling to maintain open-ended resettlement. Most of countries of asylum deemed necessary to safeguard their national interests including the abandonment of temporary refuge.

Because the notable changes that have taken place in the socio-economic composition of the refugee population over time imply that those escaping now are not as likely to have been the target of political persecution as were earlier refugees (Desbarats, 1988). This is the critical issue that remains to be faced by first-asylum countries and resettlement alike (Ibid.,)".

"A comprehensive solution to the Indochinese refugee problem finally had reached some point. Voluntary repatriation is the solution favored by UNHCR as the most desirable solution from the standpoint of the refugees' welfare. Negotiations about modalities of return had been quite lengthy and difficult, however (Ibid.,). The programme has been operating for many years, but it was not very successful ((Pongsapich and Chongwatana, 1988: 47). Most of them feared the Communists and Vietnamese. Since 1975, UNHCR figures showed more than 300,000 Laotians had passed through the Thai camps on their way to resettlement overseas while only 10,000 had gone home. Hmong had been no-shows for voluntary repatriation. In 1979, most of the 45,000 Hmong in the camp remained un-reconciled either to going back to Laos or to living in the United States. Some were still at war with the Lao socialist government. The reasons for ineffective repatriation or delay in processing applications and organizing movements were numerous: attacks by Laotian resistance forces near resettlement sites in Laos, backtracking for government approval and intransigence by LPDR officials, funding shortfalls on the part of UNHCR, and reluctance on the part of the Laotian refugees in Thailand – especially the Hmong".

"However, UNHCR worked on the Lao side to remove the shortcomings to return by increasing cash grant, provision of 18 months of rice for assistance package. Voluntary organizations in the camps were encouraged to reorient their programmes toward preparing people for eventual return and to advocate the confidence of safe repatriation for the Hmong. some of the camp leadership indicated an interest in returning as a group. Some discussed with the UNHCR to setting a Hmong returnee village. Some former member of the resistance forces proposed terms for Hmong repatriation to UNHCR by stating the conditions of the demands for a multi-party democracy in Laos. Other Hmong groups in exile such as the Democratic Chaofah Party or a militant resistance group were intent on pushing a more political agenda.

Although the effect on repatriation continued to provoke strong reactions in the Hmong-American community".

"Most Indochinese refugees except Hmong from Laos want to resettle in third countries. The countries they want most to be resettled in are in order: the United States, Australia, Canada and France. Reasons given for resettlement in a particular country concern relatives, friends, a better future, the developed nature of the country, freedom, no war, no Communists, and a similar climate (Pongsapich and Chongwatana, 1988: 46)".

"Thailand has been a major receiving country for refugees from neighboring countries over the past five decades. More than one million Vietnamese, Lao, Hmong and Khmer refugees sought refuge in Thailand during and after the conflicts in Indo-China, by far the largest refugee burden of any Southeast Asian state. The resolution of these refugee problems was ultimately tied up with Cold War rivalries and regional politics. During the 1980s, particularly in Cambodia, external patrons, such as China and the United States, sustained the continuing resistance to Vietnamese rule in Phnom Penh through military aid and political support. The West also generously financed international humanitarian relief programmes to various client refugee warrior groups encamped along Thailand' s eastern border. Protracted refugee situations developed, lasting decades in some places. Indeed, it took until 2004 to resettle the last Lao Hmong refugees from camps and settlements in Thailand (Loescher and Milner, 2008: 306)".

"After the end of the Cold War, the commitment of the international donor agencies and government host countries to long-term self-sufficiency programmes have diminished dramatically and as a result refugee camps that were originally established en-route to durable solutions have been institutionalized and hundred of thousands of refugees have been languishing in such places without integration or employment (Kibreab, 2011). The effect of the diminished global strategic significance of refugee is reflected in reluctance of government in OECD countries to accept refugees for permanent resettlement. Between 1975 and 1985, over 80,000

Indochinese refugees were resettled in the West countries, especially in the US. Since then, there has been no large-scale resettlement programmes in the West (Ibid.,)".

● **Sri Lankan Refugees: Conflicts Between Tamils and Singha**

"As a consequence of the uneven impact of social change during the colonial period are most likely to generate secessionist movement of either backward groups such as southern Sudanese, East Bangalis etc. or advanced group such as Tamils in Sri Lanka, Ibos in eastern Nigeria. Each of these conflicts led to large refugee flows. The Bengali war of secession in 1971 generated an outflow of perhaps nine million people who were given temporary refugee assistance in India until most of them returned. The Tamil separatist conflict in Sri Lanka in the 1980s has given rise to a much smaller absolute number of refugees, although in proportion to the Tamil minority population in the island, it is significant. At the height of the conflict in 1985, almost 250,000 or 12.5 percent, of the estimated two million Sri Lankan Tamils had left. Of these, about half went to India and the rest to the Western industrialized states. The Tamils were not the first South Asian refugees to claim asylum in large numbers in Europe – they were precede by the Pakistan – but they became a highly controversial set of interregional refugees (Zolberge; Suhrke and Aguayo, 1989: 127)".

"Apart from these very large flows, however, it is remarkable how few international refugees have originated in South Asia, despite the high incidence of social and international conflict in the region. Ethnic conflict with territorial overtones in the direction of autonomy or separatism is endemic in various parts of the continent, and so is conflict alone ethnic, caste, oe class lines that focuses on sharing power or obtaining protection within existing territorial delimitations. Although such conflicts involve physical violence, repression, and discriminations, on;y limited migrations have followed. These have been mainly within the country or- if international-mostly within the region (Ibid.,)".

"In Sri Lanka, the Tamils constituted a small minority that only gradually moved toward an autonomy-separatist stance, and only after several attempts to establish a federative structure had failed. The international context also differed. This time the separatists found no ready external support that could bring the conflict to a speedy conclusion".

"Constituting 1.87 million, or 12.6 percent of the population in 1981. Sri Lanka's indigenous Tamil community was traditionally concentrated in the arid north-eastern part of the island. Here, as elsewhere, colonial rule gave rise to new social formations, each vying for the favors of the colonial state. The Tamils of the northeast came to dominate the professions and the civil service out of all proportion to their share of the total population. The core of the postindependence conflict has been pressure fro the Sinhalese majority for downward adjustment of the Tamils' socioeconomic status".

"The refugee profiles produced by Sri Lanka's autonomy-separatist conflict is quite distinct. As on the Indian subcontinent earlier, communal violence initially led to internal relocation. After the first serious clashes in 1958, when perhaps 1,000 persons, mainly Tamil, were killed, the government evacuated about 10,000 Tamils to the north. About 2,000 Sinhalese escaped their minority position by moving to the South. The violence in 1977 forced about 25,000 Indian Tamils from the central highlands to seek security by resettling in the northeast. After 1983, there was massive internal migration, as about 70,000 Tamils moved north. The flows fluctuate according to the military activities".

"By mid-1986, about 250,000 claimed or were receiving assistance as refugees, of which 125,000 were in India and about 75,000 in Europe, North America, and Australia. From 1979 to 1982, a period of communal strife, the number of Sri Lankans, mostly Tamils moved to West Germany, increased at the rate of 2,000 per year to reach almost 9,000 – 10,000 (Ibid.,)".

"The refugee flow spilled across Sri Lanka's border partly for reasons of space. About half of the international movement went to neighboring India. Most of the 125,000 who wert her by mid-1986 had come by plane immediately after the 1983 riots. About two-thirds of them have family connection in South India. The boat people – mainly being peasants, small traders, fishermen - crossed for the most part to escape heavy fighting in 1985, but returned when fighting was halted. Leaving by plane had been allowed by Sri Lankan Government, class increasingly determined exit. India had implemented admission policy for Sri Lankan Tamils with support on relief and rehabilitation (Ibid.,)".

"Being a minority with a high level of education and a sizable middle-class component, the Tamils had the resource to seek asylum in Europe and North America. However, the Western industrialized countries had no open admission policy for Sri Lankan Tamils. Tamil asylum application in the West had proved vexing because first asylum is available in the region and there are conflicting elements in the Tamil refugee experience. Their situation embodies the Classic concept of refugees as developed in European practices and laws (Ibid.,)".

"After independence, policies designed to move Tamils down on the socio-economic ladder so as to make more space for the Singhalese majority provided new incentives for outmigration. Western countries used the ambiguities in the Tamils situation to restrict asylum. The asylum policy had not included the Tamils despite the small number of arrivals. Tamils who were denied asylum in European countries were not deported but stayed on in a legal twilight. A liberal refugee policy was a logical extension of Indian sympathy for the Tamil community and support to the militants. When the Indian government claimed that its 'peace-keeping forces' sent to the island in July 1987, the refugees were repatriated despite the continuing fighting in 1988. the   (Ibid.,). The Indian government pointedly excluded the UNHCR and other international organizations in dealing with the refugees. This served to keep the low profile for the refugee presence and was consonant with the other (Ibid.,)".

"Among the many conflicts arising from ethnic pluralism in South Asia, on;y the cases of Sri Lanka and Bangladesh did large international refugee flows result. The key factor was the high level of violence within a limited space. And they viewed the state as their antagonist. Safety lies on the other side of an international boundary. In both cases, India readily provided asylum because of its partisan political involvement in the conflict. In Sri Lanka, however, India's policy reflected the inherent bias of the international system against the regrouping of political communities in the postcolonial era. Lacking sufficient aid to succeed, the separatists remained strong enough to ensure that the conflict instead simmered, with protracted refugee situation (Ibid.,: 149)".

"In Sri Lanka, the Sri Lankan Tamils, the inconclusive conflict made asylum a long term prospect. And as an advanced minority from a backward region. Their mounting demand for settlement in the industrialized states also reflected the resources and migratory network of the Tamil community (Ibid.,: 149-150)".

2.3.1 Trend of Durable Solutions for Protracted Refugee Situation in Global Level

Protracted Refugee Situation

"The protracted refugee situations are to be found in the most volatile regions in the world. East and West Africa, South Asia, Southeast Asia, the Caucasus, Central Asia and the Middle East all host, protracted refugee situations. Sub-Saharan Africa hosts the largest number of protracted refugee situations, with the largest host countries on the continent including Tanzania, Kenya, Uganda and Zambia. In contrast, the geographical area of Central Asia, South West Asia, North Africa and the Middle East hosts fewer major protracted situations, but accounts for a significant number of the world's refugees in prolonged exile, with the almost 2 million Afghan refugees remaining in Pakistan and Iran alone. While the Afghan are the largest protracted refugee situation under the mandate of UNHCR, the scale of this situation pales in comparison to the more than 3 million Palestinian refugees under the

mandate of UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (Loescher and Milner, 2008: 26)".

"Protracted refugee populations originate from the very states whose instability lies at the heart of chronic regional insecurity. The bulk of refugees in these regions – Somalis, Sudanese, Burundians, Liberians, Iraqis, Afghans and Burmese – come from countries where conflict and persecution have persisted for years. In this way, the rising significance of protracted refugee situation is closely associated with the phenomenon of failed and fragile states since the end of Cold War. While there is increasing recognition that international security policy makers must pay more attention to these countries of origin, it is important to also recognize that resolving refugee situations must be a central part of any solution to long-standing regional conflicts, especially given the porous nature of these countries' borders and the tendency for conflict in these regions to engulf their neighbors (Ibid.,)".

"Some literature illustrates how factors relating to prevailing situations in the country of origin and the policy responses of the country of asylum contribute significantly to the causes of protracted refugee situations. Policy challenges stem form the fact that the protracted refugee situations are caused by both a lack of engagement on the part of various peace and security actors to address the conflict or human rights violations in the country of origin and a lack of donor government involvement with the host states (Loescher and Milner, 2008: 26; Ferris, 2008: 85)".

Some two-thirds of refugees in the world today are trapped in the protracted refugee situations and give rise to the wasted lives, squandered resources and increased threats to security (UNHCR, 2004).

Trend of Durable Solutions

Historically, since the mid-1970s, the refugee assistance for refugee problem, from low-income countries, it is argued that no durable solutions were in sight (Stein, 1986; Hartling, 1983). Approximately 90 percent of the world's ten million or so refugees are from developing countries and over 90 percent of these refugees will stay in developing countries (Stein, 1986: 265). developing country refugees are

primarily rural, approximately 90 percent fleeing from rural areas to peripheral or border areas or provinces in the country of asylum that typically have a higher percentage of their population living in absolute poverty. A massive refugee influx into the low-income country can have the severe impact on the host country and the local population in the affected region. In the mid-seventies most third world refugee movements resulted from independence struggles against a colonial extra-continental domination. Since the mid-seventies, a large increase in the number of refugees from Independent states: Afghanistan, Burma, Chad, El Salvador, Cambodia, Ethiopia, Morocco, Laos, Vietnam, Guatemala, Angola, Uganda, Sudan, and Zaire. Voluntary repatriation has become significantly more difficult to achieve, and even if it will eventually occurred, it may be more delayed and incomplete than in the past. With the growing population and growing economic problem of many low-income countries, there is increased propensity to view refugees as only temporary settlers (Stein, 1986: 266)".

"In the early 1980s, the trend of durable solutions, formulated in the international refugee regime, was interlinked with the notion of 'root causes' that became widely used for the understanding of the underlying social and globalized forces that generated the refugee crisis. The coincidental crises in Afghanistan, Indochina and the Horn of Africa, as well as the escalating war in central America generated massive refugee flows into neighboring countries (Zolberg, Suhrke, and Aguayo, 1989: 278). Along with this root causes debates which were developed in the UN system, emphasize economic underdevelopment as a fundamental cause of contemporary mass exoduses of refugee. As argued, the majority of these flows originate in the developing world and overall poverty in the South is conducive to political instability and recession that often compel people to flee (Ibid.,: 279). Another major factors also include the problems of reconstruction in the war and political strife including the improvement in communication and transportation that encourage potential refugees from the developing world to seek asylum in the industrialized countries (Ibid.,)".

1. **Sub-Saharan Africa**

"With over 3 million recognized refugee at the beginning of 1987, Africa is today viewed by the UNHCR as the main challenge, absorbing the principal part of its budgetary and organizational resource. The refugee problem is compounded by the multiplicity and protraction of refugee-producing conflicts. Although Ethiopia is the source of approximately two-fifths of the current total, the other refugees originated in fourteen different countries, of which nine produced over 70,000 each, some of them as far back as the early 1960s (Zolberg; Suhrke and Aguayo, 1989: 37)".

"The total would be several million higher still if one added international population movements in whose onset violence played a significant role but that for various reasons have not been   recognized as refugee flows. For example, there was a major exodus from ex-French Guinea from 1959 onward, stimulated by a mix of deteriorating economic conditions and the exactions of an increasingly brutal political regime, with estimates running as high as 2 million – roughly one-fourth of the population – by the time of Sekou Toure's death in 1984. most went to Ivory Coast and Senegal, whose leaders maintained an open door but shunned the involvement of outsiders in their relations with Guinea, which discouraged the UNHCR' s recognition of Guineans as refugees. The over 100,000 people who escaped from the bloody Macias dictatorship in Equatorial Guinea (ex-Spain) were initially granted recognition but lost their status after the tyrant was overthrown in 1979. The terms 'refugee' is sometimes also applied to the mass expulsions of foreign African residents, as occurred in Nigeria in 1983 and again in 1985 after the workers attracted by the oil boom were no longer needed. But despite the element of violence, such expellees differ fundamentally from refugees in that they end up in their own country. Finally it should be noted that most of the conflicts that produced international flows also occasioned massive internal displacements with current estimates ranging from a conservative 2.45 million to as many as 8.3 million: the higher count includes about 3.5 million South African blacks and coloreds forcibly relocated by governmental fiat since 1961 to implement the elusive dream of apartheid (Ibid.,)".

"Important as these numbers may be, the gravity of the situation does not arise from the size of the flows alone, but from the fact that they have taken place in the context of multifarious crisis. Although population displacements induced by violence figured prominently in the earlier history of sub-Saharan Africa, both before and after the intrusion of the Europeans, as of 1960 the only major refugee flow on the continent were the 100, 000 or so Algerians in Tunisia. The struggle for decolonization of the 1940s and 1950s produced hardly any refugees. From this baseline, the UNHCR figures then climbed rapidly to about 400, 000 in 1964, 625, 000 in 1966, and I million at the end of the decade (Ibid.,: 38)".

"Of these, slightly over half were caused by the violent struggles for liberation in Portuguese Africa. Most of the others originated in a dozen new African-ruled states, with Rwanda, Sudan, and Zaire producing the bulk of the total. At the time the upheavals appeared to be attributable to exceptional conditions that distinguished these states from the other new states. Zaire's woes were ascribed to a uniquely unfortunate experience of colonialism and decolonization, which led to chaos after independence; Rwanda's to a unique social structure whereby an African ethnic minority ruled the majority, which exploded once the colonial lid was lifted; and Sudan's to its being an impossible political amalgam that straddled the divide between Arab northern Africa and black sub-Saharan Africa (Ibid.,)".

"In the late 1960s, the developing conflict between the imperial regime and the Eritreans striving for political independence moved Ethiopia into the group of major refugee contributors. At the same time, a bloody confrontation erupted in Nigeria. After being subjected to pogroms in the northern region, Ibos from the east fled back to their homeland, which they declared independent as Biafra; the advance of the federal armies into the breakaway state triggered further flight. By the end of the three-year-long conflict, more than three million internal refugees were crowded into

a mere 2,500-square kilometer enclave, their resources exhausted and with almost no access to international relief. Estimates of Biafran dead from hostilities, disease, and starvation exceeded one million, but escaped abroad because the secessionist region was surrounded early on, precluding any possibility of their leaving, except by air (Ibid.,)".

"Despite this inauspicious start, there appeared to be some grounds for optimism in the early 1970s, as the refugee total remained stable. Of the 1,015,800 refugees from and in Africa recognized by UNHCR at the end of 1972, 57 percent were generated by the continuing struggle in the Portuguese colonies. The only major new case was Burundi, whose social configuration resembled that of contiguous Rwanda. But some of the situations that had produced the largest flows either had been resolved or had exhausted their refugee-generating potential. The civil war in the Sudan was brought to a negotiated conclusion in 1972, and the Portuguese colonies gained their independence in 1975. With nearly all of the refugees from these countries returning to their homes, by the mid-1970s the African total declined to about half a million (Ibid.,: 38-39)".

"During this period, however, the vast swath of territory running from the Sahel in the west o the Horn in the east was beset by the catastrophic drought. The deteriorating ecological conditions that were produced and aggravated by growing demographic pressure contributed to the refugee crisis both directly, as desperate people crossed international boundaries in search of relief, and indirectly, as the effects of famine exacerbated latent or ongoing social conflicts".

"By 1978, the number of refugees had climbed back to over 800,000 and, in the following year, had escalated to a new high of over 2 million. This was due largely to the further expansion of conflicts in southern Africa and the Horn. But an equally ominous development was the multiplication of substantial flows from a variety of new states throughout the rest of the continent. From the mid-1970s onward, masses of people fled the brutal tyrants who seized power in the Central African Republic, Uganda, and Equatorial Guinea, Chad was engulfed in a multisided internal war, instigated in part by Libyan intervention, and Zaire experienced severe

disturbances as well. By 1981, the United States Committee for Refugees reported a total of 3,589, 340 international refuges from and in sub-Saharan Africa, and the American press referred to 5 million and Massachusettes Senator Edward Brook advanced an even more dramatic figure of 6.3 million (Ibid.,)".

South Africa's Durable Solution Policy

"Southern Africa started producing major refuge flows in the mid-1960s and has been a leading source ever since. Initially they were occasioned by struggles for national liberation, staring with Angola and Mozambique, then extended to Rhodesia/Zimbabwe, and finally encompassing South-West Africa Namibia. At the root of violence was the political economy of settler rule, which prevented negotiated decolonization such as that in other parts of the continent. Another distinctive feature was that all the countries in question were part of an emerging regional system, dominated by South Africa. As a result, violent decolonization became a serially interactive process, in which each outcome altered the configuration of the remaining cases (Zolberg; Suhrke and Aguayo, 1989: 72)".

"Although the refugee population propelled by the struggles in Mozambique and Zimbabwe quickly returned to their respective homelands after independence, most of the Angolans did not. Moreover, later both Angola and Mozambique generated new waves, even larger than the first, with the decolonization serving as background for the second round".

"These post-independence flows arose from the distinctive set of circumstances. Because the peoples of the region share many elements of culture with others on the continent. However, it has been suggested that because it entailed a more extensive mobilization of rural populations, the experience of armed struggle would result in the strong states than elsewhere in Africa. If so, the weak state syndrome that is at the root of many of the refugee flows considered so far would lose its explanatory power. But because mobilization tends to occur along prominent role of

ethnicity, more extensive mobilization might be expected to result in even sharper cleavages, leaving the new states with a potentially explosive legacy. In addition, liberation movements shaped by the inequalities of settler colonialism and forged in battle tend to develop a strong commitment to structural transformation, but developments noted elsewhere suggest that under African circumstances, efforts to carry this out are likely to produce widespread 'exit' responses (Zolberg; Suhrke and Aguayo, 1989: 72 - 73)".

"These theoretically interesting questions remain largely moot because the development of post-settler African states has been overwhelming determined by South Africa's aggressive response to mounting challenges and by the consequent involvement of the superpowers and their allies in the regional conflict".

"The principle feature of settler colonies was a massive appropriation of land and its subsequent transformation into private property owned exclusively by whites. Mines and large commercial farms or ranches relied on minimal capitalization; their profitability was founded on labor-intensive methods, which required an abundant supply of manpower. This was obtained by denying to Africans the possibility of autonomous subsistence and preventing them from engaging in commercial agriculture. At first, the colonial authorities also imposes some form of labour obligation, and when this became no longer practicable, it was replaced by the money tax that could be paid only by securing wages. The mechanics of procurement led to the characteristic formation of a network of labor migration linking a center with a periphery, that is, a settler-dominated locality with populous regions within the same country or even abroad. The workers' families stayed behind, engaging in subsistence production under deliberately maintained backward conditions. After World War II, the several countries in the region evolved into a more integrated economic system. The Republic of South Africa functioned as a capitalist center, with an increasing share of its gross national product (GNP) stemming from

industrial production and returns on capital investments among its neighbors. At the same time, labour recruitment was expanded and integrated (Ibid.,)".

"The distinctive mode of production shaped political developments in the region throughout the twentieth century. The system fostered the institutionalization of extreme status differences between whites and blacks, rationalized by an ideology of racial superiority and backed by an apparatus of state coercion more brutal thah that in the 'black' colonies. Consequently, the processes of social transformation leading to the emergence of Africa's middle strata, operating simultaneously as auxiliaries of the colonial state and its critics, were much weaker. In the absence of white settlers, the metropolitan powers adapted to postwar circumstances by negotiating the transfer of governmental authority into the hands of African nationalists. The white settlers, however, were much more dependent on continued local control and hence resisted any challenge to their privileged status. Initially they uniformly secured the backing of their respective metropolitan governments (Ibid.,)".

"Under these extreme conditions, African protest was expressed mainly through 'weapons of the weak', that is, non-confrontational forms such as withdrawal into subsistence production or emigration, interspersed with rare peasant insurrections, strikes, or boycotts, which were ruthlessly repressed. Settlers governments were able to deter organized political protest until well after extensive nationalists movement emerged in the rest of continent. However, as the pace of decolonization quickened, the balance of organizational costs and benefits shifted toward the African side. The region's earliest political stirrings produced a few of activists exiles, but as the struggles got under way, nearly all the refugees remained in the region, in liberated zones inside their own country of across the border of some newly independent neighbor".

"The structural nexus of the apartheid regime was formed over a century ago with the discovery of diamonds and gold in the interior, at the height of British imperialism, when the Afrikaners themselves were as much victims as oppressors and long before they rose to power in1948. The nature of South Africa's wealth,

which was found to include a variety of essential minerals, enhanced the strategic significance of the region as a whole".

"As observed, there was form the beginning a fundamental asymmetry: whereas from the perspective of the Soviet camp, both ideological disposition and foreign policy interests dictated support of the liberation movements, the Western countries found themselves perched on the horns of the dilemma, from which they have not been able to climb down. Until the mid-1960s, with the benefit of benign neglect from the West, South Africa was essentially secure, insulated from newly independent Africa by white-ruled outer bulwarks. Its external activities were generally confined to the economic sphere, except for the de facto annexation of South-West Africa. Whereas Pretoria departed from its isolation to assist beleaguered white regimes countering challenges from African liberation movement as well as from the international community. Pretoria's commitment to Rhodesia in 1967 helped contain the uprising for almost another decade. During the same period, South Africa also provided economic support to the Portuguese colonies, which sought foreign investments to develop exports so as to cover the escalating costs of warfare. The major undertaking was the Cunene hydroelectric and irrigation scheme in southern Angola, which would also provide power for the soaring mineral sector of Namibia (Ibid.,: 74).

Though still essentially defensive, South Africa's policy was coupled with an innovative 'outward strategy' designed to win friends among black-ruled states in order to secure an aura of legitimacy. This was pursued by wielding economic power and playing on the more conservative black leaders' fears of radical challenges. Within its immediate perimeter, South Africa easily asserted its hegemony over the poor, landlocked British High Commission Territories after they achieved independence – Botswana and Lesotho in 1966 and Swaziland two years later; Malawi fell in line as well, for similar reasons (Ibid.,)".

"In light of these experiences, as early as 1966 some informed South Africans began to question the wisdom of an all-out commitment to maintaining white rule throughout the region, but Pretoria maintained its stance until the abrupt ending of

Portuguese rule following the revolutionary coup of 1974. Although in the intervening period, South Africa faced the onset of insurgency in Namibia as well as mounting pressures from the international community to relinquish its control over the territory, these challenges remained very limited (Ibid.,)".

"The advent of black rule in Angola and Mozambique forced South Africa to recast in external strategy because Angola is adjacent to Ovamboland – the focus of insurgency in Namibia – and Mozambique shares a short border with South Africa itself and a very long one with Rhodesia (Zimbabwe). At the time, Rhodesia was the most important consideration, because it had the effect of turning white Rhodesia from an asset into a major liability. Quickly adapting to the new circumstances, the South African devised a total strategy that pursued apparently contradictory objectives: putting pressure on the Rhodesians to come to terms with black majority rule but concurrently intervening to destabilize the new regimes in Angola and Mozambique. These actions and the counter moves they elicited from other international actors opened a new chapter in the regional system's history and also fundamentally altered the internal situation of each of the country concerned (Ibid.,: 75)".

2. Afghanistan

"Up to the third of Afghanistan's 18 million people fled the country following the Soviet military intervention in 1979. The overwhelming majority found refuge in the neighboring countries of Pakistan (3.3 million in 1990) and Iran (3.1 million). There was hardly an official resettlement overseas. The Afghan emergency came just after the Indo-Chinese exodus, and there was little willingness in Western countries to provide homes for new waves of refugees. Moreover, the Mujahidin (Islamic armed resistance) leaders wanted to use the refugee camps as bases for recruitment and training. For political, humanitarian, religious and cultural reasons, Pakistan and Iran were willing to provide refuge for extended periods. Pakistan received substantial military, economic and diplomatic support from the USA. Iran, on the other hand, received very diplomatic support from the USA (UNHCR, 2000b: 118 cited in Castles and Miller, 2009: 143)".

"After the failure of the democratic movement in 1989, thousands of Chinese sought asylum overseas. Conflicts linked to the break-up of the former Soviet Union led to mass displacements in the 1990s affecting many new states, including Georgia, Chechnya, Armenia, Azerbaijan, and Tajikistan. At least 50,000 North Koreans have fled to China. Other long-standing refugee populations include Tibetans and Bhutanese in India and Nepal, and Burmese in Thailand and Bangladesh. In 2005-2006 Muslim from both southern Thailand and southern Philippines fled to Malaysia to escape persistent internal conflict. The long civil war in Sri Lanka has led to mass internal displacement as well as refugee outflows. In 2001, an estimated 144,000 Sri Lankan Tamils were living in camps in India, while other Tamils were dispersed around the world. The resurgence of fighting in 2006 led to new displacements of some 200,000 Castles and Miller, 2009: 144)".

"The Asian experience shows the complexity of refugee situations in situations of rapid regional change: they are hardly ever a simple matter of individual political persecution. Almost invariably, economic and environmental pressures play a major part. Refugee movements, like mass labour migration, are the result of massive social transformations currently taking place in Asia (Van Hear, 1998). Long-standing ethnic and religious differences exacerbate conflicts and often motivate high levels of violence. Resolution of refugee-producing situations and the return home of refugees are hampered by scarcity of economic resources and lack of guarantee for human rights in weak and despotic states. Western countries have often become involved in struggles about state and nation formation in Asia, and responses to asylum seekers have been conditioned by such experiences (Ibid.,)".

"Studies of forced migration have often focused on both inter- and intra- state wars

as a proximate cause of refugee migration. Inter-state wars are more likely to result in internal displacement, because fighting can make border areas insecure, blocking exit. Intra-state war, on the other hand, especially if combined with military intervention from outsiders, is extremely likely to lead to refugee migration. In most early warning models conflict becomes the dependent variable, making it more

important to understand the nature of conflicts than the nature of forced displacement. So far, struggles continue to be over power-sharing and resource distribution, particularly along ethnic divisions. The impact of religious strife is also increasingly becoming a central dimension of internal conflict in some areas, such as Algeria, the Middle East, and Central and South Asia. In addition, places such as Angola, Sierra Leone, or Colombia have been linked to war economies or greed-based warfare fuelled through the rise of warlords within the fragile states (Schmeidl, 2003:138)".

"Root causes are underlying events and conditions that have existed for many years, such as religious conflicts, long-standing border disputes, difficulty in state-building, or ecological degradation. These factors are hard to change and by themselves do not lead the forced migration. They are thus necessary but not sufficient causes of forced exodus and in many ways are consistent with theories of underlying grievances that can lead to conflict. Their power lies in the interaction with other more proximate factors, and in the fact that they can be instrumentalized by political entrepreneurs to mobilize support for power struggles or to foster exclusionary politics. Other important root causes include existing ethnic grievances, historical events (such as the partition between India and Pakistan in 1947), history of past conflicts, underdevelopment and poverty (Ibid.,: 136)".

"Linked to intra-state conflicts, but also to human rights violations, is the lack of institutional means to accommodate differences and grievances shared by parts of the populations. This is an issue of weak governance. With the rise of warlords in decentralized conflicts, non-state actors have often been as guilty as states, if not more so, of violating the rights of civilian populations. In addition, as long as states can control their borders, even more severe human rights violations may not lead to forced exodus. This shows the importance of intervening factors such as border controls when anticipating forced exodus from politically charged environments (Ibid.,:138)".

Issues of Ethnic and Social Conflicts in Relation to Authoritarian Rules

"In South Asia, violent social conflict has mainly been expressed along ethnic lines as broadly defined (i.e., including religion, language, and culture). This will likely to continue, although there is no evidence of a secular trend toward more ethnic conflict. In ethnic conflicts, a number of intervening variables deflect the search for external protection and flight by activists and victims. The most impact important ones are the intensity of violence; the presence of protected space within, as opposed to the availability of external refuge; and the perceived role of the state as an agent of violence or as a protector. In the plural states of South and Southeast Asia, these factors have operated to limit international flows. In India, the very size and diversity of the country work against the appearance of international refugee, as various group can find some security through internal migration. That the South and Southeast Asian states were formally committed to accept ethnic pluralism as part of the 'nation' also explain why the classical refugee in European history – the unwanted minority – has not been a characteristic of Asia's plural states (Zolberg; Suhrke and Aguayo, 1989: 179-177)".

"Autonomy-majority relations still remain difficult, as evidenced by the Tamils in Sri Lanka, the Muslims in India, and the oversea Chinese throughout Southeast Asia. Autonomy-separatist pressures are likely to continue among minorities with a territorial concentration, but the two main national regroupings in South Asia (the partition of India and the division of Pakistan) are likely to be followed by further fragmentation. As the experiences of Sri Lanka's autonomy-separatist movements indicates, separatists may well find enough external support to maintain a protracted struggle, but not enough to succeed. Asia's unsuccessful autonomy-separatist movements have tended to produce few international refugees. The Tamils of Sri Lanka represent the advanced minority with the history of outmigration and resources to seek asylum or resettlement beyond the region. The other is represented by the Chakmas of Bangladesh, often to find support from related ethnic group (Ibid.,:177)".

"The roots of revolution in contemporary Asia lie in the decolonization process or its equivalent, which sharpened social contradictions and simultaneously eroded the power of the colonial state. Where revolutionary nationalism failed to assert itself in the independence struggle, it weakened over time. Social forces representing gradual change and an accommodative nationalism were consolidated with an international support structure, and strong states capable of eliminating revolutionary changes to the existing order developed. In South Asia and much of Southeast Asia, moreover, social conflicts in the economic realm were deflected by ethnic divisions. Asia's only late revolutions took place in Laos and Kampuchea; both were exceptional in that they were integrally related to the prolonged struggle in neighboring Vietnam (Ibid.,: 177-178)".

Ten years after the communist seizure of power, outmigration from Laos and South Vietnam had stabilized at a low level. In Kampuchea, as also in Afghanistan, refugee flows depend on a political solution to the continuing military conflict.

"In revolutionary potential, the Philippines has always been exceptional among the ASEAN countries, and it was the only member state with the rapidly growing insurgency from the 1970s onward. The catholic church is divided and politicized; tenancy is widespread; and a large rural labour force has emerged in the plantation sector; a significant manufacturing sector also has developed, and with it and industrial labour force to which the radical left is appealing. The revolutionary forces are engaged in a long-term confrontation linking with the United States and large military presence. Signs of cooperation between the Muslim separatists and the Communist New People's Army have underlined the challenge to the beleaguered centrist forces that seized power from Marcos. (Ibid.,: 177-178)".

"In term of authoritarian rule and refugees, outside the communist countries of Asia, to the extent that the development patterns will be conflictual, it will probably be in the direction of 'repressive-developmental' regimes rather than revolutionary situation. The likely refugee dynamic has been described as one element of the Philippines and the Pakistan situation. Authoritarian rule in these political systems will likely generate the quintessential political refugee; the activist

who is threatened by a suppressive state apparatus, often under conditions of martial law. The magnitude of outflow would depend primarily on the extent of repression in relation to the availability of asylum. Although the activist would fit conventional legal norms of refugee, remarkably few activist opponents of Asian authoritarian regimes on the 'right' have in fact become international refugees, not only in the case of Indonesia and the Philippines, but equally in the case of South Korea and Taiwan. The contrast with the Latin American experience is striking and revealing. Unlike Latin America, the countries of East and Southeast Asia have few linguistic and cultural commonalities. To move beyond the region becomes a major undertaking, and except for Indonesia, supportive migratory networks are most readily available in the United States, which also is most likely reject asylum applicants, as they come from allied or friendly countries. The large, activists communities of Koreans and Chinese in the United States overwhelmingly have immigrant, not refugee, status (Ibid.,)".

"A repressive-development society also creates large numbers of economic refugees from the dualism and marginalization process inherent in this economic development model. Under prevailing interpretations of refugee, they are unlikely to receive refuge status abroad but, as the Philippines case shows, will appear as migrant labors. Underlying questions of need and equity remains unanswered, especially because a somewhat similar population movement generated by Asia's revolutionary regimes was accepted as refugees in the West. As the Vietnamese and Chinese experiences demonstrate, however, third countries accepted large scale resettlement only under compelling political circumstances, and increasingly reluctantly. Whether from leftist or rightist authoritarian regimes, future economic refugees from Asia undoubtedly will have more difficulties obtaining assistance as refugees (Ibid.,: 178-179)".

"For many of the refugee-generating conflicts that have beset the new Asian states and Africa since independence, there is a tendency to explain them as 'ethnic diversity' or 'ethnicity'. The ethnic heterogeneity of the new states of Asia stems largely from the fact that traditional empire which preceded them did not strive to

develop a uniform culture among their peasant subjects. This was the case in Ethiopia and elsewhere in Africa (Ibid.,).

Globalization of Social Conflict

"Although the origins of the political, economic, and cultural structures that shape the contemporary world can be traced to the emergence in the late Middle Ages of the state and of capitalism as leading forms of social organization in Western Europe, and the subsequent rise of Europeans to world hegemony, it was only in the latter part of the twentieth century that structures literally encompassed the whole world (Zolberge; Suhrke and Aguayo, 1989: 230)".

"The breakup of the traditional empires and of the more recent European colonial realms created many new states, mainly in Asia and Africa. These were incorporated into an existing international system that consisted of mutually exclusive nation-states which were nominally equal at the level of international law. The last remaining self-sufficient economic zones were incorporated into a global network of trade and production. Indeed, today almost every human household draws much of its subsistence from wages or the sale of commodities and is affected by global market forces. This is true of those in the most affluent and the poorest countries, and even of those in socialist countries that have attempted to develop distinct and more autarchic economic systems (Ibid.,)".

"This global entity is characterized by an enormous gap between a few capital-rich, technologically advanced, and strategically powerful countries and the rest, whose internal conditions are largely shaped by the external policies of the leading countries and the activities of their firms or export agencies, as well as transnational processes that raise as unintended by-products of these. From an economic perspectives, it is becoming increasingly evident that the developing world is best seen as a continuum of countries with differing conditions and prospects. Its upper range includes the Asian and Latin American newly industrializing countries, and its lower end includes most of the countries of sub-Saharan Africa, which are becoming a group with almost no likelihood of achieving even modest development, the global equivalent of an underclass (Ibid.,)".

"The gap between rich and poor has been accentuated by demographic developments. After a period of rapid population expansion, attributable largely to a lower death rate, the industrialized societies entered phase of much slower growth. Europe (excluding the Soviet Union) reached its historical maximum proportion of world population around World War I, and the United States and Japan did so around 1950. Taking into account the redistribution of population by way of overseas migration, for the Western countries as a whole the peak rates of population growth in the nineteenth century generally coincided with the attainment of a rate of economic growth sufficient to absorb additional workers and also to increase per-capita income. But whereas Asia, Latin America, and Africa had record-high demographic growth in the twentieth century, their economies barely kept pace. The world's poorest countries today have a total fertility rate (births per women) approximately three times higher than that of the rich industrial market economies. Hence, as the world population mounts, an ever-larger proportion of it is poor. Indeed, of the eight major concentrations of refugees today, five originated in states that fall within the World Bank's lowest category of low-income countries, with an average gross national product (GNP) per capita (1985) of U.S. $270. Most of the world's refugee camps are located in these countries, and a large proportion of the refugees that are resettled are in these countries (Ibid.,)".

"A major consequence of these economic and demographic features is the potential for massive 'south-north' migrations. Although the affluent countries have paradoxically used alien labour from the poorer countries as a convenient solution to conjunctural fluctuations and the like, this was predicted on the erection of a solid barrier against their permanent immigration. But during the economic downturn of the early 1970s, the receivers discovered that such labour could not be easily sent back when no longer needed and so adopted even more restrictive immigration policies, with dramatic consequences for the refugees (Ibid.,)".

"The difficulties inherent in the integration of political communities and the achievement of sustained economic growth are compounded in many developing countries by low resource endowment, underdeveloped human capital, and extreme ethnic heterogeneity. There is little doubt that the poor countries indeed exhibit structural distortions that stem from their incorporation into the global economic system as the primary producers. With no choice but to participate in the global economic system on disadvantageous terms, the poor countries tend to experience effects such as inflation, fluctuations in commodity markets, and unemployment in amplified form, while reaping only a small share of benefits. Not only does this severely constrain their choices of development policies, but by perpetuating and , sometimes even worsening, unfavorable conditions, it makes it likely that the economic and political transformations these countries experience will generate even greater tensions and conflict than was the case among their European predecessors, in Europe itself or in those parts of the world where European launched new settlement. The emergence of an increasingly integrated world economy also means that powerful states are likely to intervene directly or indirectly to maintain, strengthen, and protect their interests, including those of their investors (Ibid.,: 231-232)".

"With the waning of empire, the world's political structure evolved into a system of territorial states, whose populations constitute mutually exclusive membership units, leaving individuals little room for changing the unit into which they are cast by the accident of birth. Although there is talk of an international community, it is misleading, as the states consider themselves as sovereign and acknowledge only very limited involuntary constraints on their behavior, arising from the law of nations. What community there is arises from voluntary compacts, especially long-term multilateral ones pertaining to international organizations and the regimes that prevail in such areas as international trade or the recognition of refugees (Ibid.,: 232)".

"With respect to strategic violence, without a central mechanism of conflict regulation such as the Concert of Europe inaugurated by the Congress of Vienna (1815), the state system exhibits distinctively anomic features. The globalization of economic and political rivalries in the latter decades of the nineteenth century-accompanied by technological advancements enlarging the precision, scale and scope of means of destruction – produced a spiral of escalating violence. After nearly half a century of global warfare, the emergence of two superpowers able to destroy each other nearly instantly led to some stability and restraint in their bilateral relations. Today, this MAD (mutually assured destruction) standoff also governs relations within and between their respective alliances, encompassing all the industrialized countries of Europe and the Pacific Basin (Ibid.,)".

"But the largest segment of the global system – in both the number of states involved and the share of population they contain – is on the periphery of the two superpower and is subject to severe international instability and conflict. The expansion of the political-strategic system to include the entire globe implied that even the poorest and geopolitically least significant states will have some value in the games of the major players and that internal government changes in the developing countries will tend to be perceived as having implications for the wider system and will therefore be likely to provoke some sort of response by outsiders. Intervention occasionally takes the form of military action, direct or through substitutes, but more commonly is in the form of hegemonic domination and pressure on political elites to maintain or adopt a particular ideological orientation, often using economic and military assistance as the carrot and its withholding as the stick (Ibid.,)".

2.3.2 Policy of Country of First Asylum on Refugee Problem: Thailand's Protection Regime and Its Obligation

The protracted refugee situation of Indochinese refugees had been embraced with the communism represented by Vietnamese occupation of a neighboring Cambodia in January 1979. Thailand perceived the deployment of armed intervention of Vietnamese troops in Cambodia and Lao as a threat.

"Since the period of the large influx of Indochinese refugees in the 1970s and 1980s, the Government of Thailand has maintained a policy in which it accepts displaced persons who are fleeing from fighting situations in neighboring countries temporarily and allows them to receive humanitarian assistance until they can be repatriated safely or durable solutions are found to deal with their plight (Chantavanich, 2010). As discussed, Thailand is not a signatory to 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Consequently it uses the term 'displaced persons' to describe an individual who under international law would be called a 'refugee' or asylum seeker. This, however, to some extents, confirms that the country recognizes these people on a humanitarian and not legal basis (Supang Chantavanich, 2010: 121)".

"To deal with influx of displaced persons from Myanmar, the Government appears to have adopted three major approaches that were used to handle the Indochinese migrant experience in the 1070s, namely encampment, responsibility sharing and durable solutions (Ibid.,)".

"As for encampment, displaced persons are put in shelters because under law pertaining to immigration, they are illegal migrants who entered Thailand without proper documents and according to the Immigration Law BE 2527, they have to be detained until a court ruling has them deported. But as the Government recognizes that political reasons are behind their plight, they are permitted to stay in the country temporarily. They are placed in areas provided by the Government and not allowed to leave because the Government considers them a threat to public order and national security and has concerns over their own personal safety (Ibid.,: 122)".

"The movement of displaced persons outside the shelters is restricted. Shelter Administration guidelines allow them to exit the shelters only with the permission of the camp commander. Permission is issued for necessary matters, such as for hospital visits, for children to attend high school in another shelter (in case where the shelter has no high school) or participation in some capacity-building

activities like vocational training organized by NGOs (Guidelines on shelter Administration, 2010 cited in Supang Chantavanich, 2010: 122)".

"With regard to responsibility sharing, the Government allows the international community and donor to help pay the costs of and provide assistance to the displaced persons. TBBC raises funds from donors to feed displaced persons and provide them with shelter and other necessities. In 2010, a total budget of 1,230 billion Thai baht (THB) (USD 41 million) was allocated to assist displaced persons, an increase of 11 per cent from the year before. The annual cost to support a displaced person is THB 8,913 (USD 297) (TBBC, 2010a: 79 cited in Supang Chantavanich, 2010: 122), this includes their supply of rice, other food items and non-food items. In addition to that, up to 40 other international NGOs provide health and international services".

"Major donors include the European Union and the Governments of Australia, Canada, Denmark, Norway, Switzerland, the United Kingdom and the United States of America. In 2009, funding from these donors totaled THB 1.137 billion (USD 38 million) (TBBC, 2010a: 96-101 cited in Supang Chantavanich, 2010: 122). Concurrently, the Government of Thailand provides support for displaced persons by granting stipend for MOI volunteers that assist the displaced persons and to pay the rent for land used as temporary shelters. Additionally, a MOI official explained that the Government, as the host country, allocates THB 60 million – 100 million (USD 2 million – 3.3 million) annually to pay for costs related to displaced persons. This, however, is not mentioned in any reports and there has been no systematic estimation of the total costs of displaced persons to the country".

"Due to the prolonged situation, displaced persons from Myanmar have become dependent on aid, limiting the options for durable solution to their plight. A resettlement programme for displaced persons in shelters was officially introduced in 2005 but failed to take hold due to the arrival of new displaced persons and the fact that repatriation was simply not possible at the moment and did not appear that it would be in the foreseeable future. So, as another course of action, the Government of Thailand has agreed with other stakeholders to consider ways to make displaced

persons more self-reliant and less dependent on external assistance. Some measures in this direction are under discussion and this eventually might lead to large-scale 'policy change' (Supang Chantavanich, 2010: 122)".

"Nevertheless, some policy changes appear to be in the works. In 2009, TBBC stated that the Government has altered its policy for displaced persons from one that is based on 'care and maintenance' to being 'solution-oriented' (TBBC, 2010 cited in Supang Chantavanich, 2010: 122). The statement is partly supported by a few changes that began even before 2009. Since the resettlement programme was launched, the Government has issued exit permits to displaced persons to leave Thailand legally under the various resettlement plans and welcomed provisions for refugee children's education through the establishment of special education centers, which provide Thai language instruction. Meanwhile, in 2006, MOI gave NGOs permission to support some occupational training activities aimed at creating work opportunities and income generation for displaced persons. The Government also made some ' commitments' to improve education in the shelters and to experiment with employment outside the shelters. Individual ID cards with the MOI logo were issued to registered displaced persons aged twelve years and older, and distributed in April 2007 (UNHCR and CCSDPT, 2007: 6 cited in Supang Chantavanich, 2010: 122). Some deficiencies in the process have been reported but there has not been any further issuance of IDs since then".

The Comprehensive Plan 2007 / 2008, proposed by TBBC and UNHCR, presented several strategies to protect and assist displaced persons. The strategies were directly related to the Government policy and included, among other: income generation projects; employment opportunities and improvement of education in the shelters; opportunities for access to higher education; expanding the number of legal assistance centers from locations in three shelters; and promotion of access to the justice system and the improvement and protection of the environment in the shelters.

"Thailand has been a major receiving country for refugees from neighboring countries over the past five decades. More than one million Vietnamese, Lao, Hmong and Khmer refugees sought refuge in Thailand during and after the conflicts in Indo-China, by far the largest refugee burden of any Southeast Asian state. The resolution of these refugee problems was ultimately tied up with Cold War rivalries and regional politics. During the 1980s, particularly in Cambodia, external patrons, such as China and the United States, sustained the continuing resistance to Vietnamese rule in Phnom Penh through military aid and political support. The West also generously financed international humanitarian relief programmes to various client refugee warrior groups encamped along Thailand's eastern border. Protracted refugee situations developed, lasting decades in some places. Indeed, it took until 2004 to resettle the last Lao Hmong refugees from camps and settlements in Thailand (Loescher and Milner, 2008: 306)".

"The first major flows of refugees fleeing human rights abuses in Myanmar to Thailand occurred in 1984. Then, in 1988, the military regime known as the State Law and Order Restoration Council (SLORC) sized power in Myanmar and cracked down on widespread political demonstrations, causing yet more outflows of politically active people. Following the overwhelming victory of the NLD in the 1990

national elections, SLORC declared the election void. Aung San Suu Kyi was placed under house arrest and thousands of her supporters fled to Thailand. Most of these politically active dissidents, called students by Thai authorities, took up residence in Bangkok and other Thai cities. Initially, some of the students were forcibly repatriated to Myanmar, but by the early 1990s the Thai government recognized that many had a valid fear of persecution. While Thailand is not a signatory to the 1951 refugee Convention, does not have national refugee status determination procedures, and refused to recognize the students as refugees, it did permit UNHCR to register them and to provide assistance (Ibid.,)".

"The issue addresses the challenge of Burmese displaced persons. Some 150,000 people are displaced in the border camps between Thai-Myanmar border as a result of armed conflict, internal strife and serious violations of human rights. Essentially,

they would be considered as refugees because they are entitled with the definition. However, Thai government is unable to meet these obligations fully, deliberately denying their rights. The institutional, legal and policy gap has hampered effective responses to the protection and assistance of displaced persons (Ibid.,)".

During this period, a far greater number of ethnic minority people fled tatmadaw offensives and forced labour and relocation programmes aimed at pacifying and controlling the border regions. Hundreds of thousands of Karen, Karenni, Mon and Shan poured across the border to Thailand, where they have been confined to camps for the past 20 years. Thai government terms the Myanmar ethnic minority groups as 'temporarily displaced people'.

From the time the camps were set up in 1984 until the mid-1990s, the Thai military provided covert support to the Karen National Union (KNU) and other ethnic national parties, including Karenni National Progressive Party (KNPP). These insurgent groups have been permitted to administer liberated zones along the border, where they served as a buffer between the fighting in Myanmar and the western border of Thailand. Inside Thailand the refugee camps provided a civilian support base for the insurgent armies, and a source of recruits and safe haven for the armed groups. Because the refugee communities fled into exile together with their political parties and some of their resistance forces, there existed close links between the KNU and KNPP and their civilian supporters. Thus, the Thai army used refugee settlements and camps to support the resistance struggles and to contain Myanmar.

In 1997 in favour of a policy of constructive engagement and building economic and trading ties with Myanmar government and the fall of insurgent bases to Burmese forces at the border, it was no longer possible to maintain a buffer zone between Thailand and Myanmar. At the same time, the Association of Southeast Asian Nations (ASEAN) began to pursue a policy of drawing Myanmar within its sphere of influence as a counter to the growing power of China in the region. Burma became a member of ASEAN in 1997. In 1998 Burma followed the policy of opening up economic and military relations with China and Thailand and other ASEAN states,

which enabled the army to continue to receive substantial arms imports and to further consolidate and extend its power within the country.

The long term presence of refugees from Myanmar has had significant implications both for Thai domestic security as well as for regional cooperation and security. Thailand and Myanmar have had numerous disputes over the demarcation of their long demarcation of their long, mountainous border. The border is porous and difficult to police. Among the most serious and direct security concerns for Thailand are the movement of insurgents and ethnic armed opposition groups in and out of camps, forcibly military recruitment, involving not only adults but also child soldiers, diversion of food and medicines for military purposes, and the harbouring of insurgents in camps.

"The protracted Myanmar refugee situations has also at times been a drain on local resources in an already poor region of Thailand and as source of social tensions. Several reasons were identified explaining displaced peoples' urge to sneak out from their settlements and collect things from the surrounding areas (Suwattana et al., 2011). The need to collect additional construction materials is created by the RTG policy to only allow the use of non-durable materials in house construction (in case of replacement), and by the – apparently – insufficient supply of such materials by the TBBC. In a similar vein, monotonous food rations strong on dry food items create a desire for fresh edibles, some of which can be grown inside the shelter, but with others that are to be found outside. In addition, a mismatch seems to exist between the types of cooking fuel that are supplied by TBBC and the types that the displaced people prefer to use, resulting again in forages through the surroundings to find alternative cooking fuels. And, finally, the fact that the shelters are not connected to regular water supply systems makes that all water used must be collected from natural sources in and around the shelters (Ibid.,)".

"In terms of consequences, depletion of resources and the fostering of hard feelings between the host communities and the shelter populations are the most noteworthy. Bamboo, hardwoods and edibles produced by the forest are reportedly not always collected in sustainable ways. In specific cases this leads to depletion of

Resources which in turn may lead to secondary effects such as soil degradation and loss of biodiversity. Moreover, depletion of resources creates new problems for the displaced people as the need for such materials is likely to remain alive. Where host communities have a need for the same kind of materials, collection and possibly depletion of such materials by displaced people is likely to foster hard feelings between the two, and reduce the host communities' support for sustaining the temporary shelters in their areas. Real conflicts over scarce resources (such as water in the dry season) have not been reported yet, but may arise in the future (Ibid.,)".

"In term of social tension, local community members living in surrounding Thai communities have misperceptions about displaced people and many blame displaced people for problems in their community. Tension between displaced people and local communities have occurred occasionally, depending upon each shelter's location and activities that might affect the resources of local communities. Local communities are particularly concerned about deforestation, substance abuse, communicable diseases, crimes and social disorder related to the presence of a temporary shelter in their community. Language and cultural barriers further lead to misunderstandings and misperceptions, thereby creating the notion of displaced persons as 'the other' in relation to the Thai people (Naruemon et al.,)".

"It is necessary for stakeholders such as the Thai government and NGOs to increase opportunities for interaction and to strengthen the relationship between local Thai communities and displaced persons, such as through expansion of resources and services for both groups and promotion of cultural exchange. Stakeholders should consider implementing public awareness campaigns or other activities that will allow

displaced persons and local community members to dialogue and work together to combat crimes and address other common concerns (Ibid.,)".

The issue of refugee protection and human security to the broader defense of human rights is growing challenge in all sectors and actors. During recent years, this notion of security and sovereignty is argued widely.

2.3.3 International Refugee Regime and Implication of Refugee Assistance in Post-Cold War: Challenges for Refugees Durable Solutions

"The refugee flows or human displacement remain a major international challenge, and efforts for prevention of conflicts and for protection and assistance of forced migrants are far from adequate. As rich countries become reluctant to admit asylum seekers, many are seeking refuge in South Africa, Kenya, Egypt, Malaysia and Thailand. Since conflict and impoverishment links together, it is increasingly difficult to make a clear distinction between economic and forced migration (Castles and Miller, 2009)".

"The great majority of refugees remain in poor countries, which may lack the capacity to protect them and the resources to provide adequate material assistance. UNHCR applies the term 'protracted refugee situation' to refugee populations of 25,000 persons or more in exile for five or more years, while the US Committee on Refugees And Immigrants speak of 'warehoused refugees'. UNHCR estimated there were 6.2 million refugees in such conditions in 2003. UNHCR identified 38 such situation, of which 22 (affecting 2.3 million refugees) were in Sub-Saharan Africa. However, the largest were in the region comprising Central Asia, South West Asia, North Africa and the Middle East, where eight major protracted refugee situations affected 2.7 million refugees. (UNHCR, 2004 cited in Castle and Miller, 2009: 195)".

"Drawing upon development in recent decades relating to the role of democracy and international law in the regulation and resolution of armed conflict, generally, and in the negotiation of durable solutions for refugees, inadequate protection and assistance to displaced persons in prolonged exile has a significant negative impact on the dignity, security, and economic and social well-being of displaced persons and denies them the opportunity to make a meaningful contribution to society (Milner, 2011). As argued in recent studies in the field of forced migration studies and humanitarian studies (Milner, 2011; Betts, 2009;), one of the major challenge in

resolving the protracted refugee situation within the durable solution framework is the difficult process of achieving international agreement on the text of Conclusion (UNHCR 2009a).[iv]for future efforts to respond to the challenge of protracted refugee situation and chronic displacement. It is recognized that the challenges for solution to chronic displacement require the sustained engagement of a broader range of political, security and development actors both inside and outside UN system, and potentially building on new initiatives such as the launch of the UN Peace Building Commission and the One UN development initiative (Milner, 2011). The challenges for such partnerships must be understood within the difficulty history of UNHCR's place within the UN system and the broader treatment of refugee issues (Loescher, Betts and Milner, 2008)".

- **Challenges to Resettlement**

The Thai government permits UNHCR to facilitate the international resettlement of Burmese registered in camps, and to date, over 60,000 have been resettled, mainly to the United States. However, the government has given no indication of when it will be able to screen an additional 70,000 unregistered camp dwellers or access the claims of thousands of other refugees who reside outside the camps, including 10,000 refugees who fled their home in November 2010 and are now living in unofficial camps on the border with little assistance. Aid agencies like the Thailand Burma Border Consortium have been providing desperately needed cross-border humanitarian assistance to thousands of displaced persons in the conflict-ridden areas to Burma, to which there is no access from inside.

Since 2005, the ongoing resettlement from camps in Thailand is giving Burmese refugees a chance at a durable solution. Yet the policies of some countries resettling the refugees are creating complications for those who will remain in the camps. The Thai government approved the option for resettlement from the refugee camps and agreed to permit greater freedom of movement and access to education and work opportunities for refugees not opting for resettlement. There has been limited progress made with such programme and NGOs are currently identifying pilot projects. Opening the camps would be of particular help to skilled and educated

workers, many of whom are currently keen to be resettled overseas, as it would give them an opportunity to maximize their talents.

At present 11 countries are resettling the refugee, with the US taking in the largest number. Refugee resettlement to the US was on hold much of 2006 due to the material support provisions in the Patriot and real ID Act, which denied resettlement to those deemed to have provided assistance to armed group, such as the Karen National Union (KNU), that have been fighting the Burmese military regime. Following the issuance of waivers by the US Department State in 2006, the US began resettling large numbers of Karen refugees from the camps in Thailand.

KNU combatants and those who received the military training from the KNU, even if it was years ago, are not eligible for the waivers. Consequently, some camp residents remain ineligible for US resettlement and families are being faced with the choice of staying in camps, or being split up (Shukla and Olson, 2007).

Another resettlement related concern is that countries such as Finland, Norway and Canada are seeking the most trained and related refugees due to their integration potential, as opposed to the US, which has opened resettlement to anyone interest. This has led to disproportionate number of skilled workers leaving certain camps. The largest group to leave is teacher, followed by health workers and those in leadership role.

The proportion of educated workers in the camps is so small that this is expected to a major impact on camp management, community services and assistance projects supported by NGOs. International and local NGOs working in the camps have found it difficult to replace staff especially medics, as there is a small pool from which to choose candidates and the training take more than a year. The situation is further complicated by Thai government regulations preventing agencies from taking camp residents to outside institutes for training purposes. To cope with the situation, NGOs have tried recruiting Thai staff, but the cost is eight times that of hiring Burmese. It is expected that even if the replacement medic and teacher core is created, many of them may not stay for long before they apply for resettlement. As argued, an incentive to keep workers in the camps would be to increase their

salaries, but more resources are needed for this as well as for replacement training programmes. So far, none of the 11 countries resettling the refugees has expressed interest in covering the costs of training a new cadre of skilled workers.

Lack of information remains a significant problem for the refugees who have to make the choice of whether they want to be resettled. The guidelines of the UNHCR specify that the refugee can not choose between resettling countries. Information provided for refugees, therefore, will have to be about all possible countries, regardless of whether as a specific country will actually offer resettlement to the residents of a particular camp.

Some community-based organization in the camp maintain that resettling countries have initiated little dialogue with them, which has created misgiving about the resettlement process, and the feeling of marginalization after having played a critical role in camp activities for years. A recent document circulated by Karen CBOs noted that the organizations do not support mass resettlement. There appears to be pressure on those CBO members who want to leave and some member report being afraid to tell their colleagues that they have applied for resettlement. Agencies working with the refugees suggest that the resettling countries should provide a pre-cultural orientation and distribute information through a variety of audio-visual media and in the context and language understood by the refugees.

Gary Troeller outlines recent developments in the industrialized Western states which have simultaneously undermined the international protection regime and reinforced the containment of protracted refugee populations in the developing world. These developments, in both the North and the South, are intrinsically linked and must be firmly borne in mind in attempting to formulate realistic policy recommendations and tools to resolve protracted refugee situation. Some recommendation has lied on industrialized countries will have to muster resources to play a catalytic role, and all actors relevant to development and peace building will need to be actively involved.

● **Challenges to Repatriation**

The repatriation is a complex issue, for which, according to international norms and in practice, the starting point involves a fundamental change in the underlying causes of displacement. When conditions permit, the repatriation of refugees can contribute to confidence-building in reconciliation and peace-process at home, and it is usually the preferred solution from the perspective of most host governments with an interest in reducing their obligations to asylum seekers (Lang, 2001). Thailand's policy is clearly unwilling to remain an asylum host. Since the engagement with the Indochinese refugee in 1975, under the most powerful policy-making body of National Security Council (NSC), the policy has tendency to contribute to expectation in impending the repatriation.

The existence of the protracted refugee situation in Thailand can be linked to the fact that the host asylum State, the donor States, UNHCR and other actors have given so little attention to the solution of the local integration during the past 25 years. Indeed, from the mid-1990s onwards, a consensus was forged around the notion that repatriation-normally but not necessarily on the voluntary basis-was the only viable solution to refugee problem in Thailand and other low income region. We might conclude that the protracted situations of violence, which thwart efforts at stabilization, continue to obstruct the return of forcibly displaced people.

The repatriation solution emerge as a preferred solution to Thailand's refugee problem since the mid 1990s. Repatriation rather than integration approach assumed such dominance for a variety of reason. It is important to understand the need to view repatriation and reintegration as an integral process in order to ensure sustainable return, involving not only the country of origin, but also the countries of asylum.

There is some worry behind the fact that the strategy of sustainable repatriation for truly durable solutions to refugee problems. It is essential that the

need for rehabilitation, reconstruction, and national reconciliation be addressed in a comprehensive and effective manner, but there is some limitation underlining the role of UNHCR in creating conditions of sustainable return. UNHCR possesses neither the human   nor the material resources to undertake this task. Sustainable return requires that problems relating to property and housing rights, land mines, the demobilization and disarming of combatants, and statelessness be resolved. In this sense, a coordinated response by UN agencies is needed (Chimni, 2003: 201).

Host states seek to return refugees for concerns that the presence of displaced persons can be a source of instability or insurgency, economic concerns, environmental degradation, problems of unemployment of host populations, and the possibility of political conflict. Refugees on the other hand, want to return because the alternative is to languish in camps and to live indefinitely off handouts, or to suffer from harassment, round-ups, arbitrary detention, extortion and even deportation (Ibid; 2003: 204). However, most refugees make decision for not returning back because of the principal reasons of political conflict and economic crisis that afflicts much of the third world and the absence of international burden-sharing, which leads poor host states to take measures that compel refugees to return.

Some exploration on solutions for sustainable return has lied down on the significance of dynamic model by treating refugees with more attention to the differences between or within displaced populations with regard to gender, class, or generation, varying conditions and differing needs. The norm of participation should be implemented.

As argued, refugee representation is not seriously considered in the Tripartite Commission, which is made up of the UNHCR, the country of origin and the host country. It is recommended that a quadripartite commission should be established to include refugee participation to reflect their own experience in terms of conditions at home and the usefulness of the kind of assistance given to them.

The consequences of protracted refugee situations are an interaction between security, human rights and development implications (Loescher and Milner, 2008: 30-38). Prolonged exile, especially in confined camps, has further compounded the vulnerability of certain categories of refugees. It is important to pay more consideration to refugees who are in a situation of prolonged encampment on the following matters: human rights violations, psychological problems, health issues suffered by women and children, medically vulnerable refugees including urban refugees and migrants, as well as other vulnerable group such as former combatants. The reconstruction and reintegration process associated with the limitations of a purely humanitarian approach to resolving a protracted refugee situation poses political and security challenges. For example, there are a growing number of cases, including Afghanistan, Liberia and elsewhere, in which refugees repatriating to their country of origin after prolonged exile ended up as internally displaced persons (IDPs). Additional research is thus required on the links between situations of internal displacement and prolonged exile within a region, and on the political, human rights and security implications of these links ((Loescher and Milner, 2008: 39). A greater number of issues remain unexamined and unresolved. It is important to identify the major challenges of protracted refugee situations.

The biggest challenge for reaching durable solutions for refugees is the political settlement where all ethnic groups could live in harmony with proper power-sharing politically. Thus, it is essential that the military-backed government should start the negotiation for reconciliation in a more logical and sensible way for the benefit of all peoples in Myanmar.

Myanmar is still in the midst of the transition from war to peace. It is not clear whether there will be sufficient support to sustain present achievements. International agencies have been cutting back operations and donors reducing support, despite the fact that the specific needs for which international assistance was initially mobilized are still high. At present, institutional capabilities to meet these needs have yet to be established in Myanmar.

"Authoritarian and repressive government, weak institutions, and poverty have complicated recovery in Myanmar. The major reason for declining international resources and commitments seems to be that donor governments neither anticipate nor plan for long-term involvement. Yet, common sense as well as history indicate that, following any protracted period of violence, destruction, economic and social disruption, and massive displacement, the transition from war to peace is bound to be long and troubled. It is well understood that international funding alone will not be sufficient to produce meaningful political, economic and social reforms. Nevertheless, inadequate commitments of time and funding, combined with an approach based on fragmented and uneven projects, obviously impede significant improvements (Fagen, 2003: p. 245)".

"The norms developed by UNHCR and the UN Member States on voluntary repatriation and return in 'safety and dignity' provide the legal and political framework. However the notions of voluntary, safe and dignified return have typically been discussed in principally legal and operational terms; their moral dimensions have been neglected or interpreted inconsistently. Thus, it is argued that the question of just return merits greater scholarly and political attention, and will sketch a minimum account of the conditions of just return which match the core duties a legitimate state must provide for its citizen: equal, effective protection for their security and basic human rights, including accountability for any violations of these rights. These conditions are also implicit in the international refugee regime's norms on repatriation (Bradley, 2008: 285)".

● **Challenges to Local Integration**

Local integration is seen, at a policy level, as a potential durable solution to the impasse of protracted refugee situation. It thereby ensures refugee well being, addressing the concerns that host governments and donors alike share with regard to protracted refugee situations. Some analysts have proposed a revitalized focus on and understanding of local integration as a way to address PRS (Crisp, 2004; Jacobsen, 2001; Dryden-Peterson & Hovil, 2003). Researching local integration does

raises some specific challenges, including identification integrated refugees and methods of measuring integration.

"The notion of local integration is based on the assumption that refugee will remain indefinitely in their country of asylum and find a solution for their plight in that state. Ideally, but not necessarily, that will involve the acquisition of citizenship (Crisp, 2004)".

It is argued that the question of local integration within new host communities could also be addressed regarding other categories of forced migrants such as internally displace persons and development-induced displaced. As a durable solution, local integration very clearly only refers to refugees who fall under the definition and mandate of UNHCR. Local integration as durable solution is related to refugees as opposed to other forced migrants, the bulk of literature on local integration is focused on refugees.

The promise of local integration applies to relatively few refugees in protracted situation. Since the end of the Cold War. The likelihood that host government will offer refugee permanent asylum and integration into the host society has become increasingly small. In developing countries, like Thailand, host governments tend to view refugee living in border zones as prima facie refugees, because they have not undergone determination procedures and therefore do not have full refugee status. Most refugees in these countries never become Convention refugees and do not experience the rights and privilege of Convention refugees, nor are they ever likely to be legally integrated into the host country. By contrast, UNHCR regards prima facie refugees as refugees in every sense of entitlement to all the rights offered by the 1951 Convention, including local integration.

In developing countries, like Thailand, follow on to the reluctance to support local integration, and also because the presence of refugees was becoming increasingly problematic for host states. Refugees were increasingly associated with security problem like the militarization of camps, the spillover of conflict from their countries of origin, and increased criminal activities. In addition, refugees were seen to impose economic and environmental burdens on the host community, and were

blamed for a variety of social ills and problems affecting the local population in the hosting area.

Protracted situations are characterized today by a care and maintenance or warehousing model of refugee assistance in country of first asylum. Host governments, UNHCR, donor governments and international agencies have, with a few exceptions, been unimaginative in their response to long term refugee populations. There is no vision that refugees and assistance programmes could be a development asset to countries of first asylum, or that they could promote human security there.

CHAPTER III

Profiles of Refugees and Protracted Refugee Situation in Thailand

The plight of hundreds of thousands of refugees from Myanmar to Thailand – Karen, Karenni, Shan, Mon and people of other nationalities who fled from forced labour, arbitrary arrest, rape and war to Thailand, has been viewed as punishable offences. Because in view of restrictions on the movement in the border area imposed by Myanmar's law, when crossing border without the consent of the authorities, such a deed is an offense against the rule of law, It is difficult to investigate the encroachments of Myanmar security forces. Forced repatriation of refugees frequently become victims of arbitrary acts by the authorities (Ditton, 2012).

Most displacement has occurred as a consequence of the protracted conflicts and counter-insurgency operations. The military deployment has been strategized at the border areas to undermine political and military organizations of the ethnic minorities by targeting their civilian support base. Continuous armed conflict has directly undermined human and food security throughout Myanmar and has impoverished large parts of the civilian population. The Myanmar army forcibly confiscates land and relocates civilians to new government-controlled villages as part of their counter-insurgency strategies and in an effort to obtain free labour and other resources. Large infrastructure projects such as the construction of dams, roads, brides and airports and the extraction of natural resources such as timber and minerals have required massive forced recruitment of labour. In the wake of military repression and government economic policies in the eastern borderlands, at least half a million Myanmar are currently internally displaced and without significant international assistance (Loescher, and Milner, 2008).

In an effort to shore up its defenses along the border, Thailand consolidated the 25 small and difficult to defend camps/village settlements – which refugees had inhabited on a mostly self-reliant basis – into 9 fortified camps or officially called temporary shelters. Thai military placed security around the camps and enforced severe restrictions on the refugees living there, refugees could no longer move freely

between camps or beyond and were not allowed to work locally on Thai farms or as day labourers. Refugees entirely dependent on international aid and, in effect, were warehoused until conditions permitted their return to Myanmar.

3.1 Camp Profiles

Thailand has received steadily increasing flows of displaced persons from Myanmar's ethnic minority regions since the semi-permanent refugee camps was established firstly for the displaced Karen in 1984 under the permission of the Thai government. In term of registered camp populations along the border in 1984 there were less than ten thousands; by 1990, after the Karennis and the Mons had also set up their camps, there were 43,500, and by 1995 the number had grown to over 92,000 people. In 1996, the Mon camp were repatriated across the border, following the military ceasefire in June 1995. with their repatriation in view. In the year of 2013, over 129,242 persons are registered in a string of border camps: these include some 101,971 Karens, slightly over 12,794 Karennis, around 4,652 Burman and a population of around ten thousand Mon in the Temporary Shelters along Thai-Myanmar border. Some 1,700 students and political activists from Myanmar who fled after 1988 pro-democracy uprising were also residing in the holding centers in Ratchaburi province. In addition to these displaced persons who are registered in the camps, Thailand has also absorbed 100,000 hidden Shans (particularly those displaced after the *tatmadaw*'s large scale relocation in central Shan State beginning in March 1996) who fled Myanmar with their extended families and now survive mainly in the illegal daily labour economy.

Map on Refugee and IDP Camp Populations: February 2013

	TBC				MOI/ UNHCR Population[3]
	Verified Caseload[1]			Feeding[2] Figure	
Province/Camp	Female	Male	Total	Total	Total
Chiangmai					
Wieng Heng (Ethnic Shan)	297	287	584	584	
Mae Hong Son					
Ban Mai Nai Soi[4]	6,277	6,709	12,986	12,766	10,160
Ban Mae Surin	1,716	1,742	3,458	3,376	1,814
Mae La Oon	6,534	6,587	13,121	12,784	9,391
Mae Ra Ma Luang	7,503	7,333	14,836	14,584	9,172
Subtotal:	22,030	22,371	44,401	43,510	30,537
Tak					
Mae La	22,890	22,542	45,432	44,679	26,186
Umpiem Mai	7,415	7,438	14,853	14,536	10,267
Nu Po	7,076	6,818	13,894	13,730	8,432
Subtotal:	37,381	36,798	74,179	72,945	44,885
Kanchanaburi					
Ban Don Yang	1,814	1,668	3,482	3,410	2,595
Ratchaburi					
Tham Hin	3,430	3,166	6,596	6,368	4,369
Total:	64,952	64,290	129,242	126,817	82,386

IDP camps[5]	Female	Male	Total	Ethnicity[6]	
Loi Kaw Wan	1,582	1,510	3,092	78.9%	Karen
Loi Sam Sip	191	251	442	9.9%	Karenni
Loi Lam	136	136	272	3.6%	Burman
Loi Tai Lang	1,174	1,412	2,586	0.8%	Mon
Ee Tu Hta	1,956	1,984	3,940	0.5%	Shan
Halockhani	1,673	1,643	3,316	0.3%	Rakhine
				0.3%	Chin
				0.2%	Kachin
Total:	6,712	6,936	13,648	5.4%	Other

Source: Thailand Burma Border Consortium (TBBC)

Thailand has an encampment policy towards the refugees and hosts them in the nine refugee camps located along Thai-Burma border (See the Map on Refugee and IDP Camp Populations: February 2013). TBBC is a consortium of currently twelve NGOs from ten countries working to provide food, shelter, non-food items and capacity-building support to Burmese refugees and displaced persons. TBBC is an active member of the Committee for Coordination of Services to Displaced Persons

in Thailand (CCSDPT), committed to coordination of all humanitarian service and protection activities with the other 17 NGO members of CCSDPT and UNHCR.

Categories of Refugees

Most new refugees arriving in Thailand have previously been internally displaced persons (IDPs) in Myanmar. While the number of IDPs in Eastern Burma is likely to be over half a million people. As estimated by Thailand-Burma Border Consortium (TBBC), at the end of 2009 that there were at least 470,000 IDPs in the rural areas alone. The first formal registration of the border population was undertaken by the Ministry of Interior (MOI) and the United Nations High Commissioner for Refugees (UNHCR) in 1999. Admission to the refugee camps on the Thai side of the border is governed by a new national screening mechanism known as the Provincial Admissions Boards (PABs) to determine the status of any subsequent new arrivals. The PABs were not able to fully deliver their mandate and by 2004, there were large numbers of unprocessed new arrivals as well as many people rejected by the PABs but still living in the camps. In 2004-2005 MOI with support from UNHCR carried out a new registration of the entire population, re-registering 101,992 persons from the 1999 exercise and identifying 34,061 others who had arrived since that time, a total of 136,053 (excluding students in the camps for education purposes). With UNHCR's encouragement, the Thai government resumed PABs screening and expanded the status determination criteria. Since then the PABs have been considering the cases of the 2005 unregistered caseload and between October 2005 and December 2010, the PABs regularized the status of some 36,840 persons including approximately 6,809 who were screened in 2009 (Thailand Burma Border Consortium, 2010).

Since 2005, there has been an ongoing influx of newcomers, most of whom are thought to be genuine asylum seekers fleeing fighting and human rights abuses in Burma. Others may have entered camps, either from within Thailand or direct from Burma, hoping to gain access to resettlement to third countries. As a result, there are at least 53,000 unregistered people in the camp.

In 2009, MOI launched a pilot 'pre-screening' process to address the unregistered population issue, as provided for in the original PAB framework. The sites chosen were Tham Hin, Ban Don Yang, Nu Po and Site 1 (one in each province), the plan being to screen out those people without just claims to asylum before presenting those screened in for interview by the PABs.

Karen Refugees

A large number of Karen reside in Thailand, mostly on the Thai-Burmese border. The Karen are often confused with the red Karen (or Karenni). One subgroup of Karenni, the Padaung tribe from the border region of Burma and Thailand, are best know for the 'neck rings' worn by the women of this group of people. The Karen constitute the biggest population of Burma after the Burman and Shan. Some of the Karen, led primary by the Karen National Union (KNU), have waged a war against the central government since early 1949. the aim of KNU at first was independence. Since 1976 the armed group has called for a federal system rather than an independent Karen State. Karen had become the largest of 20 minority groups participating in an insurgency against the military dictatorship in Yangon. During the 1980s, the Karen National Liberation Army (KNLA) fighting forced numbered approximately 20,000. After an uprising of people of Burma in 1988, the KNLA had accepted those demonstrators in their bases along the border. The Burmese Army launched a series of major offensives against the KNLA. In 1994-1995 dissenters from the Buddhist minority in the KNLA formed a splinter group called the Democratic Karen Buddhist Army (DKBA), and went over to the side of the military junta. The split is believed to have led to the fall of the KNU headquarters at Manerplaw in January 1995. The conflict continues as of 2006, with a new KNU headquarters in Mu Aye Pu, on the Burmese-Thai border. In 2004 aid agencies estimate that up to 200,000 have been driven from their homes during decades of war, with 160,000 more refugees from Burma, mostly Karen, living in refugee camps on the Thai side of the border. Reports as recently as February 2010, state that th e Burmese army continues to burn Karen villages, displacing thousands of people.

Shan Refugees

During the second half of 2009, the number of Shan refugees recorded as arriving in Fang district, Chiengmai averaged about 320 per month. Most of these refugees continue to be from areas of central and southern Shan State forcibly relocated since 1996, where the Shan State Army – South (SSA-S) is active, and where torture, killing and rape of local civilians by the SPDC troops continue as part of ongoing anti-insurgency tactics. Over 200,000 Shan refugees are believed to have arrived in Thailand from the areas of forced relocation. They are mostly living in farms, orchards and construction sites throughout northern Thailand.

There are also five Shan camps for Internally Displaced Persons (IDPs) along the Northern Thai border, housing over 6,000 IDPs. These IDP camps mostly house refugees who have been pushed back from Thailand, or people who are too afraid to venture into Thailand in case of arrest. The security of these IDPs remain precarious, as there is a constant threat of attack by SPDC troops against the nearby SSA-S bases.

Shan refugees are not generally acknowledged by the Thai authorities but TBBC continues to supply food and shelter items to over 600 refugees in one small camp in Wieng Heng district of Chieng Mai, most of whom fled fighting in May 2002.

Mon Refugees

In addition, the Mon refugee situation in Thailand is increasing due to forced labour on infrastructure projects in the area such as the gas pipeline and the 110 mile long dead Ye-Tavoy railway construction. Villages regularly undergo forced relocation while harassment, violence and pillaging continue under SLORC's regime. Also, many Mons have been targeted for arrest in Sangkhaburi area and Kanchanaburi district, which is viewed as an attempt by the Thai to put pressure on the New Mon State Party to sign a ceasefire agreement with the Burmese military junta. One of the biggest problem for the Mon people is receiving outside information and spread out inside information to international communities. Approximately 50-60 percent of the

Mon people can not read or write in Burmese, and less are able to use English. Thus access to much information is prohibitive, especially about health care, politics and international news. This is in addition to strict censorship control and added ethnic suppression by the Burmese junta.

Phases of Exodus

The first cause of forced displacement of Burmese refugees is a result of the suppression of the pro-democracy movement, led by the Nobel laureate Aung San Suu Kyi. Her party, the National League for Democracy (NLD), was overwhelmingly elected to power in 1990. The Burmese Army refused to accept the outcome and forcibly and illegitimately held on to power. In the wake of these events, the Burmese military launched an intense nationwide campaign to crush civil protest and to exterminate support for Aung San Suu Kyi and the NLD. As a consequence, thousands of Burmese students and political dissidents fled to neighboring countries in fear for their lives. In 2007 widespread demonstrations against the military's political repression and economic mismanagement broke out throughout Burma. The army responded again with brutal force, imprisoning and torturing large numbers of political activist, including Buddhist clergy who had led some of demonstrations.

The first major flows of Burmese refugees fleeing human rights abuse in Myanmar to Thailand occurred in 1984. Then, in 1988, the military regime known as the State Law and Order Restoration Council (SLORC) seized power in Myanmar and cracked down on widespread political demonstrations, causing yet more outflows of politically active people. Aung San Suu Kyi was placed under house arrest and thousands of her supporters fled to Thailand. Most of these politically active dissidents, called 'students' by Thai authorities, took up residence in Bangkok and other Thai cities. Initially, some of the students were forcibly repatriated to Burma, but by the early 1990s the Thai government recognized that many had a valid fear of persecution. While Thailand has not accorded to the 1951 Refugee Convention, does not have national refugee status determination procedures, and refused to recognize the students as refugees, it did permit UNHCR to register them and to provide assistance.

The second wave of Burmese refugee prolonged exile is a result of *tatmadaw* offensives - conflict between the military regime and ethnic minority groups. Hundreds of thousands of Karen, Karenni, Mon and Shan among others, who live in the eastern borderlands of Myanmar, poured across the border to Thailand, where they have been confined to camps for more than 20 years. The military has attempted to unify the country under a single territorial sovereignty and a strong central government. This has resulted in armed conflict against minority groups who are fighting for political autonomy in previously semi-autonomous border regions along the eastern border with Thailand.

Unlike its treatment of students, the Thai government terms the Burmese ethnic minority groups as 'temporarily displaced persons' and until the late 1990s permitted UNHCR only limited access to them.

From the time the camps were set up in 1984 until the mid-1990s, the Thai military provided covert support to the Karen National Union (KNU) and other ethnic national parties, including Karenni National Progressive Party (KNPP). These insurgent groups have been permitted to administer liberated zones along the border, where they served as a buffer between the fighting in Burma and the western border of Thailand. Inside Thailand the refugee camps provided a civilian support base for the insurgent armies, and a source of recruits and safe haven for the armed groups. Because the refugee communities fled into exile together with their political parties and some of their resistance forces, there existed close links between the KNU and KNPP and their civilian supporters. Thus, the Thai army used refugee settlements and camps to support the resistance struggles and to contain Burma (Loescher, and Milner, 2008.

In 1997 in favour of a policy of constructive engagement and building economic and trading ties with Burmese government and the fall of insurgent bases to Burmese forces at the border, it was no longer possible to maintain a buffer zone between Thailand and Burma. At the same time, the Association of Southeast Asian Nations (ASEAN) began to pursue a policy of drawing Burma within its sphere of

influence as a counter to the growing power of China in the region. Burma became a member of ASEAN in 1997. In 1998 Burma followed the policy of opening up economic and military relations with China and Thailand and other ASEAN states, which enabled the army to continue to receive substantial arms imports and to further consolidate and extend its power within the country (Ibid.,).

Camp Situations

Mae La Camp was founded in 1984 as first refugee camp received mostly Karen ethnic tribe with population more than 43,000, is by far the largest. It is located in Tha Song Yang District in Tak province about 8 kilometers from the border. It is difficult to determine the exact population of refugees living in the camp, as many are unregistered and under current Thai policy on status determination. By ethnicity it is estimates that 97% are Karen, 2 % are Burman and 1% other.

Mae La is known as 'Beh Klaw' in Karen, which means cotton field due to the agricultural activities for which Karen leaders first negotiated permission for refugees to cross into the area in 1984. The camp was originally established following the fall of the Karen National Union - KNU base at the Thai village of Mae La on the border in 1984 with a population of 1,100. Shortly afterwards, due to security concerns, it was moved to the site where Zone C currently lies. After the fall of Manerplaw in January 1995, a number of camps were attacked in cross-border raids and the Thai authorities began to consolidate camps to improve security. Mae La was designated as the main consolidation camp in the area.

In April 1995, Mae La increased in size from 6,969 to 13,195 due to the closure of five camps to the north – Mae Ta Waw, Mae Salit, Mae Plu So, Kler Kho and Kamaw Lay Kho – and the move of Huay Heng later in October of the same year. Over the following year, the camp doubled in size again to 26,629 as those lost in the move came back into the camp.

Mae La is considered as a center of studies for refugees, so the current population include several thousand students who come to study in the camp (some from other camps but mostly from Burma). They are registered only as temporary inhabitants.

The camp was attacked in 1997 by DKBA troops with support from Burma Army units. There have been no incursions since then, but a mortar shell landed in Section A5 in March 1998. Every dry season, this area is quite tense with concerns relating to camp security – threats of armed attack and/or attempts to burn the camp. The area of Karen State lying opposite Mae La camp is very rural with no large settlements or infrastructure. The Karen National Liberation Army (KNLA) maintains its 7th Brigrade Headquaters nearby, and there are several Burma Army and Democratic Karen Buddhist Army outposts in the area.

As of December 2011, 23,120 persons had departed from Mae La, with majority resettling in the USA.

Umpiem Mai has the highest elevation of all the camps along the border with an altitude over 11 metres. The former Wang Ka and Mawker camps were relocated to Phop Phra district in mid to late 1999. the camps were relocated due to security concerns as Burmese forces had repeatedly attacked both camps in march 1998. the decision to locate the new camp near a Hmong village called Umpium Mai was made by the Thai authorities; UNHCR was brought in to draw up a camp plan.

Umpium Mai was initially a harsh environment with little tree cover, torrential rain, and a cold climate. The camp is situated on very hilly terrain and there was a significant danger from soil erosion particularly during the rainy season. It was probably due to these factors that some people preferred not to make the move.

Over the first year, the camp saw some significant programmes initiated to ensure the integrity of the environment and to help promote the a more pleasant living area. COERR and UNHCR surveyed the area and developed tree-plating programme along with soil erosion projects. Water supply provided by ARC is available in all sections of the camp, however as new arrivals build houses higher up the slopes, their availability to piped water is compromised.

As of December 2011, 10,270 persons had departed from Umpiem mai, with majority resettling in the United States.

Tham Hin Camp. Of the nine camps in Thailand currently housing Burmese refugees, Tham Hin is widely known to have the worst conditions. The camp houses more than 9,000 persons, but is designed to accommodate less than half of that number; refugees' homes are small and cramped, and are built literally side-by-side along very narrow pathways. This overcrowding, combined with the lack of appropriates sanitation and water facilitates for a population of this side, create a situation where serious public health risks are endemic, and where other social problems associated with such conditions are reaching alarming level. It is because of the worsening conditions in Tham Hin that UNHCR and the US government have proposed that group resettlement activities of Thailand be initiated here as a matter of priority. In terms of the services provided to the refugees in Tham Hin, all camp residents are provided free medical care as well as primary education.

All refugees in Tham Hin camp are considered to be Burmese nationals, though a large number were born in Thailand and are Karen ethic group. The majority of the population, some 96.5 %, originate from Tanninthayi Division (formerly Tenasserim Division), which is located opposite Thailand's Kanchanaburi and Ratchaburi provinces. Smaller numbers are originated from Ayeyarwadi (Irrawady Division), Bago (Pegu) Division, Kayin (Karen) state, Mon state, Arakan (Rakhin) state, and Yangon (Rangoon) Division. The population is predominantly of rural background.

As of December 2011, 6,479 persons had departed from Tham Hin, with majority resettling in the United States.

Ban Mai Nai Soi camp is known as Ban Tractor, Ban Kwai, Site I, located in Mae Hong Son province. Ban Mai Nai Soi is a result of camp consolidations in 1996, during which the original Karenni Camps 1, 2 and 3 were combined into one site, with the addition of Nai Soi being included in 2002.

The original camp was established on the Karenni side of the border in 1989, and it has been moved many times. It moved into Thailand since 1993, but was forced back across the border in 1995, following the breakdown of Karenni ceasefire with Rangoon. In 1996, it was attacked by Burma Army troops and Nai Soi also suffered an attack in 1998. During this time, the population has grown from 1,714 (May 1996) to over 18,000 people now.

Major influxes into the population include a few hundred Shan refugees arriving in March 1998. Due to its proximity to the border, the camp is quite vulnerable. It was shelled by a combined force of Burma Army troops and its allies in 1997 and 1998.

As of December 2011, 10,810 persons have departed from Ban Mai Nai Soi, with the majority resettling in the United States.

Ban Mae Surin is also known as Site 2 and was previously called Karenni Camp 5. Refugees were first to be located here along Mae Surin River in December 1991 and it has been the site of many of the refugee camp consolidations. In January 1993, most of the residents of Karenni Camp 4 moved to this site. Karenni Camp 6, located further downstream about 2 kilometers from the border and with a population of about 300, was moved here in 1994. In March 1998, when many of the smaller Salween camps were consolidated into what is now Mae La Oon camp, 291 Karennis relocated to Site 2 from Kho Pa camp. This is a very isolated camp and still manages to maintain strong elements of the typical villages that many of the residents originally came from, and since 2005 when the Royal Thai Government approve

registered refugees to be eligible to apply for resettlement to third countries, residents of this camp have had to relocate to Ban Mai Nai Soi (Site I) for processing.

As of December 2011, 1,690 persons have departed from Ban Mae Surin, with the majority resettling in the United States.

Mae La Oon was established in January 2004 is a result of a history of refugee camp consolidations in the Mae Sariang / Salween area. Many smaller camps were set up during 1995 after the Burma Army took control of the KNU headquarters at Manerplaw and extended its presence along large stretches of the Moei and Salween rivers which were previously home to Karen villages and KNU bases.

In 2005, the Royal Thai Government gave the approval for resettlement opportunities to be offered to camp residence. As of December 2011, 6,619 people have departed from Mae La Oon, with the majority resettling in the USA and Australia (International Organization for Migration - IOM, 2012)

Mae La Ma Luang is also known as Mae Ra Mu or Mae Ra Mu Klo in Karen, located at Sob Moei district, Mae Hong Son province. Mae La Ma Luang lies opposite Manerplaw – the old headquarters of Karen resistance and home to many of the pro-democracy groups that fled crackdowns following the demonstrations throughout Burma in 1988. This area is now occupied by Burma Army and DKBA (Democratic Karen Buddhist Army) troops, but there is little fighting or military operations in this specific part of the borderlands.

Mae La Ma Luang was first set up in February 1995, following the fall of Manerplaw. Initially the large number of people living in area around Manerplaw lfled to Mae Taw La village on the Thai side. Upon agreement with the Thai authorities and local landowners, they were soon allowed to relocate to the present site. People from Mae Po Hta camp, which was also deserted following the Burma Army's capture of the area were initially relocated to Huay Haeng, but

gradually moved to the present site by November 1995. The initial population of Mae La Ma Luang was about 4,000. However, in February and March 1998 during the consolidation of the Salween camp to the north, there was a further influx of about 2,300 refugees who did not want to relocate to the consolidated camp of Ban Sala and Mae Khong Kha. The camp extended southwards to accommodate these new residents to where the Mae La Ma Luang river flows into the larger Mae Yaum. This new part of the camp became Section 7, and straddles the provincial boundary between Mae Hong Son and Tak province.

As of December 2011, 5,892 people have departed from Mae Ra Ma Luang, with the majority resettling in Australia and the United States.

Nu Po camp is also commonly spelt Noh Hpo, and means small lake in Karen. The camp was set up in March 1997 after the major offensive during which the Burma Army took control of Duplaya district in Karen State. It was established to consolidate the existing refugee populations of Meteroke and Baw Ner Hta camps and to house new arrivals fleeing from the current offensive. In March 2005 approximately 800 Persons of Concern (PoC) from the Mae Sod area were transferred to the camp as part of the Thai government's policy to relocate all PoCs in urban area to the border camps.

As of December 2011, 6,290 persons have departed from Nu Po, with the majority resettling in the United States.

Ban Don Yang Camp was founded by the Thai government in 1997 by combining two small Karen camps, known as Thu Ka and Hti Ta Ba (located near the Burma border at Tenasserim Division and Dooplaya district) and relocated to the Three Pagoda Pass borderline, near the New Mon State Party-run (NMSP) refugee camp known as Hlockhami. Over 4,000 refugees from different areas of Burma currently live under protection of UNHCR and the Thai government in Ban Don Yang camp. The Mon National Relief Committee (MNRC) provided rations for Ban Don Yang between 1997-2002; the Thailand Burma Border Consortium (TBBC) has handled the job for the last seven years. The UNHCR started recognizing the camp's residents of refugees in 2004.

Ban Don Yang, due to its location in Thailand, is officially known as a 'temporary shelter'. Just across the border in Burma are the three main Mon resettlement sites called Hlockhani, Bee Ree, and Tavoy; over 10,000 people live at sites. The largest of these, Hlockhani was founded in 1994, when the strongest Mon armed political party, the New Mon State Party (NMSP), was still at arms with Burmese military government; the camp was created to shelter the thousands of Mon refugees who had fled from civil war and suffering inside Burma. The lives of Mon refugees in Hlockhani changed for the worse for fo9llowing the cease-fire agreement reached by the NMSP and the Burmese government in 1995. NGOs began decreasing the aid they sent to Mon resettlement sites in Burma due to the public statement about the safe return to Mon territories and no helps would be needed from the UN and international NGOs. But human rights violations and civil wars persisted within Mon territory. Mon refugees living in Thailand-Burma border found themselves unable to return home, due to infighting between various Mon splinter group; many were unable to return home when their land was seized by the Burmese government a few years later in 1998, as part of the military operation known as self-reliance programme. More than 20,000 acres of fruit and rubber plantations were confiscated. Meanwhile, forced labour, portoring, rapes, killings and other human rights violations continued to be inflicted by the government troops in southern Mon State where Mon splinter group were active.

Victims of the violence tried to flee to Mon resettlement sites, but NGOs had already reduced their support of Mon refugees after the ceasefire. Mon refugees already in the sites found it increasingly difficult to survive, and new arrival struggled even more. At the same time, they Thai government also set up a policy discouraging NGOs from giving aid across the Thai-Burma border. Instead, donors encouraged Mon refugees to be more self-sufficient. Survivor has become a major challenge, and many refugees snuck inside Thailand to find jobs, to be able to send back money to family members in their resettlement sites. At the same time, many refugees have moved out from the sites to some villages close to Three Pagodas Pass to get job, as they are afraid of having trouble with Burmese authorities.

There also is no space for the new Mon refugees to access shelter in the Thai camps across the border that do have sufficient NGOs funding for Mon refugees. Unfortunately, Mon refugees from Hlockhani camp, who want across the border to move to Ban Don Yang Camp to be recognized as refugees under the UNHCR, are being barred from the camp by Thai authorities. This is happening while hundreds of Karen refugees access shelter at Mae La camps, after the fact that Mae La has been fund-supported by donors.

As of December 2011, 2,118 persons have departed from Ban Don Yang, with the majority resettling in the United States.

The situation of refugees from Burma in camps in Thailand is one of the most protracted in the world, these refugees have been confined to nine closed camps since they began arriving in the 1980s. Life of displaced people in temporary shelters or refugee camps, despite free from life- threatening danger, refugees have had to sacrifice their freedom and are facing the difficulties. Refugees are not allowed to leave the camp, it has no income to cover daily life, no electricity, and a small water supply; they are living in a hut in the middle surrounded by the jungle restrict contact with the outside world. Refugees in Thailand are not legally permitted to engage in gainful employment. Refugees who live outside the camps are vulnerable to labour exploitation, smuggling, human trafficking and the spread of communicable diseases including tuberculosis, Malaria, and HIV/AIDS. According to Thai law, those found outside the camps are subject to arrest and deportation.

Harsh offensives against villages, forced relocation, and forced labour for villagers suspected of being rebel supporters, or simply affiliating to a particular ethnic nationality. has generated massive displacement of an estimated 500,000 internally displaced persons in the conflict area bordering Thailand, hiding in the conflict areas, ceasefire zones and relocation sites. In addition, UNHCR's 2004 survey

of refugees found 453,500 refugees from Burma in Thailand, 150,000 in Bangladesh, 60,000 in India, and 25,000 in Malaysia. Moreover, during 2005, the number of asylum seekers was concentrated in two countries only: Thailand (46,200) and Malaysia (7,700).

3.2 Displaced Persons' Demographic Profile

The demographic profile of displaced persons was surveyed as the sampling for this study. The general information presents a wide array of background characteristics and explain how samplings have been undertaken in the process of fieldwork.

Demographic Background of Survey in Three Temporary Shelters

One hundred and thirty five displaced persons respondents in three targeted temporary shelters were recruited in this research. All of them were female. Most of surveyed displaced persons living in the three temporary shelters in Mae La, Mae La Oon and Mae La Ma Luang are Karen (S'gaw). They comprised of 3 major ethnicities: Karen, Karenni and Burman. The proportion of displaced population comprised of 83.7 percent of Karen (S'gaw), 10.4 percent of Karen (Pwo), and 3.7 percent of Burman, and 2.2 percent of Karenni (See Table 3.1). the Karen (S'gaw) is the largest ethnic group among respondents. The largest group have lived in the shelters between 1 and 8 years. The majority of respondents are aged 14-16 years with 56.3 percent. Almost 70 percent of respondents are registered as displaced persons, while 28.1 percent are non-registered and the rest with PAB status.

About 64.4 percent of respondents are married and 88 percent have children. About 36.3 percent of respondents are housewife. The 27.4 percent of respondents had never attended school and of these, 17.8, 8.9 and 8.1 per cent had graduated from primary school, middle school and high school in Myanmar respectively, with 10.4 and 20.0 per cent are studying in the primary school and secondary school respectively within the temporary shelters.

Table 3.1: Temporary Shelters / Profile

	Temporary Shelters	
	Mae La	Mae Ra Ma Luang & Mae La Oon
Age		
14-28 years	17.8	38.5
29-43 years	17.0	17.8
44-49 years	2.2	6.7
Status		
Registered	31.1	37.8
Non-Registered	5.9	22.2
PAB	0.0	3.0
Length of stay		
1-8 years	11.9	36.3
9-16 years	11.1	20.0
17-24 years	13.3	6.7
25-32 years	0.7	0.0
Marital status		

Single	8.1	23.0
Married	28.1	36.3
Not married but have a couple	0.7	0.0
Widowed	0.0	2.2
Divorced/Separated	0.0	1.5
Children		
No	8.9	25.9
Yes	28.1	37.0
Occupation		
Employed	0.7	11.1
Self-employed	0.7	0.0
Housewife	20.0	16.3
Unemployed	7.4	11.9
Others	8.1	23.7
Education		
Never attended school	14.8	12.6
Primary school in Myanmar(1-4 years of school)	4.4	13.3
Middle school in Myanmar (Standard 5-8)	3.0	5.9
High school in Myanmar Standard 9-10 years of school)	3.7	4.4

Primary school in the temporary shelter(Kindergarten-standard	2.2	8.1
Secondary school in the temporary shelter(standard7-10)	8.1	11.9
Post-10 Course	0.7	5.2
College/University	0.0	1.5
Ethnicity		
Karen (Pwo)	7.4	3.0
Karen (S'gaw)	24.4	59.3
Burman	3.7	0.0
Karenni	1.5	0.7

Source The author

3.3 Refugee's Rights Protection

Refugee's Rights

The protection of the rights of refugee is an important aspect in the development of a human rights approach to the refugee problem. Such approach secures powerfully enhancement of the basic human rights of refugees in closely linking between refugees and international human rights standards. Coordinated efforts amongst human rights groups, humanitarian organizations, the UNHCR, the Royal Thai Government, the Myanmar Government, UN human rights agencies are important mechanism in seeking a solution to the refugee protracted situation. Although, in principle, refugees are entitled to human rights and fundamental freedoms set forth in human rights treaties, covenants and declarations. However, in reality, these

instruments adopted by the asylum countries have not been practiced constructively in response to the human rights concerns of refugees.

Rights which need protection are:

- Rights to freedom of movement

- Rights to residence at border

- Rights to leave and return

- Rights to seek asylum from persecution

Although Thailand has not ratified to the Refugee Conventions of 1951 and 1967, but Thai Royal Government has allowed the establishment of nine temporary shelters to house the displaced persons from Myanmar in respect to the Human Rights Convention. These displaced persons have been able to access the rights to receive asylum with some necessary assistance from UNHCR and international humanitarian agencies at the border shelters. However, the displaced persons have been in prolonged exile in the confinement camps under the condition of restricted movement.

Role of UN agencies and UNHCR

The role of major organizations who work for the protection of Refugee's Rights are the UN, International NGOs and the Royal Thai Government.

(1) UNHCR

Established in 1950 and charged by the 1951 Convention Relating to the Status of Refugees with the protection of their full political and economic rights in the country of asylum, is confronting a challenging role to guarantee the refugee rights in stateless status that can never reach any plausible humanitarian standard. As

argued, UNHCR and other United Nations' refugee agency have been placed in the critique of the organization's primary interest lying in its own size and status, not in the welfare of the refugees. In addition, it is commented on UNHCR's limitation in its ability to address the problem of the protracted refugee situation, mainly because of the intractable nature of contemporary armed conflicts and the policies pursued by other actors, and to other prioritized of organization issue, as well as limited amount of attention.

The predominant model of refugee protection and assistance of and other humanitarian organizations   have assumed a primary role in the delivery and coordination of support to refugees, initially by means of emergency relief operations and subsequently through long-term care and maintenance programmes. Host country involvement has generally been quite limited, focusing primarily on the admission, screening and recognition of refugees on their territory; respect to principle of non-refoulment and the provision of security to refugees. Thailand has allowed the refugees from Myanmar exiled in the nine temporary shelters and has recognized them as the status of displaced persons[v].

Under the term of 'state responsibility' for the welfare of refugees has become weak in its application, while UNHCR and its humanitarian organizations have assisted the responsibilities of registering of refugees and providing them with personnel documentation, accessing them to some basic needs as shelter, food, water, health care and education, and establishing policing and justice mechanisms that enable refugees to benefit from some approximation to the rule of law.

The capacity of Thailand to accommodate and ever-growing number of refugees is declining. Thailand now long been suffered from a wide range of illegal movement in the terms of environment degradation, emergence of pandemic, political conflict, and human trafficking. So the last two decades witnessed a growing

sense amongst the developing countries and particularly Thai that they were obliged to bar a disproportionate share of responsibility for the global refugee problem. Moreover, donor countries regarded the refugee policies of less limited humanitarian assistance programme due to growing number of citizens in Africa, Asia, the Middle East, Latin America and European countries outside the European Union attempted to enter the world's more prosperous states to submit the asylum application.

The long-term confinement of the refugees was detrimental not only for the refugees but also to the future stability in Thailand. NGOs and UNHCR argued that, if refuges were given more skills training, further education and income generation opportunities, this would prepare them well for what ever solution awaited them in the future, whether in a third country, return back in Myanmar, or during their settlement in Thailand. They argued that refugees were a resource that could contribute positively to the Thai economy during their exile.

In 2005, NGOs and UNHCR capitalized on these initiatives, producing a comprehensive plan for 2006. Due to the prolonged situation, displaced persons from Myanmar have become dependent on aid, limiting the option for durable solutions. A resettlement programme for displaced persons in shelters was officially introduced in 2005 but failed to take hold due to the arrival of new displaced persons and the fact that repatriation was simply not possible at the moment and it did not appear that it would be in the foreseeable future. So, as another course of action, the Government of Thailand has agreed with other stakeholders to consider ways to make displaced persons more self-reliant and less dependent on external assistance. Some measures in this direction are under discussion and this eventually might lead to large-scale policy change (Chantavanich, 2011: 122). As TBBC stated that the Government had altered its policy for displaced persons from one that is based on 'care and maintenance' to being 'solution-oriented' (TBBC, 2009., cited in Chantavanich, 2011: 122).

Subsequently, Thai government had a positive response by approving and implementing an extended skills training projects designed to produce household income and improve livelihoods and employment opportunities. Thai authorities also

agreed to support education in the camps by setting up learning centers with a focus on teaching the Thai language. Such a new approach is implemented, but political uncertainty in Thailand. Both before and after the overthrow of the Thaksin government, couple with the decrease of donor engagement, delayed operation for most of 2006. In 2007, Thailand finally issued identity cards to some 85,000 refugees in the camps, which ae an important prerequisite for exploring self-sufficiency opportunities for refugees both inside and outside the camps. At the same time, Thai authorities began to permit limited skilled training and education in the camps.

UNHCR's new paradigm in approaching with the responsibility of refugee solutions has shifted from the characterization of 'reactive, exile-oriented and refugee-specific' structure in the Cold War to the 'proactive, exile-oriented and refugee-specific' roles in the 1990s. The 'proactive' performance or 'preventive protection' has consisted of various activities – monitoring and early warning, diplomatic intervention, economic and social development, conflict resolution, institution building, the protection of human and minority rights and the dissemination of information to prospective asylum seekers (Robinson, 1998: 285). The notion of 'preventive protection' is the concept of state responsibility of a country that generates refugees with obligation to safeguard them for safe return. This concept has resulted in the rights to leave one's country and seek asylum elsewhere. The sequences are the right to return and the right to remain. Since then, UNHCR's role has expanded the mandate for operation in the countries of origin to appoint the conditions for repatriation.

According to the Secretary-General's endorsement on the preliminary Framework on 'Ending Displacement in the Aftermath of Conflict' for supporting the delivery of durable solutions for internally displaced persons (IDPs) and refugees returning to their countries of origin, the action is established both in the country and global levels in developing and implementing the Strategies for Durable Solutions through working collaboratively with Executive Office of the Secretary- General (EOSG), the Resident Coordinator/Humanitarian Coordinator (RC/HC), Global Cluster Working Group on Early Recovery (CWGER) working with the Global Protection Cluster (GPC), Peace Building Support Office (PBSO), United Nations Office for the

Coordination of Humanitarian Affairs (OCHA), UNHCR and UNDP (United Nations, 2011).

It is evident that, the action from these existing resources and technical expertise agencies based on this framework launched in October 2011 emphasizes the repatriation as UNHCR's preferred durable solution with the principle of voluntary repatriation and nonrefoulment. As since the 1970s the preference for durable solution has shifted from asylum and third countries resettlement to repatriation. An increasing percentage of UNHCR's budget has been consumed by repatriation activities. And this preference has been declared by Madame Ogata, a High Commissioner of UNHCR, that the 1990s and onwards has been a decade of repatriation.

Arguably, consider the high-profile organization like UNHCR and other different politicized constituencies, and their humanitarian missions on durable solutions, challenges that are confronting today's organizations are the cultural contestation derived from different bureaucratic politics model within the organizations. Consequently, different constituencies representing normative different views suggest different tasks and goals for the organization, resulting in a clash of completing perspectives as called 'pathological tendencies' or cultural contestation (Barnett and Finnemore, 1999: 725). As a result, the contradictory policy between the delivery of humanitarian assistance and principle of neutrality in situation of political instability fails to provide efficiently and adequately for the UN's expanding humanitarian charges (Ibid.,).

This is evident for the case of cultural contestation that UNHCR's Protection Division in articulating a legalistic approach towards refugees solutions tends to view the UNHCR and itself as the refugee's lawyers and as the protectors of refugee rights under the international law. According to Barnett and Finnemore's constructivist perspective (1999), this propensity is influential from International Organizations' rational-legal authority or power to structure the categories of actors, and fix meaning in the social world as well as articulate and diffuse norms and actors. In

dealing with the repatriation operation, those that inhabit the UNHCR's regional bureaus tend more to undertake the risky repatriation exercise if it might serve broader organizational goal, such as satisfying the interests of member states, and regional goals, such as facilitating a peace agreement. Whereas the protection officers pay attention to the refugee's rights and respect to the principle of nonrefoulement (Ibid.,).

While the bureaucratic cultural dynamic inside UNHCR and other UN agencies is highlighted as a source of the international organizations dysfunction. However, the external environment presses upon and shapes the internal characteristics in policy decision making on refugee durable solutions. As argued by Realists and Neoliberals, international organizations can perform their tasks only because strong states wish them to – their power would be epiphenomenal of state power. In reality, in the context of Thailand national security strategy, the operation for refugees and displaced persons from Myanmar on the border. UNHCR has to ensure the interface with the Governments of Thailand and Myanmar. With the unchanged encampment policy of Thai Government and the limited access to higher education and livelihoods for displaced persons, along with the possible reduction in humanitarian assistance and the protection risks of economically vulnerable refugees, still represent the greatest challenge for the UNHCR. The operation for organizing cross-border coordination and information management common services to facilitate the preparedness of displaced persons regarding voluntary return and other durable solutions, is depended on the coordination with various stakeholder organizations at local and regional levels.

UNHCR is confronting a challenging role to guarantee the refugee rights in stateless status that can never reach any plausible humanitarian standard. As argued, UNHCR and other United Nations' refugee agency have been placed in the critique of the organization's primary interest lying in its own size and status, not in the welfare of the refugees. In addition, it is commented on UNHCR's limitation in its ability to address the problem of the protracted refugee situation, mainly because of the intractable nature of contemporary armed conflicts and the policies pursued by

other actors, and to other prioritized of organization issue, as well as limited amount of attention (Jamal, 2008).

The predominant model of refugee protection and assistance of and other humanitarian organizations have assumed a primary role in the delivery and coordination of support to refugees, initially by means of emergency relief operations and subsequently through long-term care and maintenance programmes. Host country involvement has generally been quite limited, focusing primarily on the admission, screening and recognition of refugees on their territory; respect to principle of non-refoulment and the provision of security to refugees (Mattner, 2008). Thailand has allowed the refugees from Myanmar exiled in the nine temporary shelters and has recognized them as the status of displaced persons (Loescher and Milner, 2008).

Under the term of 'state responsibility' for the welfare of refugees has become weak in its application, while UNHCR and its humanitarian organizations have assisted the responsibilities of registering of refugees and providing them with personnel documentation, accessing them to some basic needs as shelter, food, water, health care and education, and establishing policing and justice mechanisms that enable refugees to benefit from some approximation to the rule of law (Mattner, 2008).

UNHCR could also play an important role in helping state in the region

develop a common legal foundation that would contribute to an effective response to their refugee concerns. Thailand has not developed domestic legal system to deal with refugees or acceded to the UN Refugee Convention. At the national level, refugees are subject to the same laws as illegal aliens. Consequently, refugees are treated in an ad hoc manner, subjected to arbitrary and discriminatory measures and denied basic rights. Because refugees are perceived as a security and economic burden.

The priority for most of the host state including Thailand is the rapid return of refugees to the country of origin. To avoid the continued politicization of the refugee issue n these regions and to lay an essential foundation for a solution-oriented approach, it is an essential to take a more engaged and united regional approach. It is necessary that an agreement among regional stakeholders be reached n the application of legal standards on the treatment of refugees, including repatriation.

Without such standards, foreign policy, national security and domestic political considerations will continue to prevail over protection principles, making future repatriation unsustainable and putting refugees at risk. The political interests of Thailand need to be addressed as part of a solution, the development of regional and national legal frameworks, in addition to accession to the UN Refugee Convention, would better to reconcile the concern of the Thai government and refugees for addressing the transparent mechanism and legitimate security concern. The impacts of refugees, representing a significant human rights and a security problem. Thailand has been challenged by the scale of these problems for several decades. The solution approach should likely contribute not only to short-term response to specific challenge posed by the prolonged presence of Myanmar refugees, but also to the longer-term objective of implementing a comprehensive solution for the conflict in Myanmar and for the associated refugee population (Ditton, 2012).

UNHCR refugee statistics can be the result of a particular politicized dynamic, often reflecting a process of negotiation between the Office and the host government, and typically include only those refugees under the mandate of UNHCR. In many instances, host governments may limit the number of new arrivals that can enter camps and settlements, thereby limiting the number of refugees under UNHCR's mandate. Likewise, many group of refugee as Rohingya, including all recent arrivals, are prohibited by the Thai government from being registered as refugees and entering camps, thereby falling outside the mandate of UNHCR (Ibid.,).

Many refugee statistic do not fully include urban refugee populations. Many of whom live a clandestine life in Thailand. There are presently approximately 700 urban asylum seekers in Thailand, whose claim are waiting to be determined by UNHCR and approximately 1,300 urban refugees whose claims have already been accepted by UNHCR. The main urban refugee populations are from Laos, Sri Lanka, China, Somalia, Iraq, Cambodia, Nepal, Viet Nam, Democratic Republic of Congo, Palestine, Ivory Coast, Iran, and Pakistan. Since local integration is not an option for urban refugees in Thailand. UNHCR facilitates the resettlement of urban refugees in third countries. During 2008, 280 urban refugees were resettled, with the United States taking 124 of these (Loescher and Milner, 2008).

(2) International NGOs

With permission and oversight from the RTG, NGOs provide settlement residents with food rations, primary medical care services, compulsory level education and housing assistance. A system of community-based healthcare has been established in the shelters, relying heavily upon involvement of the shelter population for service permission and management. For secondary and tertiary medical care, residents receive referral to local public hospitals outside the shelter (Sciortino and Punpuing, 2009).

The well-being of displaced persons is a critical issue in terms of their feelings of security and safety, and focuses on basic needs provided to them. In this aspect, the RTG has permitted humanitarian organizations to provide food, clothes and material for shelters to displaced persons. The main provider for basic needs is Thailand Burma Border Consortium (TBBC) with funding majority from various government donors: Australia, Canada, Czech Republic, the European Union, Denmark, Great Britain, Ireland, Netherlands, New Zealand, Norway, Poland, Spain, Sweden, Switzerland, Taiwan and United States of America (TBBC 2009a,b).

Health Services There are several humanitarian agencies which are responsible for health care in the shelters: Aide Medicale Internationale (AMI), ARC International, Catholic Office for Emergency, Relief and Refugees (COERR), Handicap International (HI), IRC, Malteser International, Solidarites, Ruammit Foundation for Youth and Children: Drug, Alcohol Recovery & Education (CCSDPT, 2009).

For certain categories of physical health, the displaced persons are actually close to or perhaps better than the surrounding Thai communities. The reasons for the relatively good state of general health are related to reliable food supplies being provided and the fact that primary health care clinic are permitted in the settlements themselves.

Education the RTG gave permission to NGOs to support education in the shelter include Adventist Development and Relief Agency (ADRA), COERR, Jesuit Refugee Service (JRS), Right to Play, Shanti Volunteer Association, Taipei Overseas Peace Service, Women's Education for Advancement and Empowerment, World Education and ZOA Refugee Care Netherlands. The policy at first allowed education to primary level and expanded to secondary alongside education for Thai children. The education services gradually included other areas such as nursery, vocational training, special education, adult literacy, libraries and recreational services.

There is some basis special education for disable displaced persons in some settlement (World Education), aiming to provide inclusive services for blind, deaf, and other marginalized groups with physical or other disabilities.

(3) Thailand's Protection and Asylum Regime for Displaced Persons

and Its Obligation

The first major flows of refugees fleeing human rights abuses in Myanmar to Thailand occurred in 1984. Then, in 1988, the military regime known as the State Law and Order Restoration Council (SLORC) sized power in Myanmar and cracked down on widespread political demonstrations, causing yet more outflows of politically active people. Following the overwhelming victory of the NLD in the 1990

national elections, SLORC declared the election void. Aung San Suu Kyi was placed under house arrest and thousands of her supporters fled to Thailand. Most of these politically active dissidents, called students by Thai authorities, took up residence in Bangkok and other Thai cities. Initially, some of the students were forcibly repatriated to Myanmar, but by the early 1990s the Thai government recognized that many had a valid fear of persecution. While Thailand is not a signatory to the 1951 refugee Convention, does not have national refugee status determination procedures, and refused to recognize the students as refugees, it did permit UNHCR to register them and to provide assistance (Ibid.,).

The issue addresses the challenge of displaced persons from Myanmar. Some 150,000 people are displaced in the border camps between Thai-Myanmar border as a result of armed conflict, internal strife and serious violations of human rights. Essentially, they would be considered as refugees because they are entitled with the definition. However, Thai government is unable to meet these obligations fully, deliberately denying their rights. The institutional, legal and policy gap has hampered effective responses to the protection and assistance of displaced persons (Ibid.,).

During this period, a far greater number of ethnic minority people fled tatmadaw offensives and forced labour and relocation programmes aimed at pacifying and controlling the border regions. Hundreds of thousands of Karen, Karenni, Mon and Shan poured across the border to Thailand, where they have been confined to camps for the past 20 years. Thai government terms the Myanmar ethnic minority groups as 'temporarily displaced people'.

In 1997 in favour of a policy of constructive engagement and building economic and trading ties with Myanmar government and the fall of insurgent bases to Myanmar forces at the border, it was no longer possible to maintain a buffer zone between Thailand and Myanmar. At the same time, the Association of Southeast Asian Nations (ASEAN) began to pursue a policy of drawing Myanmar within its sphere of influence as a counter to the growing power of China in the region. Burma became a member of ASEAN in 1997. In 1998 Myanmar followed the policy of opening up economic and military relations with China and Thailand and other ASEAN states, which enabled the army to continue to receive substantial arms imports and to further consolidate and extend its power within the country.

The long term presence of refugees from Myanmar has had significant implications both for Thai domestic security as well as for regional cooperation and security. Thailand and Myanmar have had numerous disputes over the demarcation of their long demarcation of their long, mountainous border. The border is porous and difficult to police. Among the most serious and direct security concerns for Thailand are the movement of insurgents and ethnic armed opposition groups in and out of camps, forcibly military recruitment, involving not only adults but also child soldiers, diversion of food and medicines for military purposes, and the harbouring of insurgents in camps.

The protracted Myanmar refugee situations has also at times been a drain on local resources in an already poor region of Thailand and as source of social tensions. Several reasons were identified explaining displaced peoples' urge to sneak out from their settlements and collect things from the surrounding areas (Suwattana et al.,2011). The need to collect additional construction materials is created by the RTG policy to only allow the use of non-durable materials in house construction (in case of replacement), and by the – apparently – insufficient supply of such materials by the TBBC. In a similar vein, monotonous food rations strong on dry food items create a desire for fresh edibles, some of which can be grown inside the shelter, but

with others that are to be found outside. In addition, a mismatch seems to exist between the types of cooking fuel that are supplied by TBBC and the types that the displaced people prefer to use, resulting again in forages through the surroundings to find alternative cooking fuels. And, finally, the fact that the shelters are not connected to regular water supply systems makes that all water used must be collected from natural sources in and around the shelters (Ibid.,).

In terms of consequences, depletion of resources and the fostering of hard feelings between the host communities and the shelter populations are the most noteworthy. Bamboo, hardwoods and edibles produced by the forest are reportedly not always collected in sustainable ways. In specific cases this leads to depletion of

resources which in turn may lead to secondary effects such as soil degradation and loss of biodiversity. Moreover, depletion of resources creates new problems for the displaced people as the need for such materials is likely to remain alive. Where host communities have a need for the same kind of materials, collection and possibly depletion of such materials by displaced people is likely to foster hard feelings between the two, and reduce the host communities' support for sustaining the temporary shelters in their areas. Real conflicts over scarce resources (such as water in the dry season) have not been reported yet, but may arise in the future (Ibid.,).

In term of social tension, local community members living in surrounding Thai communities have misperceptions about displaced people and many blame displaced people for problems in their community. Tension between displaced people and local communities have occurred occasionally, depending upon each shelter's location and activities that might affect the resources of local communities. Local communities are particularly concerned about deforestation, substance abuse, communicable diseases, crimes and social disorder related to the presence of a temporary shelter in their community. Language and cultural barriers further lead to misunderstandings and misperceptions, thereby creating the notion of displaced persons as 'the other' in relation to the Thai people (Naruemon et al.,).

It is necessary for stakeholders such as the Thai government and NGOs to increase opportunities for interaction and to strengthen the relationship between local Thai communities and displaced persons, such as through expansion of resources and services for both groups and promotion of cultural exchange. Stakeholders should consider implementing public awareness campaigns or other activities that will allow

displaced persons and local community members to dialogue and work together to combat crimes and address other common concerns (Ibid.,).

Thailand 's Role and Policies Towards Refugee Rights' Protection

Thailand has not ratified the UN Convention related to refugee status. In principle, therefore, policy towards displaced persons from Myanmar is governed by national legislation. In practice, Thai policy does, in many ways, reflect and abide by the spirit of the UN Convention (Muntarbhorn, 2004). It is also true that in a number of cases, other countries that have not acceded to the refugee instruments continue to provide refuge for those fleeing persecution and respect the principle of non-refoulment, and international norm for refugee protection.

Although the confinement policy for displaced persons from Myanmar of the RTG has restricted their freedom of movement, livelihood condition, employment opportunity and forced them to rely on aid dependency from humanitarian organizations.   But RTG has provided voluntarily the protection and access to rights as asylum host country on temporary basis. Displaced persons are sought on a range of needs in physical safety in well-guarded shelter, health care, education, well-being and livelihood.

Education Since 1998, the RTG has pursued the policy of providing education in the temporary shelters with support from NGOs. The education policy has been adjusted as appropriate and aligned with the National Education Plan used for Thai children, and the National Economic and Social Development Plan, and in accordance with the Convention on the Rights of the Child (CRC) to establish and enforce 9 years' basic education for every student (MOI-CCSDPT, 2008 cited in Premjai et al., 2013: 25). Beside the primary level education, RTG policy also supports part time education

for any students who have been absent from school for some reason, as well as continuity specially study programme for High School graduate students. The programme provided in the graduate schools are Further Study, Special English, Agricultural School, Leadership and Management, Engineering, Economic Development, Teacher Preparation. However, these are not available in all shelters (Ibid.,)

The education system, though, was geared towards voluntary repatriation as the only solution, and it was therefore not linked to the Thai education system and curriculum, but rather to that in Myanmar. The fact that, increasingly, many of the young people in the settlements had never lived in Myanmar was an unfortunately truth. For the RTG, harmonizing education in the settlements with the Thai system, including teaching Thai language, could be seen as another step to granting mass rights to remain in Thailand, perhaps partly as a result of international pressure for a solution from donor countries (Ibid.,: 43).

Self-Administration from the beginning, the MOI has allowed displaced persons a high degree in establishing the self-management structure governed by Camp Committee under RTG control. Also, probably as a consequence of the natural flow of displaced persons, the settlements tend to be dominated by one ethnic group, whether it is Karen, Karenni, or other. In fact, the Karen is the most numerous group of displaced persons. In most cases, the committees have been shaped to reflect the traditional structures of the ethnic groups themselves.

Legal Assistance the other area of protection that is linked to actual and perception of security and safety for the displaced persons is access to justice. Earlier, law and order systems in the settlements operated largely on traditional justice lines but the increasing incidents and sensitive cases require more formal legal mechanisms to deal with them. In another aspect of protection, the RTG has supported the displaced persons to access the Thai judicial system since 2007 in order to control the violation of the laws inside the shelters. The permission has given to set up legal Assistance Centers (LAC), which is run by an NGO, International Rescue Committee (IRC), parallel with the shelters' traditional govern legal system to ensure the

standard protection of the displaced persons from increasing domestic violence, sexual violence and other criminal cases occurring in the shelters which the old system seemed not to be dealing with appropriately (Premjai et al,.: 28). In addition, in 2002, the UNHCR Gender-Based Violence Programme was launched in the shelters to address the problem of violence against women.

Legal Status for Registration Registration of displaced persons in the shelters has been conducted for various purposes by different organizations at different times. The first formal registration process for displaced persons was conducted by the MOI and UNHCR in 1999. Only in 2007 was each displaced person issued with an individual ID cards over the age of 12 rather than family registration form. In Thailand, a large number of displaced have never completed the registration process to establish their citizenship and are becoming stateless as a result of their migration to Thailand where their children are also born without birth registration or other documentation of citizenship (Caouette and Pack, 2002., cited in Premjai et al., 2013:29). To respond the birth registration concern, the RTG through a Cabinet resolution on 21st September 2010 will commit provide birth certificates to all children regardless their legal status. It was the first time that the official birth registration for displaced persons fitted with the Thai registration system. The policy in providing the birth certificates is regarded as the most significant practical change. Because according to CRC, to which Thailand is a signatory, requires this as a rights for all children; arguably the Thai constitution also guarantees this basic right. The RTG's reluctance to include the newborn within the official Thai system is often seen as due to being forced later to grant them Thai citizenship. However, the absence of clear documentation of identify those in the camps also ran the risk, for instance, of making any subsequent resettlement more difficult. It would potentially even complicate voluntary repatriation, giving Myanmar an easy excuse for not accepting any displaced persons who lacked formal identification. This practice will ensure displaced persons' children have proof their citizenship when returning to Myanmar or elsewhere in the future (Premjai et al,.: 29).

Vocational Training The RTG's permission for humanitarian agencies to provide vocational training in the shelters is a measure to ensure displaced persons obtain necessary skills for their future income (Thai Education Foundation, 2006., cited in Premjai et al., 2013:29). The training skills obtained in the shelters will eventually support their repatriation, resettlement or probably employment in Thailand (Ibid.,).

The issue of vocational education has also been one where the RTG has seemingly been reluctant to sanction an activity that might seem to support the idea of local integration. Nevertheless, the teaching of practical skills such as weaving and carpentry has been introduced. Skills acquired could equally be applied back in Myanmar, of course, should voluntary repatriation become an option. There are income generating programmes in many shelters, with displaced persons given training on sewing, electronics, and agriculture. Handicraft shops are open in shelters to sell products produced by   displaced persons. The MOI has permitted renting of land for training agricultural skills and generating income. These all are part of the self-reliance initiative, being an investment   in resettlement as well as eventual repatriation, as viewed by RTG (Ibid.,: 45).

As of now, vocational training is provided by both NGOs and Community-Based Organizations (CBO), and programmes vary from income generation to improving the food basket to merely teaching new skills, such as auto mechanics, baking and cooking, carpentry and computers and IT. Some training courses such as agriculture, animal husbandry and fish breeding require access to land leased from the Thai Forestry Department near the shelters, and also support from local citizens in the villages around the shelters. Arguably, some of this training may need to be reviewed to better meet displaced persons' needs and create opportunity for income. Microfinance has been initiated in some settlements in the form of Village Saving and Loan Associations (VSLA) for those who are more interested in setting up their own small businesses than looking for waged employment (Ibid.,).

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3.4 Protracted Refugee Situation in the Temporary Shelters

According to many reports released by UNHCR and NGOs concerning the situation of displacement of internally displaced persons within Myanmar, it is estimated that almost 140,000 people in Rakhine State have still been displaced. Some 100,000 people from Kachin State are also displaced. Moreover the citizenship of over 800,000 persons living in the northern part of Rakhine State has not been recognized. The majority of the internally displaced persons are also believed to be without citizen. This situation of displacement of internally displaced persons within Myanmar reflects the high tension of fragile protection environment in promoting the coexistence and reconciliation between the Myanmar Government and the minority groups (UNHCR, 2014). That means as long as the situation of armed conflict in Myanmar still continues, the situation of forced migration and prolonged exile of displaced persons from Myanmar remains in Thailand.

Countries hosting large refugee populations are frequently amongst the least developed in the world and refugees fleeing to these countries often find themselves living in remote, neglected areas where high level of poverty prevail. For the displaced persons in Thailand, Thai government allows these populations living in the temporary shelters. Although their lives may not be in immediate dangers, but they face restrictions on their freedom of movement, employment and livelihood, stifling their capacity to become productive members of a community and consequently, perpetuating poverty. For Thailand as a host country, the presence of displaced persons population for protracted period has a long-term social, economic and environmental impact that, if not adequately addressed, can exacerbate situations of conflict and instability or insecurity (see report on environment).

3.5 Situation Analysis

(1) Regional Dynamism to Myanmar in Transition

The relationship between regional dynamism and pattern of forced migration rests on the premise that the recent changes in Myanmar reform in finance, trade and investment, in terms both of the impacts to the forced displacement and the governance structures in which it takes place, remains much more intensely 'regionalized' than it is 'globalized'. Since the late 1980s, whereas Thailand's neighboring countries like Vietnam, Cambodia, Lao PDR, and Myanmar have been integrating their economies to international trade and investment. With the exception of Myanmar, the benefits of globalization are not pervasive and have not brought significant improvements in general social economic conditions. Lacks of reinforcing institutions and policies and pervasive government control render ineffective efforts by the military authorities to open the country economically after 1988 (Wilson, Teo and Hori, 2010). With a view to highlight the development strategies according to the national development policy framework, the recent political and economic changes and the unveiling of Myanmar Comprehensive Development Vision (MCDV) reflects the effort to meet the objectives of the ASEAN Economic Community by 2015 and to leverage on rapidly changing regional and global economic landscape (Economic Research Institute for ASEAN and East Asia, 2012).

The transition of Myanmar's army dominated government leading to economic and political reform in 2011 under President Thein Sein's administration have seen a regression and development in many aspects. Ongoing series of progress are reflecting Myanmar in relation to regional dynamism posed by the role of international government and transnational actors in motivating Myanmar to economic reconstruction and political reform. After the national election in 2011, Myanmar has been in the world attention in praising the regime for widening the channel for the foreign investment such as the development of Special Economic Zone as Dewei in Myanmar's south, for immense potential gain and opportunities for all stakeholders. Myanmar's aspirations for irreversible change have been

triggered from a number of factors from international forces that have resulted in continually increasing financial assistance and rising level of aids provided from the international communities. Myanmar government seeks to cultivate the favor from the Western countries with a flurry of reforms (Sundari, 2012). Also, Japan and Nippon Foundation plans to spend US$ 96 million in the next five year during 2015-2020 in order to improve living standards and promote peace in Myanmar's war-torn ethnic area (Snaing, 2014).

Myanmar's reform that brings hope for conflict resolution and peace, has created some expectation to the UNHCR, international humanitarian organizations, international community and the Royal Thai Government, in particular to resolve on the refugee durable solutions. However, policy makings have not focused on the issue of protracted refugee situation living in the nine Temporary Shelters along Thailand-Myanmar. The speed of politico-economy changes spearheaded toward good governance, rule of law, amendment of military-drafted 2008 Constitution and federalism, democratization, de-centralization, conflict resolution, peace-building, and poverty eradication. Priority of Myanmar's policy deliberation has contributed to a major rifts in Myanmar's ethnic movement on the negotiation how to develop the federalism and strategies for political dialogue (Burma Partnership, 2014). The confusion has emerged from the internal discord within ethnic groups, including Karen, Kachin, Chin in the establishment of the multi-ethnic representative team to negotiate with government to change the 2008 Constitution. This demands the timeframe for the negotiating mandate and process that should be occurred before the 2015 election to get agreement to complete federal union. The frictions between two ethnic groups - the United Nationalities Federal Council (UNFC), sided by the hardliners or exiled political activists and multi-ethnic Working Group for Ethnic Coordination (WGEC), backed by the members inside Myanmar, has obstructed the pragmatic approach. The first group calls for the process of the Constitution amendment being operated outside the parliament whereas the government demands the reform mechanism for new constitution within the existing legal framework. The working group, supported financially by the Brussels-based Euro-

Burma Office (EBO), has been triggered to join the government under the current constitution   (Hindstrom, Hanna, 2014).

Therefore, the political agreement between the government and the ethnic armed groups which will lead to signing the nationwide ceasefire and national peace accord, remain unfulfilled. Among Myanmar's major ethnic armed groups, the reestablishment of a ceasefire accord with the Kachin Independence Organization (KIO) remain elusive, and occasional clashes between government troops and other rebel forces persists (The Irrawaddy, 2013). This has affected to the critical issue on resettling the Myanmar's displaced in the future. In Myanmar, the issue on repatriation the displaced persons has been addressed by Aung Min, a President's Office Minister and the chief negotiator in Naypyidaw with the ethnic armed group To build a democratic, open and inclusive society will take time to guarantee the safe return for displaced families. There are some plan signed in the accord between the government and the Karenni National Progressive Party (KNPP) to prepare for repatriation of internally displaced persons. According to the agreement, the town of Shartaw would serve as one of the initial locations for returning internally displaced persons. Any resettlement, however, will be contingent on land mine removal from the areas. Myanmar's Minister   for Social Welfare, Relief and Resettlement affirmed that achieving ceasefires nationwide was a prerequisite to the mass return of those displaced to their homeland.

(2)Thailand's Policy on Refugee Protection and National Border Security

The Thai policy perspectives on refugee issues continue to be concerned with the national security, the impact of the refugee situation on Thai communities, avoidance of the conditions to be pull factors for new asylum seekers, as well as bilateral considerations, including maintaining relations with Myanmar. As a result, the trend in durable solution for local integration has never been recognized. As the policy response has implemented on one strategy of the restriction of movement. Within this environment, there has been no significant progress towards the displaced persons' economic self-reliance or access to the labour market and opportunities for higher education remain limited (Dares et al, 2014). Restriction of movement directly

affects the promotion of self-reliance among displaced persons. The programme report by TBBC (2005) revealed several constraints on agriculture inside the shelter which place restrictions on household food production such as physical limitations including location, population density, limited space and seasonal water supplies.

A further constraint to the promotion of refugee self-reliance is the RTG policy on the processes of approval for the permission for NGOs operation on annual humanitarian assistance. The process of applying hampers the ability of NGOs to promote self-reliance on the long-term basis in alignment with the plan implementation and funding support. Long and tedious administrative processes also cause delays in the implementation of projects and programmes. It also raises doubt about the standards of work such as the PAB process, which as mentioned previously, has implemented a pilot project to pre-screen new arrivals since 2009 but not released the results.

The discussion on the repatriation issue of displaced persons from Myanmar living in the nine temporary shelters in Thailand is set in the plan and is announced by the National Council for Peace and Order (NCPO). The announced plan has provoked psychological agitation to the displaced persons because they have not desired to return back to Myanmar. Many of them were born in the shelter settlement and most of them concern on the life safety and livelihood security. Whereas a large number of displaced persons expressed their preference to resettle in the third countries. However NCPO has agreed that the repatriation should be carried out on the voluntary basis. The plan has also included the closure of the nine temporary shelters along the Thai-Myanmar border because the existence of the shelters involves with the trafficking of illegal migrants into Thailand. There are currently 3,000 people in the temporary shelters located at Ratchaburi and Kanchanaburi provinces who can not be identified and have been screened out by the Thai authorities (Bangkok Post, 18 July 2014).

Apparently, the reason for closing the temporary shelters has lied on the national security issue. The repatriation agreement has been cited in principle that Thailand and Myanmar Governments had agreed on safe return in the future in

accordance with humanitarian and human rights principle. But the agreement has reached in the level of Thai and Myanmar militaries not with Myanmar civilian government. Recent administration has put more enforcement of restriction on movement on entry or exit permission from shelters. This exacerbates some displaced persons who leave the shelters temporarily to work to supplement the relative meager assistance their families receive from humanitarian agencies. The new restriction on movement are already causing hardship in the shelters, especially since food rations to the shelters were also recently reduced (Bangkok Post Newspaper, 22 July 2014).

● **Trend and Approach in Refugee Problem**

The positive circumstances as a consequence of Myanmar's political reform accelerated by international interests would have triggered the trend in approaching the refugee's problem by the Myanmar government. Additionally, Aung San Suu Kyi's visit at the minority/migrant workers' communities in Thailand has been a good sign to bring the issue of protracted refugee situation to the international attention. In consistence with the increasing public interest toward the Rohingya refugees seeking the asylum protection, finally, the refugee problem which requires comprehensive framework of protection and assistance from international community, gradually convince and put some pressure on the Myanmar government to formulate some policy on displaced persons solution.

Some actions launched by international agencies have probably been opening up a way to discuss more on repatriation issue. For example, Japan International Cooperation Agency (JICA) is working on assessing the potential for development projects for the Japanese government in Mon and Karen States to open the information center on issues related to refugees in Thailand and internally displaced persons in Karen State. The discussion has been organized in collaboration with the government relevant departments – Chief Minister of Karen State, State Department Ministers at the government office in Hpa-an, Chief Administers of

Myawaddy Townships, District Officers and the Ministry of Immigration in Myawaddy District. The information center will support and provide detailed information for making decision of refugee repatriation about the peace and landmine in the areas where the refugee will return. JICA will make a report to the Japanese Government and all organizations involved, including Myanmar government to agree for opening the information center (Karen News, 2013)

CHAPTER IV

Factors Influencing Durable Solutions

4.1 Durable Solutions Policy

The realization of durable solutions for refugees has been one of principal goals of international protection. Yet, almost 150,000 of displaced persons around the nine temporary shelters along the Thai-Myanmar border are stranded in long standing situations of exile with no foreseeable end to their plights. Since 2005, the primary implementation of resettlement programme for durable solutions has been the possible option operated by UNHCR, IOM and Thai Government. Until 2011 the effort to implement repatriation programme seemed to be another option due to the economic and political reform policies of Myanmar government. However, although various stakeholders attempt to find durable solutions in relation to repatriation, there has been no formal sign of mutual agreement mainly because of the intractable nature of armed and political conflict between Myanmar government and ethnic minorities group.

Due to the lack of the implementing repatriation policy, the repatriation programme has not reached the practical agreement on policy direction to implement the action plan. On the other hand, as argued by Slaughter and Crisp, (2009), the UN's refugee agency, UNHCR, donors and International Non-Government Organizations (INGOs) and Non-Government Organizations (NGOs), has been limited in their abilities to address the problem of protracted refugees situation and paid less attention on this issue. This chapter examines organizations' recent and current efforts to tackle the issue of protracted refugees situation, and identifies the key factors and conditions influencing the principles of durable solutions on which such efforts of various stakeholders have been differently implemented based on their own policies, mandates and missions. As argued by Dares et al. (2013), these differences are predominately based on stakeholders' consideration of the current situation as an emergency or otherwise and their resultant policy approach to serving immediate

basic needs versus providing opportunities for self-reliance. These gaps sometimes hinder effective cooperation between stakeholders (Dares et al, 2013:   ).

The search for comprehensive durable solutions has resulted from the development of important tools or initiatives such as 'Convention Plus' and Framework for Durable Solutions for Refugees and Persons of Concern which constitute an important elements of UNHCR's efforts to provide international protections to refugees and other persons of concern. The key concept of improving the tools of protection was intended to foster a more reliable and effective international response and equity burden and responsibility sharing. Therefore the key to achieving durable solutions lies in the cooperation among countries of origin, host States, UNHCR and its partners as well as refugees and their host communities (UNHCR Global Appeal 2006). (see finding durable solution save in refugee durable solution 4371)

in the regional context, the development of the ASEAN Intergovernmental Commision on Human Rights (AICHR) derived from the ASEAN Charter in monitoring the human rights conduct of its member states

4.2 Factors Influencing Resettlement and Repatriation Programme for Refugees

4.2.1 Factors from International Organizations: European Union (EU), Donor Countries, International Organization for Migration (IOM)

Over the past twenty five years, the international humanitarian system has gone through major changes as a result of the refugee crisis and various conflicts in protracted refugee situations in African countries, Thai-Myanmar border, Afghanistan, and other violent emergencies. Indeed, the system has dramatically improved in responding to crisis quickly, effectively and professionally. Nonetheless, the past few years, the humanitarian system has come under enormous pressure in responding to a growing number of protracted crisis. Probably, the international organizations have capacity to raise funds for a high-visibility emergency such as environment disaster, than for refugees streaming out of ethnic conflict and human rights abuses in

Myanmar, or internally displaced persons (IDPs) and displaced persons (DPs) living for years at the Eastern border of Myanmar or for almost three decades in Thai-Myanmar border. Many factors are likely to shape the context of humanitarian response over the next twenty five years and draws out their implications for future humanitarian action for protracted displacement.

In the past couple of years, there has been growing interest in looking at the implications of global trends on humanitarian actions in response to the challenges of durable solutions for displaced persons from Myanmar in Thailand. Predicting the possibility for implementing repatriation and reintegration process for these displaced exile is difficult amidst the continuing conflict between Myanmar Government troops and ethnic armed group. Whereas, according to UNHCR report in 2013 concerning the unusually large numbers of new refugees and internally displace people, the report said 5.9 million people were forced to flee their home in the first six months of the years compared with 7.6 million for all of 2012 (UNHCR, 2013). The sharp rises of new refugees and internally displace people in several protracted situations, particularly in the Myanmar case indicate humanitarian organizations require political effort and political wills in which much more concerted international focus needs to be placed. Predictably, Myanmar will have a proportionately larger percentage of the forced displaced persons, and the demographic pressure on presently abused people will continue to grow (UNHCR, 2013). With the demographic pressure in growing number of refugees in long-term encampment, funding aims allocated by donor government tend to alleviate people's suffering for emergency relief programmes within a certain, short period of time. These trends have global political and economic consequences resulted from uneven population growth mostly concentrated in poor countries particularly in Africa and in countries with substantial Muslim populations, increasing percentages of aging population, expansion of population with changing consumption pattern, education and job opportunities, and increasing pressures for migration etc. Most of this growth will take place in developing countries and will result in a different balance in the relative populations of developed and developing countries (Ferris,

2011: 917-918). Politically, countries of the Global South will become more powerful in multilateral forum as a result their burgeoning populations. Meanwhile developed countries will spend increasing percentages of their domestic budget on pensions and medical costs of caring for an aging population (Ferris, 2011: 919). These factors has a resulted to the funding allocation for refugee protection and durable solutions mandated by international organization like UNHCR, other UN agencies and IOM. The principle role of donors is to allocate funds to implementing agencies both in global and local levels to assist people in need or vulnerable people for humanitarian reasons (Dares et al., 2013). However, the effort of humanitarian community to bring relief and contribute to lasting solutions are made more difficult by donors' budgetary constraints, triggered by the global financial and economic crisis. Donor fatigue has become an increasing problem. Some have stated about the impossibility to continually increase support for displaced persons while other have suggested for an exit strategy. To confront such issue and avoid compounding problems found within the temporary shelters and among the resident population, stakeholders have made positive strides at trying to address conflicts and policy gaps in the hope of finding plausible long-term solutions (Dares et al., 2013: 26).

The European Commission

The European Commission has provided humanitarian aid to refugees from Myanmar in Thailand since 1995, funding mainly for food assistance and primary health care. In 2009, the European Commission started scaling down the EU contribution to the temporary shelters in Thailand, a total of EUR 8.75 million, just slightly lower than the 2008 figure of EUR 9.5 million. In 2013, EUR 4.5 million were allocated, bringing the total amount in the last 18 years to some EUR 113 million. Implementing partners include Interchurch Organization for Development Cooperation (ICCO), The Border Consortium (TBC), Permiere Urgence – Aide Medicale Internationale (PU-AMI), Malteser International and the United Nations High Commissioner for Refugees (UNHCR).

One of the main challenges facing EU's humanitarian aid is the difficulty in linking short term humanitarian aid to long term development cooperation activities (European Commission, Humanitarian Aid & Civil Protection, 2010 cited in Dares et al, 2013: 27). Donors including ECHO, are supporting the CCSDPT and the UNHCR in their efforts to implement a five year Strategic Plan to find durable solutions to expand the displaced persons' self reliance. Pilot projects have already started in most shelters, including vocational training, livelihood opportunities, healthcare integration, etc. In Mae La Shelter, for example, agricultural projects introducing small scale intensive farming, including fish ponds, help supplement the diets of the participating displaced families (Eick, n.d cited in Dares et al, 2013: 27).

Humanitarian aid decision making is becoming more complex and sensitive and the framework for measuring donors performance is weak, affecting the accountability and the trust necessary for positive relations between donors and their partners (Macrae et al., 2002; Macrae, Harmer, Darcy & Hofmann, 2004 cited in Dares et .m, 2013: 13). Meanwhile, the protracted nature of refugee encampment has resulted in frustration among both donors and CCSDPT. The provision of humanitarian relief has been ongoing for more than 25 years and the populations in the temporary shelters have not diminished, despite the relative success of and the resettlement programme so far. Donors, in particular, demand to see some or even slightly shift to address the situation along the border by transferring its focus from humanitarian relief to a more developmental approach (Dares et .m, 2013: 13).

Donor Countries

Funding from donor countries is bilateral in nature. Included in this are European donor countries that are also members of the European Union. These countries direct funding bilaterally, separate to their European Commission (EC) contributions which are channeled through the ECHO/AUP (Aid to Uprooted People) mechanisms within the EU structure. A significant proportion of overall donors contributions are   channeled through the Border Consortium (TBC) to support their operations. Beyond this NGOs receive donor funds to support projects related to

health, education and capacity building. These NGOs also source fund s from private foundations and organizations (Dares et .m, 2013: 33).

From empirical study, the stakeholders indicated that funding has been decline over the past three years and this has directly affected NGOs working with the displaced persons in Thailand by limiting their day-to-day operations and, subsequently, the projects and interventions that these organizations have a capacity to implement. But despite this trend, the funding allocation will continue, although this remains unpredictable. It is subject to policy and funding decisions of home-base donor governments.

In approach to transition its focus from humanitarian relief to a more development one, the EU intervention has reallocated funding from ECHO to AUP in recent years. Funding through ECHO, emergency relief and humanitarian in nature, has declined over the past year. On the other hand, funds through AUP, which support development cooperation, have increased and are expected to continually increase over the coming years (Ibid.,). In Rakhin State, DG ECHO closely coordinates with other Commission services in order to increase the possibility to transfer some activities to long term funding. The 2012 DIPECHO Action Plan for South East Asia will include Myanmar and will allow a second round of DRR actions with an extended geographical coverage. DRR is a clear priority for the Government considering that the country is so exposed to cyclones, floods, tsunami and earthquakes.

In Rakhine State DG ECHO closely coordinates with other Commission services in order to increase the possibility to transfer some activities to long term funding. The 2012 DIP ECHO Action Plan for Southeast Asia will include Myanmar and will allow the second round of DRR actions with an extended geographical coverage. DRR is a clear priority for the Government considering that the country is so exposed to cyclones, flooding, tsunami, and earthquakes. In 2012 humanitarian funding to Myanmar amounted to 64 million with main donors being the European Commission, Switzerland, Norway, Japan, UK, AUSAID, USAID, Turkey, Sweden and Denmark. Following the recent events in Rakhin State, Saudi Arabia and Turkey have provided

assistance. The main donors to the temporary shelters in Thailand are the Commission DG ECHO, AUP), Sweden, Netherlands, UK and USA.

The capacity of Thailand to accommodate and ever-growing number of refugees is declining. Thailand now long been suffered from a wide range of illegal movement in the terms of environment degradation, emergence of pandemic, political, trafficking. So the last two decades witnessed a growing sense amongst the developing countries and particularly Thai that they were obliged to bar a disproportionate share of responsibility for the global refugee problem. Moreover, donor countries regarded the refugee policies of reduced humanitarian assistance programme due to growing number of citizens in Africa, Asia, the Middle East, Latin America and European countries outside the European Union attempted to enter the world's more prosperous states to submit the asylum application.

On the other hand, the disconnection between NGOs or other international organizations and donor perspectives on interventions for the state of 'emergency' in the temporary shelters

4.2.2 Preferences From the United Nations and NGOs for Voluntary Repatriation Among All Durable Solution

UNHCR

The political and economic reform of newly-established civilian Myanmar government has stimulated the initiative of humanitarian communities on the situation of human rights improvement and bring about a genuine transition to democracy (United Nations Special Rapporteur on Human Rights, Office of the High Commissioner on Human Rights 2011). Many key concerns to the International Communities on human rights abuses in Myanmar have been addressed by the Myanmar Government to take a necessary step on a release of a large number of prisoners of conscience including opposition leader as Aung San Suu Kyi, conditions of detention and treatment of prisoners, freedom of expression and more freer media environment, the allegation of the use of prisoners as porters for the military, tensions and armed conflict with ethnic group, availability and accessibility of

education and healthcare, the legal system, justice and accountability measures and the new Parliament to engage all different actors and parties in the political process (United Nations General Assembly, 2013). This positive and meaningful developments has expectantly provided the opportunity of UNHCR to develop the preliminary framework in supporting a more coherent, predictable and effective response to the durable solutions needs of refugee and internally displaced persons (UNHCR, 2012).

UNHCR, UN Assembly and UN agencies has addressed the particular concerns of ethnic minority groups. The UN Special Rapporteur reiterates that any durable political solution must direct the root causes of the conflict. UN agencies has paid attention to closely monitor developments in ongoing political negotiations, in particular on the issues of a) disarmament, rehabilitation and reintegration of former combatants; b) children recruitment into armed groups; c) assistance and support to those affected by the conflict, including landmine victims; d) demining; e) poverty alleviation and socio-economic development in ethnic minority areas; f) natural resource management, revenue sharing and self-governance, including through a positive review of Constitution; g) the voluntary, safe and dignified return and resettlement of refugees and internally displaced persons; h) the promotion of the rights of ethnic minorities; and i) a means of addressing continuing allegations of human rights violations

In the context of continuing reforms, the improvement in the human rights situation in Myanmar and the increasing engagement of civil society, political parties and other stakeholders in the reform process has been extended greatly in discussing human rights issue and more critical debate on the direction, pace and scope of reforms. In addition, national institutions with important roles in furthering democratic transition and respect for human rights have continued to develop. However, the continuing conflict in Rakhine State and sporadic fighting in Shan State, despite the major achievement of ceasefire agreements between the government and the 13 ethnic armed groups, demonstrate the serious human rights challenges. Clashes continue in Kachin, Kayah, Kayin, Chin and Shan States (United Nations General Assembly, 2013). There remain unsustainability of the ceasefire and limiting

factors in an operation of restricted humanitarian access of UNHCR and other humanitarian agencies in the range of humanitarian activities in potential areas of refugee return. The United Nations humanitarian agencies have been provided with access to areas outside government control only once between July 2012 - July 2013 (Ibid.,). Currently, the effect of denying humanitarian agencies access to areas outside government control in Kachin State causes the environment that is not conducive to the conditions or safeguards needed for organized returns of internally displaced persons and refugees. UNHCR and other groups have not been able to access to returnees areas to monitor return.

UNHCR has involved greatly on the possible return and reintegration of the some 426,000 refugees and asylum seekers in affected neighboring countries (Thailand, Malaysia, Bangladesh and India) and on the conditions conducive to their voluntary, safe and sustainable return. In addition, there are some 339,200 estimated internally displaced persons in Myanmar (UNHCR, 2012). UNHCR has drafted the framework for voluntary return that sets out the principles for return based on consultation with all stakeholders. However, it is noted that affected individuals and communities had not been consulted and that rumors and misinformation had generated widespread uncertainty in the camps. Civil society organizations also indicated the lack of transparency and consultation on the peace negotiations. These views are very important (UNHCR, 2012). Any return should take place in consultation with affected individuals and communities, with the necessary measures and safeguards in place for people to return voluntarily in safety and with dignity, and to ensure their integration (United Nations General Assembly, 2012).

UNHCR as the refugee-mandated agency humanitarian confronts many challenges in approaching any voluntary return operation – if and when condition conducive. Multifaceted and regional nature of the displaced population living in affected host asylum countries and even in Myanmar, including the persons of concern to UNHCR as well as some 3,000 refugees and asylum seekers being hosted in other countries in Asia-Pacific region, given the profiles of these populations, need comprehensive plan of action and consultation with all stakeholders.

It is therefore prudent that the humanitarian community initiates measures in preparation for and support of an eventual voluntary repatriation of the refugees, albeit bearing in mind that much yet need to be done in Myanmar – particularly in the places of origin – before the promotion and facilitation of voluntary repatriation could commence (UNHCR, 2012). Therefore, the Framework for Voluntary Repatriation sets out the protection principles and standards that need to be upheld and highlights the main protection and assistance aspects of an organized repatriation operation for refugees and asylum-seekers living in the nine temporary shelters in Thailand (Ibid.,).

According to the Framework for Voluntary Repatriation and a more detailed Voluntary Operations Plan, many factors in return operation present a series of challenges for UNHCR mandate to sustainable return. The framework and the plan are seen as necessary and prudent steps by UNHCR to be undertaken in partnership with all stakeholders to facilitate a forward planning process that can be elaborated upon as situation in Myanmar evolves and as more information becomes available to the humanitarian community. These factors include:

a) the promotion of legal standards and core principles of voluntary repatriation: this is to identify the principle protection activities with the Governments on the execution of any measures calculated to improve the situation of refugees and reduce their number as well as to assist governmental and other efforts to promote voluntary repatriation that will be conducted in the legal framework.

b) the requirement of the conditions of positive socio, political and security developments within Myanmar for a sustainable voluntary repatriation: a sustainable repatriation is dependent on the content and durability of the ceasefire agreements and the ongoing peace process and there needs to be a meaningful dialogues with the refugee on the situation in Myanmar

and psychological readiness of persons or the desirability to return to places from where they experienced the forced displacement. One of the key challenges is to provide accurate and up-to-date information on humanitarian protection and human rights principles to refugees. In this regards, agreements to allow refugee representatives to visit their places of origin or other form of information sharing and consultation such as regular open-dialogue meetings, using public radio or other form of mass media. In addition, the demarcation and de-mining programme of significant proportions will be required. Importantly, the government of Myanmar has to be responsible to ensure a safe, sustainable and dignified reintegration of returning process with all security measures at the border crossings, the reception centers, and en-route to the places of origin and returnees destination.

c) <u>Possible triggering events to return</u>: triggering events that could encourage groups or individuals to decide to return will lead to durable political developments as following listed:

- the transparent 1 April by-elections

- ceasefire agreement leading to the comprehensive peace accord and reconciliation

- Dialogue concerning reconciliation with pro-democracy groups as FTUB, NLD-LA and BLC

- Release of all remaining political activists, journalists, ethnic group leaders and other prisoners of conscience

- Establish an amnesty programme for exiles to return

- Offer amnesty and assistance to reintegrate compromise combatants

- Reintegrate programme for child soldiers from non-state armed group as well as child soldiers from the military

- Establish system of property reinstitution

● Establish a system of property restitution or remuneration for lost property

● Allowing the full access of humanitarian and development actors to return areas

● Implementation on agreement with ILO and Government on forced labour

● Completion of development and construction projects for economic and social well-being for affected population

● Access of area return for basic services as health and education

● Specific legal legislation and implementation of proposed revision of 2008 Constitution

However, the constraint of UNHCR on failing to provide adequate protection and assistance to refugees and asylum seekers often is to challenge with States in critique of causing the refugee movements and seeking the durable solutions. In principle, UNHCR was designated to uphold the implementation of the 1951 Refugee Convention and was mandated to work with Thai government to reach policy agreements and to overcome technical obstacles in obligation with the Convention. Since 1979, the protection mandate of UNHCR for Cambodian displaced persons living in the UN camps and other holding centers was critiqued on its effort in avoiding to play a role in the border shelters. UNHCR offered to be the lead UN agency on the border, however, the terms is set – including the removal of all soldiers and weapons from the shelters and relocation of the shelters away from the border – were considered to be unrealistic at the time (Dares et al., 2013). Moreover, at least 93 international donors felt that UNHCR was not equipped to handle such a large and complex emergency (Ibid.,). Thailand has not ratified to the 1951 Refugee Convention, but UNHCR has been allowed its role in some bargaining process with the Royal Thai Government in the process of status screening for the arrivals to access some protection. This might cause some limitation in UNHCR's role. As indicated by UNHCR Senior Officer:

'…the mandate of UNHCR in finding the durable solutions for refugees is much more complex than delivering emergency relief assistance. Because it needs achievement to reach agreement and cooperation from all relevant stakeholders – donors, NGOs, Thai and Myanmar governments including representatives of displaced persons to manage collectively in the provision of both technical and funding support…'.

(UNHCR Senior Officer, Bangkok,

28 August 2012)

UNHCR could also play an important role in helping state in the region develop a common legal foundation that would contribute to an effective response to their refugee concerns. Thailand has not developed domestic legal system to deal with refugees or acceded to the UN Refugee Convention. At the national level, refugees are subject to the same laws as illegal aliens. Consequently, refugees are treated in an ad hoc manner, subjected to arbitrary and discriminatory measures and denied basic rights. Because refugees are perceived as a security and economic burden.

NGOs

The long-term confinement of the refugees was detrimental not only for the refugees but also to the future stability in Thailand. NGOs and UNHCR argued that, if refuges were given more skills training, further education and income generation opportunities, this would prepare them well for what ever solution awaited them in the future, whether in a third country, return back in Myanmar, or during their settlement in Thailand. They argued that refugees were a resource that could contribute positively to the Thai economy during their exile.

In 2005, NGOs and UNHCR capitalized on these initiatives, producing a comprehensive plan for 2006. Subsequently, Thai government had a positive response by approving and implementing an extended skills training projects designed to produce household income and improve livelihoods and employment opportunities. Thai authorities also agreed to support education in the camps by setting up learning centers with a focus on teaching the Thai language. Such a new approach is implemented, but political uncertainty in Thailand. Both before and after the overthrow of the Thaksin government, couple with the decrease of donor engagement, delayed operation for most of 2006. In 2007, Thailand finally issued identity cards to some 85,000 refugees in the camps, which are an important prerequisite for exploring self-sufficiency opportunities for refugees both inside and outside the camps. At the same time, Thai authorities began to permit limited skilled training and education in the camps (Ibid.,).

Within the CCSDPT practice, administrative development is already in place in camp project management by displaced persons. NGOs continues to be involved in the shelters under the same mandate that has not changed since the start, their core philosophy is humanitarian action and aid for people in need or those most vulnerable. Some of them viewed that the displaced persons' situation has still been a protracted emergency because of the potential for large numbers displaced persons to continue to cross the border is quite likely as long as the instability inside Myanmar persists. This is in contrast with other organizations who perceived the emergency situation to be over, as so much time has passed and even though there are still some new asylum seekers arriving shelters. However, considering the number is not massive, this can be seen more as a protracted displaced people situation, rather than an emergency. However, most NGOs programme activities have also gradually change to a development model. NGOs operations are constraints by Royal Thai Government policy and funding requirements from donors. UNHCR also has to cooperate with RTG and work under RTG policy (Dares et al.,: 68-69).

UNHCR and CCSDPT have developed a five-year strategic plan for strategic direction to durable solutions for displaced persons. It is selective durable solutions that tends to focus on local integration rather than comprehensive solution. The obvious constraint is the ambitious expectation to think that the shelters would be opened immediately. This needs to be a phased process with system first in place.

It should be noted that less attention has been paid to repatriation for displaced persons at both national and international level, with a corresponding lack of investment in strengthening the process of initiative planning. Some say that it is not a time to think about the repatriation as a conflict and human rights violation situation until going on inside Myanmar. To support for this reason, when the researcher asked about the opinion on transforming Myanmar and the impact to the displaced population, the in-depth interview with NGOs senior official in the temporary shelter found that most of NGOs have never changed their initiative roles and responsibilities on emergency aids and development of displaced persons as stated:

> '...everything is running on with uncertainty. We might have continued to wait until 20-30 years. In reality, the country of Myanmar is opening to international community but the democracy would not have been realistic. Myanmar government has still hold the power. Nobody knows the hindering and complex problem of ethnic group dwelling at the border. I work as NGOs. I am not interested who will manipulate the political power. Conflicts have still continued but the situation seems more calm. My interest focuses only on technical support and professional active support especially the programme activities for victim population, not just concentrate on the proposal like UN...'.

(NGO Senior Staff, Mae La Ma Luang Shelter,

27 November 2012).

Although repatriation is not an option at the moment, it is the obligation and collective international responsibility to pressure the Myanmar regime to create a safe environment for safe return (Ibid.,: 69). The ongoing phenomenon of the influx of displaced persons from Myanmar has formed a protracted refugee situation which will remain perpetually if the internal conflict in Myanmar has still continued and has not been monitored coordinately from all stakeholders.

4.2.3 Third Resettlement Countries

The resettlement operation in the camps on the Thai-Myanmar border is the world's largest resettlement programme, with 12 receiving countries accepting displace persons for relocation and integration. Beginning in 2005, those displace persons in the temporary shelters who were registered during the 2004-2005 MOI/UNHCR registration process, or subsequently by the Provincial Admission Board (PABs), have been eligible to apply for third country resettlement, bringing the total number of departures to 64,513 since 2006 (TBBC, 2011: 8). Approximately 76 % of this total was destined for resettlement in the USA, with the remainder accepted by Australia, Canada, Denmark, Finland, Ireland, New Zealand, Norway, Sweden, the Netherlands, the United Kingdom and Japan.

However, despite the large investment of financial and human resources in this effort, the displacement situation appears not to have diminished significantly in scale as of yet. While no stakeholders involved with the situation in Thailand are currently calling for an end to resettlement activities, there has been little agreement on what role resettlement actually serves in long-term solutions for the situation. For the most part, the programme has been implemented thus far in a reflexive manner rather than as a truly responsive and solutions-oriented strategy, based primarily upon the parameters established by the policies of resettlement nations and RTG rather than the needs of the displaced persons within the shelters (Harkin; Navita; and Aungkana, 2011).

The impacts and implications of resettlement operations to date do include some notable positive effects on the displacement situation in Thailand. Resettlement has allowed thousands of displaced families to start a new life in resettlement countries, facilitated the removal of some of the most vulnerable displaced persons from the shelters environment in protection capacity, created a safety valve on the situation which has helped to prevent some of social problems that had begun to occur as a result of long-term encampment and has created connections internationally that helped to support those remaining in the shelters both to direct financial support and through political advocacy in resettlement countries (Ibid.,).

On the more ambiguous side of its impacts is of course resettlement's lack of effect on reducing the scale of displacement in Thailand. While there is currently not a sufficient amount of credible evidence available to indicate that resettlement itself has become a significant pull factor for new displacement flows into the shelters, it is apparent that resettlement operations have thus far not outpaced the flow of asylum seekers into the shelters or the high birth rate among the shelter population. The net result of these competing factors affecting the shelter population totals appear to be a small reduction of about 1 percent in actual resident present since resettlement began if the unregistered population is included. However, this could perhaps be seen as a deceptively good outcome, as it appears likely that a large number of those who have departed through resettlement might very well be appended to the current population totals had the programme not taken place (Ibid.,).

A final impact assessed is the question of brain drain within the community-based model of shelter services and administration. While this appeared to be a catastrophic impact initially, particularly for the health and educational sectors within the shelters, it now looks as if the situation has stabilized somewhat. While there continue to be loses of educated and experienced NGO staff and camp

administration members to resettlement, new staff and leadership have emerged as a result and service provision appears to be continuing despite some gaps in consistency of service quality. It does appear to be unavoidable that resettlement will continue to result in the loss of some of the best and most experienced staff within the shelters but from a broader perspective, this is not entirely negative impact (Ibid.,).

Within the limitations of this strategy framework, a greater level of cooperation between resettlement countries, international organizations and the RTG to support a higher quantity of departures for resettlement through addressing the policy constraints and personal capacity restrictions to participation appears a desirable option and might allow for resettlement to begin to have a more significant impact on reducing the scale of displacement within Thailand.

As long as insecurity and poverty continue to result in people leaving their origin country in Myanmar to seek asylum in Thailand and employment, particular in the resettlement countries. When these refugees or displaced persons reach the third countries for resettlement, they can expect less support than in the past. With the proliferation of protracted refugee situations and the emergence of increasingly restriction host-country policies, the principle of human rights are directly jeopardized by policies of long-term encampment (Sytnik, 2012).

The group resettlement programmes which was initiated in 2005, with the support of Thai and US governments, to offer the durable solutions to the tens of thousands of refugees from Myanmar who found themselves in a protracted refugee situations and dependent on international assistance recently came to an end in Thailand after the 24 January 2014 deadline for refugees' applications to express their interest in resettlement to UNHCR (UNHCR, 2014). The United States had settled more than 73,000 refugees from Myanmar since 2005. The programme's closure

was first announced and implemented in Mae La Temporary Shelter and rolled out to other Temporary Shelters in different stages. Over the past year, nearly 6,500 displaced persons on the Thai-Myanmar border have expressed interest in the US group resettlement programmes – 2,500 more individuals than in 2012. However, UNHCR continues to conduct resettlement processing for refugees with specific protection needs and family reunification on individual basis to various resettlement countries (UNHCR, 2013).

It appears highly unlikely that resettlement can resolve the displaced person situation in the border shelters as a lone durable solution and almost certainly not if the status quo registration policies and procedures of the RTG are maintained. All stakeholders involved with trying to address the situation are currently struck with the impractical approach of attempting to resolve a protracted state of conflict and human rights abuses within Myanmar without effective means for engaging with the situation in-country.

4.2.4 Royal Thai Government Policy As Host Asylum State

Many issues have been raised for the protracted displacement situations for displaced persons from Myanmar that should take in consideration to minimize the gap in cooperation or some effect that might impede in delivering the durable solution. The Royal Thai Government (RTG)'s policy towards displaced persons from Myanmar, has been largely responsive to the displaced persons issue rather than proactive. The policy does not appear in a formal asylum policy implication. But it shaped in various Cabinet resolution, Ministry announcements and regulations. The situation of the displaced persons is seen as a security issue rather than a humanitarian one. This has led to practical difficulties in dealing with displaced persons and has also enabled the RTG to maintain an apparent ambivalence to the situation in public. Evidently, Thailand has had a consistent policy about the mobility

of displaced persons since the temporary shelters for displaced persons being established in 1984. Until now, since the military seized power and ousted elected-government Yingluck Shinawatra in a coup d'etat in Thailand on May 22, 2014, security has been tightened at the temporary shelters, a curfew introduced and restriction imposed on movement. Under the current administration of the National Council for Peace and Order, the headcount has been conducted at two temporary shelters in Tak province and has not been the priority in other remaining shelters (Mizzima Business, 2014).

This is affirmative that the RTG has maintained the displaced persons in the issue of the national security, which has led to reluctance to consider certain solutions. In addition, the displaced persons issue has been made more complex by the 2 million migrant workers from Myanmar that work in Thailand, and by Thailand's strategic relationship with the government of Myanmar. The lack of clear and open policy on the displaced persons has meant that they are usually considered first and foremost as potential illegal immigrants; the displaced persons have been given long-term sanctuary and protection from refoulement, but with in closed settlement which have created conditions of dependence and have severely limited self-reliance in contrast to international standards on treatment of refugees. Premjai et al (2011).

The leading roles to administer the issue have been assigned to security sectors including the National Security Council (NSC) and the Ministry of Interior (MOI) which set up ad hoc sub-committees that include members from various other sectors. The initiative of new programmes, and the changing or improving of some regulations and guidelines, have been done with the participation of these sub-committees. The three principles of the policy for displaced persons management have included confinement policy, reducing the burden on the RTG of providing sanctuary and services, and addressing the root causes of the displaced persons issue.

The displaced persons express relative satisfaction with the treatment they have received in Thailand and in areas such as healthcare they have done better than some communities in Thailand. In other area, such as education, income generation and access to justice, the displaced persons have faced restrictions, though the RTG has improved practice in these areas as its policy response has developed and evolved through experiences and external scrutiny. However, the permanent solution remains elusive, of the standard 'durable' approaches, resettlement has been the most successful, with over 64,000 displaced persons being resettled to third countries. Resettlement was initially opposed by the RTG as representing a 'pull factor' for new displaced persons, and the displaced persons themselves are divided in opinion; younger, better educated displaced persons are more positive, but others cite loss of family ties and the permanent exclusion from their homeland as being negative factors. It is also clear that resettlement has not reduced the settlement populations; resettled displaced persons have been replaced by new displaced persons (Premjai et al, 2011).

Since the 2004-2005 registration process, there has been major flows of new arrivals into the camps who have not had a status determination made as of yet. This is particular significant because resettlement opportunities are restricted to the registered population of the camp. The PABs began screening again in late 2005 based on an expanded set of criteria established with the assistance of UNHCR. However, the halting pace of registrations in the camps has created problems for humanitarian aid organizations both in terms of operations and reporting on services provided to donor organizations (Premjai et al, 2013).

The RTG policy can be seen as rigid in its principles that have remained unchanged for three decades, though there have been many shifts in the implementation and some approaches. The areas of improvement have included

education, health and vocational training that equip some displaced persons with skills for their livelihood. However, the increasing number of displaced persons under the confinement and restriction of regulation has made the shelters crowed areas with unhealthy environmental problems. Though the conditions are acceptable to the majority of displaced persons, compared to the worse situation in Myanmar improvement in living conditions is needed. The confinement policy has proved ineffective because many displaced persons have managed to find jobs outside the shelters. Some were arrested and deported, but managed to come back to the shelters. The shortage of funding, accompanied with the donor strategy to reduce the care and assistance approach programme, has limited the assistance to the displaced persons, while the need for cash to buy some extra food, cloths and other items is obvious. The limited demand inside the shelters cannot absorb the oversupply labour of displaced persons (Ibid.,:90).

The RTG policy is considered to be a passive one towards the displaced persons and will not lead to durable solutions. There are many factors that influence the policy formulation. The internal factors include RTG's concern for security of its sovereignty, resulting from the attacks of the Myanmar army and DKBA army on the shelters. The radical political activity of some displaced persons has also contributed to the more restricted policy. Arguably, the policy of confinement has been the principle of the FTG from the beginning in addition to minimizing the population and burden, the policy implementation changed from a flexible approach in the early period, when displaced persons served as the cheap labour to the local labour market, to a more restricted approach when Thailand was able to bring in migrant labour from three neighboring countries including Myanmar (Ibid.,: 91).

Additional factors include management of the flows of migrant workers, internal political conflict, the coup in 2006 and many recent changes of Prime Minister and Ministers. Even external stakeholders concede the RTG has had competing priorities, meaning the issue of displaced persons is not an urgent issue to

the RTG. The migrant workers issue remains difficult to resolve, and it is hard to envisage that the RTG will devite much time and effort to solving the displaced persons until priorities are dealt with (Ibid.,).

The relationship with Myanmar remains, therefore, the key factor affecting Thai policy. Thailand and Myanmar have a long and mixed history of conflict, trade and exchange; something that is often overlooked by Western governments that have too often assumed that the RTG will follow closely the line of the USA, EU and other Western liberal powers. Myanmar is a source of migrant labourers for Thailand, is an increasing trade partner, and has rich deposits of oil and gas. For the RTG, the relationship with Myanmar is vital, and it will make great efforts to keep it open and cordial. The only factor which might grab the attention of the RTG is if many more displaced persons start crossing the border into Thailand. Though there have been mixed reports, this may well be happening following an upsurge in fighting after the November 2010 election in Myanmar.

All stakeholders agree, however, that Myanmar is a long way from being safe for voluntary repatriation. Ethnic conflict continues, and the reasons for the original exodus remain. The study concludes that each of them could play some part, but none will provide a definitive solution. Instead, it is proposed that an approach, puts the emphasis on the displaced persons in the long term returning to Myanmar, and gives a framework for the shorter term ' self-reliance' strategies that then become clearly part of developing displaced persons for a life in Myanmar. Repatriation remains the hope amongst displaced persons themselves, but many have lost hope that it is possible (Ibid.,).

The current study notes the potential for political change in Myanmar now , which has never been greater in the last 20 years: the release of Aung San Suu Kyi, the increased dialogue between the RTG and the Government of Myanmar after the

admittedly flawed 2010 election, the increasingly willingness of ASEAN countries to pursue careful engagement with Myanmar. All these and other factors point to Myanmar having to open up and change. However, this study notes that this will indeed be a long term process and require active engagement of all international and regional actors to keep it on course. This will mean, for example, real momentum from ASEAN, and positive moves by the UN and others in development and trade with Myanmar, with the aim of making Myanmar, or at least significant parts of it, safe for return. It will mean, ultimately, change from those in power in Myanmar, but it could be that concessions will need to come first from the international community (Ibid.,).

It also means that the RTG will need to continue to reduce the restrictions on the displaced persons, for instance on freedom of movement. Areas such as education and income generation will also need to develop; but within the 'self-reliance pending repatriation and resettlement' framework. The resettlement programme will need to continue; and some local integration offered to some segments of the displaced persons population by the RTG will help. In addition, making Myanmar a safe place for return, and effectively addressing the root causes of the flow of displaced persons, is the solution to this protracted problem that can succeed and is truly durable in nature.

Some author points some challenge that there is also a gap in the donor-host government relationship that may affect cooperation to deliver durable solution. There is a lack of effective communication among donor groups themselves, between donors and RTG, and donors and NGOs prohibiting information sharing and coordination processes (Dares et al., 2011). In some cases the long term provision of support with little or no progress has created a situation of donor fatigue. Donor aid policy has been gradually shifting towards 'linking relief and development' since 2007. The inability of donors to commit to multiyear funding and the realignment of policy from emergency aid to a developmental model yield many challenges. Some

donor countries are still recovering from economic crisis and trends are revealing disaster response to be the priority of humanitarian assistance. All these factors may contribute to funding shortages and also affect food security for displaced persons in temporary shelters (Ibid.,).

Most NGOs programme activities are also increasingly developmentally focused. Again yearly funding prohibits long term development plans and the ability to fill specific funding gaps to provide opportunities for displaced persons self-reliance. Donors should approach displacement holistically, in both the original and host countries and in both the emergency and development phases. Cross-border programme should work to support people in need internally in Myanmar and prevent the movement of new asylum seekers across the Thai-Myanmar border (Ibid.,).

Restrictive RTG policy on displaced persons is premised upon temporary asylum and eventually repatriation. The focus on preventing influxes and restriction of movement has increased displaced persons's dependence on external assistance and limited opportunity for self-determination. The RTG should consider the current protracted refugee situation and explore ways to adopt international law to support displaced persons' s self-reliance and provide suggestions or recommendations on the feasibility of project operations.

The Provincial Admissions Board (PAB) system should be reactivated as a priority to work more effectively in screening and determining displaced persons' status so that new asylum seekers can access protection and basic needs and services, including resettlement options in a timely manner (Dares et al., 2011). The lack of a PAB to prove the displaced persons' status not only obscured their identity but also eligibility for protection and resettlement opportunities.

It is recommended that negotiation and dialogue to bring durable peace to Myanmar must be facilitated by the RTG through ASEAN and UNHCR through UNHCR Ex-Committee and the United Nations General Assembly. UNHCR and CCSDPT should facilitate coordination, consultation and collaboration with donors and high level RTG representatives to obtain mutual agreement on development strategies for displaced persons, particularly the development of economic self-sufficiency which must be the common goal of all partners. Definition of strategies such as integration will improve understanding of the nature and extent of self-reliance interventions. Moreover, the concepts of 'responsibility sharing' or 'partnership principle' may create a more positive working environment, in contrast to 'burden sharing' or 'burden shifting' (Ibid.,).

In the global context, this issue has also been raised on the international policy coordination that effects to the evolution of policies towards asylum seekers and the effect of those policies for refugee-receiving countries (Hatton, 2004).

Thai government policy on the provision on Temporary Shelters has remained unchanged over the years, with limited access to higher education, livelihoods and other employment. The confinement policy prohibits the attempt access to higher education outside the shelters, with the argument that the RTG has already support education and other course beyond basic level for the displaced persons. This matching to education provided to local children, who have free education to secondary level, is part of meeting obligations under the CEC. In this regard, the RTG has not agreed to the attempts to put forward a policy for some displaced persons children to attend Thai universities as it is against the confinement policy (Resolution of National Security Council Sub-Committee. 2005., cited in Premjai et al.).

The internal conflict in Myanmar has still continued. With this security issue, Thailand's policy has not repatriated any displaced persons. The repatriation would be possible option if there should be reassured the transparency of the process with the availability of physical, food and livelihood security including the opportunity in family and relatives reunion based on the friendship diplomatic relation and between Thai and Myanmar The process would have started with the national verification, coordination between stakeholders especially Thai Government, Myanmar Government and leaders of ethnic groups, well-planned repatriation process, land preparation for agriculture and livelihood. The procedure for repatriation would have been standardized following the International Convention in respect to the human rights approach (Deputy Secretary of Mae La Temporary Shelter, 2013)..

4.2.5 Myanmar Government Policy As Country of Origin

Since Independence in 1948, Burma has been plagued by an extraordinarily protracted internal war. After barely three months, the country was engulfed in a multifarious conflict between the central government in Rangoon and a plethora of anti-government rebellions. Long-running emergencies fought by the Communists Party of Burma (1948-1989) and a large number of well-armed ethno-political organizations have threatened the central authorities throughout both the democratic eras (1948-1958, 1960-1962) and the long period of military domination (1962- present). Under successive government, the *tatmadaw* (the Burmese armed forces) has fought back, always striving to make its counterinsurgency strategy more effective; it has emasculated or finally defeated many of its opponents only relatively recently. In the contested borderlands where insurgency and counterinsurgency have been waged, the war has increasingly penetrated into the midst of civilian life over the course of time. The consequences for the displacement of civilian population are key concerns Thailand as host country and addressed in the international forum (Loescher, and Milner, 2008: 303-332).

From the survey on Humanitarian Implementation Plan (HIP) on Myanmar/Thailand (2013), continuing conflict and violence has affected the livelihood situation of the displaced community. The economic prospects do not show a quick recovery trend. Committed food assistance, livelihood support and productive assets are urgently needed for all displaced families. The increasing demand of humanitarian needs is related to the demand for additional funding in respond to food assistance, livelihood support for people affected by conflict and violence in Rakhine, Kachin and northern Shan State. The European Commission had increased EUR 3,000,000 budget of the 2013 HIP. In Myanmar, the capacity of the government to respond to the refugee problem in Thailand remains limited. Nevertheless, a positive step is the start of a multi stakeholder peace initiative. This might represent a good opportunity for cooperation between the government and the international community to prepare a comprehensive plan for the return and reintegration of internally displaced persons and refugees from Thailand.

However, the effort to find a solution to the protracted refugee situation has been stymied by the political and military impasse in Myanmar. The military continues to use force to quell opposition to its rule and engages in systematic human rights abuses. The Myanmar military perceives refugees and displaced persons as part of the insurgent forces and refuses to discuss any possible solutions apart from the total defeat of the opposition. Thus, the military favours repatriation only after it has secured ceasefires on its own term and/or after it has secured complete control of the ethnic nationality forces and their border territories (Loescher and Milner, 2008: 321).

The fact remains that while Myanmar has been a progress in political and economic reforms in recent years there has been no real international consensus on how to effect the change there and especially the refugee durable solution for

repatriation. Myanmar in transition favours the United States to reduce direct pressure on the regime, mainly through sanctions on trade, investment and other financial dealings. The increasing funding diplomacy from the donor countries, the European Union in particular, in addressing the humanitarian assistance inside Myanmar, has colored the image of Myanmar for improving the human rights aspect, regionally, ASEAN continues to favour constructive engagement that the goal of the policy is gradual change in the human rights situation of Myanmar   through cooperation between ASEAN and Myanmar on a variety of issues. However, critics have alleged that the true aim of the policy is to deflect pressure for EU and U.S. sanctions so that economic activities between ASEAN and the State Peace and Development Council (SPDC) can continue unimpeded (Arendshorst, 2009: 110). Even ASEAN Secretary-General Surin Pitsuwan admitted that the ASEAN Intergovernmental Commission on Human Rights (AICHR) would not substantially affect Myanmar, it cannot have as significant impact because it lacks any substantial means of penalizing human rights violators.

The ASEAN Secretariat has recognized that Myanmar is in the midst of national reconciliation and a peaceful transition to democracy, and it has called for Myanmar to release its political detainees, including Aung San Suu Kyi, and take bolder step toward a peaceful transition to democracy. To this point , the SPDC has responded to this encouragement with reassurance of gradual change, but there exists little to no evidence that the SPDC actually intends to take the initiative in any progressive reforms.

The constructive engagement approach would probably result in the greatest immediate economic gain to ASEAN member states, they would continue to enjoy the benefits of effective exclusivity in trade with Myanmar, along with China, as most western countries have imposed severe restrictions on such trade. Although Myanmar is economically underdeveloped, wealthier nations have found trade with

Myanmar profitable, as it is rich in natural resources such as timber, natural gas, and precious stones (Ibid.,: 116).

Whereas, China and India, the two most significant powers in the region, see influence in Myanmar as appoint of competition. Both countries are concerned about the potentially destabilizing impact of the ongoing conflict in Myanmar and the impact of cross-border movements and smuggling, but both countries are also keen to maintain friendly relations with the SPDC to facilitate economic relations and access to Myanmar's abundant natural resources. All regional and international efforts to urge the SPDC to stop attacking civilians and protect its people have failed. The non-binding UN Security Council Resolution introduced by the US in 2007, which included a call to the government in Myanmar to cease attacks on the country's minorities, was vetoed by China and Russia. As of early 2008, China, Russia and most ASEAN states continued to oppose sanctions against Myanmar. Until the members of the Security Council and ASEAN develop a united approach to Myanmar, Asia's worst protracted refugee situations will persist (Loescher and Milner, 2008: 324).

As a resolution to the crisis in Myanmar is not possible without the sustained involvement of these stakeholders, it is important to begin by understanding what interests can foster greater cooperation between these actors. Apart from addressing the spill-over of the crisis in Myanmar into its neighbors' territories, including the impact of refugees, there are significant geo-political and economic reasons for resolving the stalemate in Myanmar.

Information from key informant interview found that since Myanmar government's economic and political reform, the refugee problem have not yet addressed specifically in the agenda of the nation state. The priority of Myanmar government's policy has emphasized on the problem of ceasefire negotiation and Amendment of Constitution 2008 especially the Myanmar Presidential Election in

2015. However, the most important issue that the humanitarian actors relating to refugees and displaced persons should realize that the reform policy has opened the new space for protracted refugee situation in Thailand. In the past, the Myanmar government had never opened the space or expressed any opinion on the durable solution in repatriation issue. Recently, several changes has been recorded, there has been more discussions on political administration, reconciliation of the nation state, democracy, human rights violations, the exodus of Rohingya refugees. This is objective in the transforming country into the international community. Although the refugee resolution has not been prioritized in the policy deliberation in practice, but finally the refugee problem would have been dynamic pushed forward into the stream of pressures. Evidently, the visit of the opposition leader Aung San Suu Kyi to migrant communities in Thailand had been the reflection of giving the importance to the problem of migrant workers and displaced persons. Previously, the image of leader in the national level of Myanmar country in visiting the migrant communities and border shelter have never been visible before. The refugee problem has been viewed as the problem of international community by nature. Ultimately, the problem of displaced persons in the protracted refugee situations will be pushed forward into the stream of pressure. As a consequence, the repatriation solution would have become the priority issue beside the resettlement option (Key Informant Interview, Dr. Sunait Chutintaranond, 11 April 2014).

The prospect to look forward in parallel with the repatriation of ethnic group is the conflicts over the distribution of power in multiethnic societies between the *state dominant group* and the *ethic periphery*. Although the newly established civilian Myanmar government is likely to draw the peace and reconciliation process to the prominent theme of national politics, but the attempt to achieve the equal degree of internal autonomy and an equitable distribution of benefits among ethnic groups should be cautious.

Evidently, Myanmar government has transformed politically and economically since 2010, however, the reforms have not touched the ground communities (Hkawn Ja Aung, 2014). Despite the negotiation process between the government and ethnic armed groups, the increasing number of internally displaced persons has continued. The issue of repatriation for internally displaced persons is set in the plan, but the prolonged exile of displaced persons crossing international border have never met with ant solution and have failed in the reform policy and reconstruction plan. If the government want to see the refugee repatriation, it is proposed that the actual plan should be conducted – total clearance of land mining in returnees' origin places, total withdrawal of soldier who violated them, compensation of their lost properties, return their confiscated land (Ibid.,).

4.2.6 Factors on the Demand of Displaced Persons in Response to the Durable Solutions

a) Perspectives of Displaced Persons in Temporary Shelters for Communities for Return and Reintegration Prospects

Given the choices for durable solutions in repatriation, almost displaced persons from Myanmar interviewed in Mae La, Mae La Oon and Mae La Ma Ruang Temporary Shelters would not prefer to repatriate to Myanmar, a few persons would integrate locally, and a very small numbers, just only 2 persons would return to Myanmar. Yet, if political situation and conditions were conducive in Myanmar, displaced persons recurrently stress that improvement in political and economic stability and human security would have to be long-lasting before they opt to return. In Table 1 concerning their reason for not returning back to Myanmar, 90% from Mae La and 91.8% from Mae La Oon & Mae La Ma Ruang temporary shelters feel concern their safety in life and property threatening. They do not trust fully on the government's offer for reconciliation and peace building with the leaders of ethnic

armed groups. A number of displaced persons in Temporary Shelters have, indeed, experienced several incidences of displacement and human violations, due to short-lived improvements in security and stability, and would do their utmost to avoid being displaced again, most of them refuse to repatriate.

Table 4.1: Reasons for Not Returning

Reasons	Mae La		Mae Ma Luang & Mae La Oon		Total	
	Yes	No	Yes	No	Yes	No
Safety	45	0	78	6	123	6
Unclear process / preparation in repatriation	0	49	0	84	0	133
Don't know where to live	5	44	0	84	5	128
Unclear mandate for assistant	0	49	1	83	1	132
Prefer to apply to resettlement country	49	0	84	0	133	0
Others	4	45	3	81	7	126

Note* Unit: Persons
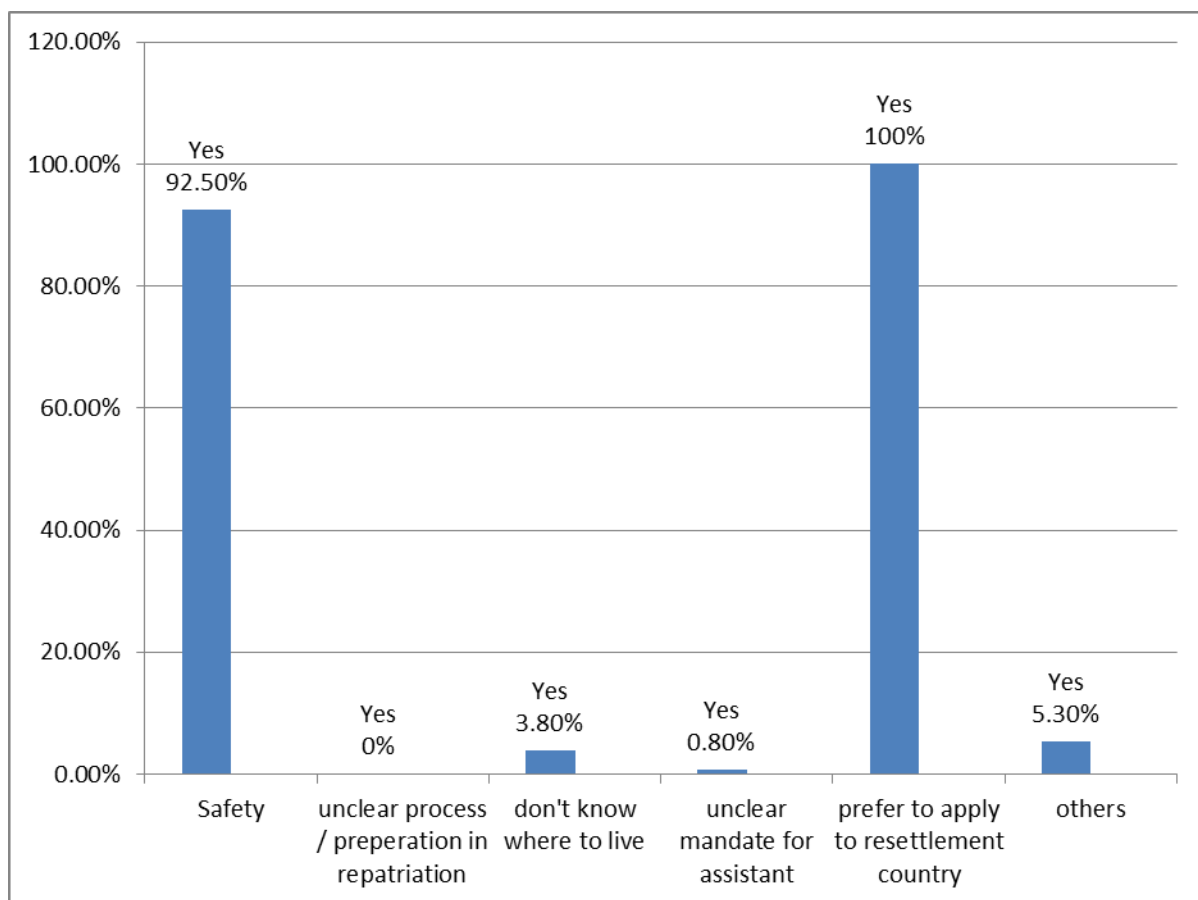
Figure 4.1: Reasons for Not Returning – Display in Graph. *Source* The author

As the duration of exile prolongs, repatriation and reintegration prospects are uncertain, because the conditions for return became no-conducive. Approximately half of the displaced persons interviewed in the field research had been confiscated the land by military in Myanmar before fleeing. Of that number, slightly less than half said they would not be able to access to it, about 3.8 percent of respondents don't know where they live in Myanmar if they would have to repatriate (See Figure 4.1).

From the focus group discussion, the fact that many young children have spent most of their life in exile and have limited recollection and personal connection with Myanmar. For the return and reintegration of people whose lives

have had endangered with traumatic experiences or had impact from direct violence also appear unlikely, regardless the duration of their exile or their bond with Myanmar. It is clear that no response adequate for all displaced persons,

From the informal focus group discussion, nearly all displaced persons mentioned fighting as one of the drivers of their displacement. Insecurity was also commonly raised, while small numbers cited drought, loss of livestock and loss of livelihood. A slightly greater proportion of displaced persons intending to return listed drought, livestock depletion and loss of livelihood as some of the reason for their displacement. Although insecurity may be the overriding factor for displacement, those arriving in 2011 were affected by the armed conflict in Myanmar. The newcomers have still continued to arrive in the temporary shelters.

The duration of exile, forced migration for displacement, age, ethnicity regarded as minority group in the country of asylum appear as important factors when examining return designation and reintegration prospects of displaced persons from Myanmar. Only a very small number of displaced persons – 2 persons in Mae La Oon temporary shelter and 3 persons in Mae La temporary shelter and except Mae La Ma Luang said that if they were to repatriate, they would return to their locality of origin, but they stressed that conditions were harsh and they would not certain for livelihood opportunities and resume land for agricultural activities (See Table 1 in other reason). In all locations, more half reported no longer having relatives in Myanmar. Some of them lost their parents. In general, the proportion of people with no known relatives in Myanmar increased with the duration of exile.

Table 4.2: Reasons for Not to Return

Reasons	N	
Safety	123	92.5
Unclear process		
Don't know where to live	5	3.8
Unclear mandate for assistant	1	0.8
Prefer to apply to resettlement country	133	100
Others	7	5.3

Table 4.3: Reasons For Not Repatriation by Profile

Factors	Reasons					
	Safety (N)=123	Unclear process (N)=0	Don't know where to live (N)=5	Unclear mandate for assistant (N)=1	Prefer to apply to resettlement country (N)=133	Others (N)=7
Age						
14-28 years	54.5	-	40	100	56.4	28.6
29-49 years	45.5	-	60	0	43.6	71.4

Factors	Reasons					
	Safety (N)=123	Unclear process (N)=0	Don't know where to live (N)=5	Unclear mandate for assistant (N)=1	Prefer to apply to resettlement country (N)=133	Others (N)=7
Ethnicity						
Karen (Pwo)	9.8	-	40	0	10.5	14.3
Karen (S'gaw)	84.6	-	60	100	84.2	85.7
Burman	3.3	-	0	0	3.0	0
Karenni	2.4	-	0	0	2.3	0
Marital status						
Single	31.7	-	0	100	31.6	14.3
Married	63.4	-	100	0	63.9	71.4
Not married but have a couple	0.8	-	0	0	0.8	0
Widowed	2.4	-	0	0	2.3	14.3
Divorced/Separated	1.6	-	0	0	1.5	0
Family with Children						
No	35	-	0	100	35.3	14.3
Yes	65	-	100	0	64.7	85.7

Factors	Reasons					
	Safety (N)=123	Unclear process (N)=0	Don't know where to live (N)=5	Unclear mandate for assistant (N)=1	Prefer to apply to resettlement country (N)=133	Others (N)=7
Occupation						
Employed	10.6	-	0	0	11.3	0
Self-employed	0.8	-	0	0	0.8	0
Housewife	37.6	-	40	0	36.1	42.9
Unemployed	19.5	-	60	0	19.5	42.9
Others	31.7	-	0	100	32.3	14.3
Length of stay						
1-8 years0	48.8	-	40	0.8	48.1	42.9
9-16 years	32.5	-	20	0	31.6	14.3
17-24 years	17.9	-	40	0	19.5	42.9
25-32 years	0.8	-	0	0	0.8	0
Camp						
Mae La	36.6	-	100	0	36.8	57.1
Mae Ra Ma Luang & Mae La Oon	63.4	-	0	100	63.2	42.9

Source the author

From the survey found that displaced persons living in Mae Ra Ma Luang & Mae La Oon Shelters stated much more frequently that they preferred to apply for resettlement than those in Mae La Shelter in the number of 37.8 percent and they concerned the reason on safety on returning back to Myanmar with the number of 63.4 percent. As Mae Ra Ma Luang & Mae La Oon Shelters are overwhelmingly a Karen (S'gaw) Shelter sites, there were related high frequencies of application within the variables of ethnicity suggesting that displaced Karen (S'gaw) were more likely to prefer to apply for resettlement than the total sample (see Table 4.3). Karen is a largest ethnic group participating in an insurgency against the military junta of Myanmar. While there is likely more than for displaced persons with marital status to assume much greater number of 63.4 percent for the reason concerning on safety for repatriation. The reason on safety for repatriation proved to have a very dramatic impact on family with children in a number of 65.0 percent. The impact of the concern on safety in Myanmar on the reason for not repatriation of families with children has been well documented by previous research studies and it was still notable that the motivations for choosing the resettlement tended to center on family reunification, educational and employment opportunities, greater levels of respect for their human rights and an overall hope for a better future as a primary pull factors for resettlement option.

For those who consider such returns is likely to happen, they explained factors about living conditions, livelihood opportunities, the improvement of security in their country, and the need to resume agriculture land. In the recognition as displaced persons, receiving remittances or having benefited from education or vocational training programme did not seem to significantly influence return decision (Focus Group Interview, Mae La Temporary Shelter, 22 November 2012).

Given the choice for the preference for organizations or institutions to administer the   mandate for repatriation assistance, if the situation in Myanmar is conducive to return back. Most of the displaced persons prefer the UNHCR/UN agencies to manage the repatriation process. And only 4 displaced persons prefer assistance mandate from Thai Government in the repatriation process. Another 2 interviewees prefer the Karen soldier to administer the repatriation process (See Table 4.4).

Table 4.4: Preference for Who Should Administer Repatriation

	Mae La, Mae La Oon & Mae La Ma Luang (N = 135)	Percent
UNHCR/UN agencies	129	95.6
Thai Government	4	3.0
Myanmar Government	-	-
NGOs	-	-
Others (Karen soldier - KNU)	2	1.4

Source The author

Prior to be forced to flee, more than half of the displaced persons interviewed had background in farming and raising livestock. Displaced persons highlighted that when conditions become conducive to return – in their words: when there is significant progress in peace reconciliation, social justice, national and human security and stability, they need only UNHCR to support for repatriation and

reintegration, through transport and basic assistance, and to assist with access to land and housing. A large number of displaced persons highlighted that when conditions become conducive for return – in their words:

'...when there is significant progress in peace, justice, security and stability -, human organizations like UNHCR should be ready to support repatriation and reintegration, through transport and basic assistance, and to assist displaced persons with access to land and housing...'

(Focus Group Interview with the Displaced Persons in Mae La Oon, 27 November 2012).

Only 2 displaced persons or 1.2 percent in the three temporary shelters respond that they would be interested to apply to repatriate, if the repatriation programme would have been available. One in Mae La would apply to repatriation programme because her husband has not registered and not be able to apply to the resettlement programme. But if the Thai government will allow her family for integration in Thai society, she prefers to stay in Thailand. Another one in Mae La Oon prefers to voluntarily repatriate to Myanmar if there is a repatriation programme, because she works with the NGOs on health issue for pregnant women in the temporary shelter. The NGOs project will also be launched in Myanmar side. She can help the project on maternity health care. Her decision is obviously related to her employment opportunity in Myanmar.

Some survey study on perspective of refugees on repatriation found that some want to return homes and some have tried to return once. But the problem that the returnees have faced is land mining and lack of food security. Despite the announcement of government plan for landmine clearance, they don't see that the reform have not changed in the ground. One might concluded that Myanmar has

still lacked the local integration for refugee's return, although the Government expresses concern on the reform (Hkawn Ja Aung, 2014).

As argued by Hkawn Ja Aung (2014), since transforming Myanmar following the democratic regime, many international community has considered the prospect for returning the displaced persons back home. Some of them also hope to return to their origin home. Myanmar government has internationally welcomed all displaced persons back in order to help the country for reconstruction and reconsolidation process. The government's economic reform policy has opened for the access of the foreign investments to create job opportunities for its citizens. However, the creation of job opportunities is not enough for the people in the country so that the displaced persons are afraid of the lack of basic needs upon their return. Moreover, the government has planned for returnees' livelihoods at the industrializing Special Economic Zones where the displaced persons are not familiar, they prefer to live in the origin place where they can sustain tradition agricultural livelihood (Ibid.,).

The information from Key Informant Interview found that the land preparation for returnees will become the major problem of government for repatriation process. In the current condition, Myanmar government has being improved the infrastructure for industrializing economic zones, this has resulted to the people communities as stated:

'...the new road will direct to Tavoy. The people living in the forest will be brought to stay near main road. Many of them had ever earned their livelihood from the nature. The new place will force them to poverty, no job, no money. They will be struggling...'

(Key Informant Interview, Ban Mae La,

21 November 2012).

b) Perspectives of Displaced Persons in Temporary Shelters for Communities for Resettled and Resettlement Prospects

The lack of freedom for movement, livelihood and educational and

employment opportunities were key push factors from life within the shelters as were the lack of prospects for the other two durable solutions of local integration in Thailand or a safe return to Myanmar. While none of the displaced persons complained openly about the poverty they experienced within the shelters, based upon the proxies and euphemisms for impoverishment discussed, it was evident that the conditions of prolonged destitution are a major push factor for choosing resettlement (Harkin and Supang (eds), 2014).

Given the choices for durable solutions in resettlement, more than half of displaced persons or 64.4 percent interviewed in Mae La, Mae La Oon and Mae La Ma Luang Temporary Shelters would prefer to move to the third country (See Table 3). The 35.5% percent of displaced persons do not chose this option. In fact most of the interviewees prefer to apply to the resettlement programme. However, the respondents with their non-registered/PAB status are not be able to apply for resettlement. In all three temporary shelters, 28.1 percent of displaced persons has not registered and 3.0 percent of them has been PAB status (See Table 4). Despite their registered status, some of them have no choice for any durable solution, because their couples or families have not registered or have just arrived to stay in the temporary shelters.

Table 4.5: Preference for Resettlement by Profile

Factors	Opinion	
	Yes (N)=87	No (N)=48
Age		
14-28 years	34.8	21.5
29-49 years	29.6	14.1
Ethnicity		
Karen (Pwo)	5.2	5.2
Karen (S'gaw)	55.6	28.1
Burman	1.5	2.2
Karenni	2.2	0
Marital status		
Single	17.8	13.3
Married	44.4	20
Not married but have a couple	0.7	0
Widowed	1.5	0.7
Divorced/Separated	0	1.5
Family with Children		
No	20	14.8

Factors	Opinion	
	Yes (N)=87	No (N)=48
Yes	44.4	20.7
Occupation		
Employed	8.9	3.0
Self-employed	0.7	0
Housewife	25.9	10.4
Unemployed	11.9	7.4
Others	17	14.8
Length of stay		
1-8 years0	16.3	31.9
9-16 years	28.9	2.2
17-24 years	18.5	1.5
25-32 years	0.7	0
Camp		
Mae La	26.7	10.4
Mae Ra Ma Luang& Mae La Oon	37.8	25.2

Source The author

The constraint to the participation in the resettlement programme, which displaced persons interact with and are influenced by in decision-making and policy restriction, is the stalled PAB registration process. Length of stay in the temporary shelters revealed the impact on levels of preference for resettlement (see Table 4.5). A very distinct bifurcation of resettlement preference from the survey between the displaced persons who had stayed in the shelters for 1-8 years and those who had stayed in the longer period of time. The resettlement preference did display to follow a linear temporal progression, steadily increasing over time, the distinct split occurring at the 8-year time frame is apparently due to the stalled registration process within the shelters. Very few status determination have been made by the Provincial Admission Board since the 2005 MOI/UNHCR registration process and this has had an obvious impact on resettlement preference with only 16.3 percent of those who had arrived in the shelters during the last 8 years before the beginning of resettlement ptrogramme in 2006. This is the most significant bottleneck to the resettlement programme that causes the large population within the shelters are simply ineligible for resettlement whether they are interested in applying or not. Information from Focus Group Discussions support and explain the reasons for policies that respondents want to see some changes. One respondent with the PAB status said that

'...My parents have passed away. I decided to move to Mae La to work with my uncle. My uncle and my cousin has already applied to resettlement. During my absence from Mae La Ma Luang, I have not registered. I have got the PAB status. My husband and my daughter have registered. I want to go to resettlement country very much. My husband is not interested to apply, but he considers that the decision to go should be better for the future of daughter. I want my husband to apply to the US. If the US accepts him, he should have a right to bring family to stay together...'

(Focus Group Interview, Mae La Ma Luang,

28 November 2012)

Registration of the displaced persons in the camps has been conducted for various purpose by different organizations at different times. The first formal registration process in the border camps was conducted by Ministry of Interior (MOI) and UNHCR in 1999. The initial determination was that identification cards would be issued for those over 12-year old, both for recognition of status and for some flexibility on camp permission on leaving or staying (CCSDPT, 2009). At the same time Provincial Admission Boards (PABs) were established to handle status determination for new arrivals. However, PABs were largely ineffective and by 2004 a large backlog of unprocessed new arrivals, as well those whose claims had been assessed and rejected, were living in the camps (Cardno Agrisystems, 2009., cited in Premjai et al., 2014: 22). From the survey in three Temporary Shelters, there are 28.1 percent of displaced persons with non-registered status and 3 percent with PABs status as shown in Table 4.5.

The variables on age and length of stay are significant with the preference to apply for resettlement. The displaced persons in the group age of 14-28 years mostly prefer to apply to resettlement countries (See Table 4.5). The young age group have tended to apply to resettle in the third countries because most of them were born in the temporary shelters and have never been in Myanmar. Their parents also send their children to attend school in temporary shelters.

The length of stay in the temporary shelters is significant variable with the age group. The 34.8 percent of displaced persons in the age group between 17-24 years who have stayed in the shelter for the duration of 1-8 years, prefer to apply for resettlement (See Table 4.3). For the displaced persons who have stayed longer more than 20 years express their preference in local integration, but this option has

not been permitted, they have no choice and decided to choose for resettlement solution.

The education factor is significant variable for the resettlement option of displaced persons for their durable solution. Educational services in the shelter are primarily staffed and managed by the camp residents with assistance from the NGOs. Although the enrolment rates are quite high at 97.5 percent of the school age children in the shelter, the actual attendance is much lower due to financial and language barriers. The quality of education provided is also a significant problem because of poor facilities and equipment, inadequate curriculum and limited staff teaching capabilities. Native English speakers from outside the shelters are restricted from teaching in the schools, which is an additional drain on already limited teaching capabilities. A final critical concern with the educational system in the shelters is that it remains completely unaccredited by Thailand, Myanmar or any other country. As a result, graduates of the system may not be eligible for higher education opportunities and their job prospects in the future may be very limited (Sciortino and Punpuing, 2009., cited in Premjai et al., 2013: 25).

This is evident from the surveyed temporary shelters, the married couple and displaced persons with children prefer to resettle in the third countries with 444 percent and 64.7 percent respectively (See Table). This is reaffirmed from the information of Focus Group Discussion, the married couple who have children concern greatly on the educational opportunities for their children:

'…I want to apply to the resettlement country especially to the US. I have daughter, she is one year old. Life in the camp is very boring if you can not work. Fortunately, I have child and help my niece to sell goods. So, not too lonely. I don't want to go back to Burma, no family, no relatives there. My

life is here and hope for resettlement for life improvement and especially for education and future for my daughter...'.

(Focus Group Interview, Mae La Ma Luang,

28 November 2012)

c) **Perspectives of Displaced Persons in Temporary Shelters for Self-Reliance and Local Integration Prospects**

Local integration did emerge as favorable option for most of over middle-aged and elder displaced persons, possibly because of social and cultural similarities in Thailand. Although they judge their conditions in Thailand asylum difficult in encampment policy as well as recognizing their local integration is not an option recognized by the Royal Thai Government.

A majority of displaced persons in three temporary shelters assess that the reasons that lead to their displacement still prevail *(Interview).* The cross-border movement in Mae La Oon and Mae La Ma Luang Temporary Shelters remains continued. About 10,000 people are still displaced and in hiding along Thai-Myanmar border, having fled artillery fire in Eastern Myanmar where fighting between the Myanmar military and armed group is expected to continue for several months (Integrated Regional Information Networks (IRIN), 2011). From the data of Thailand-based NGOs, or the Back Pack Health Worker Team, said that the displaced were on both sides of the border and the situation was highly unstable (Ibid.,). Thailand Burma Border Consortium (TBBC), an umbrella group of twelve humanitarian organizations working with refugees and displaced persons from Myanmar, stated that the displaced were scattered in about 28 different sites, including makeshift camps in the forests, along the banks of the Moei River that separates Thailand and Myanmar (Ibid.,). Thus they would not envision returning until conditions improve.

In the meantime, some displaced persons who are in over middle-aged years old argued that in addition to ensuring that aid agencies should take measures in the temporary shelters to enhance their integration prospects through skill building, i.e., by ensuring greater access to education for their children, including for adult, vocational training – notably in tailoring, business, agriculture, carpentry, driving, computer literacy, language, electricity and mechanic – and to livelihood opportunities. Displaced persons hired as intensive workers stressed that they could benefit from advanced on-the-job training, skills transfer and mentoring, that could lead to enhanced responsibilities. Key informants in the area of medical care from Myanmar also regularly emphasized that the return of refugees with education and training would be helpful.

For the time being, livelihood opportunities in the temporary shelters remain relatively limited, even though efforts have been made to boost access to such opportunities. One third of the displaced persons interviewed said they had gained useful skills in exile, most commonly education, business skills (i.e. cooking), and tailoring. Displaced persons who have been in the temporary shelters longer seem to have more prospects as they have relatively better access to livelihood opportunities such as working in the area of humanitarian assistance with NGOs, working as translator, running their own business in small grocery shop.

The opportunity to be employed or seeking employment outside the shelters is not possible because under the condition of camp confinement, Thai government has not issued the permission for displaced persons to work. In another word, the durable solution in term of local integration would not have been anticipated. Approximately 12.6% of household interviewed operate at least one livelihood activity in the temporary shelters, most commonly petty trade, small shop or casual

labor (see Table 7). The 36.3 and 19.3 percent of surveyed displaced persons with no wages are housewives and unemployed respectively.

Currently, education in temporary shelters tend to be insufficient because qualified teachers have left for resettlement. Existing facilities are in moderate conditions. The proportion of displaced persons who have attended vocational training classes is low. There is concern among the displaced persons from Myanmar that assistance levels in the border temporary shelters may not be sustained in the medium term, as donors and agency support focus on South-Eastern part of Myanmar (UNHCR, 2014). Notably, the continuing challenges facing the families of displaced persons with children are the opportunity in the higher education. These displaced children are the future of their families and communities. They need of protection and assistance from national and international agencies. However, from the study of Su-Anh Oh (2010) found that the system of school and learning in the temporary shelters has been staffed and managed by displaced persons residing in the shelters with the assistance implemented and supported by local and international NGOs and community-based organizations (CBOs). Visiting at three surveyed temporary shelters where displaced persons have found refuge, have been impressed by the large number of children of all ages. According to the survey from the three temporary shelters, 65.1 percent of the respondents have children (see Table 7). There are broad and specific restrictions imposed by Thai government on the movement, livelihoods and education of the displaced persons. At present, nursery, general education, post-secondary schooling, and vocational and adult learning are available in the temporary shelters.

Most of displaced persons feel concerned about the impact of these restriction for significant implications on themselves and their children' opportunities for education and social development and decreasing funding on the quality of learning experience, the cost of schooling and the relevance of education in the temporary shelters. From the Table 8 reveals that 64.7 percent of displaced persons

who have children expressed their preference to apply to resettlement countries higher than those without children.

There is a small proportion of displaced residents awaiting registration as displaced persons or refugees – referred to as Provincial Admissions Board (PABs) – whose children attend schools that are not within the fold of mainstream education system in the temporary shelters.

4.3 Challenges to the Durable Solutions: Repatriation and Resettlement Options as a Principal Solutions

Challenge to Resettlement

Since the Resettlement programme has been established in 2005, a large number of displaced persons and their families have received assistance for resettlement from IOM, IRC and UNHCR in the third countries. Most people prefers to resettle in the United States, following preference for resettlement countries such as Australia and Canada. However, the declining number of trained camp-based young staffs with capacity and skill, has caused the brain-drain situation affecting to the education, health and camp management sectors in the temporary shelters (IRIN, 2011). The remaining population are unskilled and old people. Several camp-based and international organizations such as the International Organization for Migration (IOM), Thailand Burma Border Consortium (TBBC)[vi], International Refugee Committee (IRC), Karen Refugee Committee (KRC), Karen Student Network Group are learning the adaptive strategies to cope with the loss of institutional knowledge. For example, the KRC's education arm – including 1,500 teachers for 36,000 kindergarten to grade 12 students – launched a one-month teacher training crash course and changed its policy to allow those who complete middle school to teach grade one to six.

Another example have founded in IRC's preparation in advance by ramping up its 18 month medical training programme because it is expected that their health workers to be among the first to leave. Beside their losing institutional knowledge especially staffs trained to serve in school or medical health facilities in which many of them having 10 years of work experiences, these organizations are confronting the major challenges on a new workforce with high spirit of well meaning and well intention that frustrates more problem on labour intensive for them (IRIN, 2012).

The Thai government permits UNHCR to facilitate the international resettlement of Burmese registered in camps, and to date, over 60,000 have been resettled, mainly to the United States. However, the government has given no indication of when it will be able to screen an additional 70,000 unregistered camp dwellers or access the claims of thousands of other refugees who reside outside the camps, including 10,000 refugees who fled their home in November 2010 and are now living in unofficial camps on the border with little assistance. Aid agencies like the Thailand Burma Border Consortium have been providing desperately needed cross-border humanitarian assistance to thousands of displaced persons in the conflict-ridden areas to Burma, to which there is no access from inside (Bree, 2009).

Since 2005, the ongoing resettlement from camps in Thailand is giving Burmese refugees a chance at a durable solution. Yet the policies of some countries resettling the refugees are creating complications for those who will remain in the camps. The Thai government approved the option for resettlement from the refugee camps and agreed to permit greater freedom of movement and access to education and work opportunities for refugees not opting for resettlement. There has been limited progress made with such programme and NGOs are currently identifying pilot projects. Opening the camps would be of particular help to skilled and educated workers, many of whom are currently keen to be resettled overseas, as it would give them an opportunity to maximize their talents.

At present 11 countries are resettling the refugee, with the US taking in the largest number. Refugee resettlement to the US was on hold much of 2006 due to the material support provisions in the Patriot and real ID Act, which denied resettlement to those deemed to have provided assistance to armed group, such as the Karen National Union (KNU), that have been fighting the Burmese military regime. Following the issuance of waivers by the US Department State in 2006, the US began resettling large numbers of Karen refugees from the camps in Thailand.

KNU combatants and those who received the military training from the KNU, even if it was years ago, are not eligible for the waivers. Consequently, some camp residents remain ineligible for US resettlement and families are being faced with the choice of staying in camps, or being split up (Shukla and Olson, 2007).

Another resettlement related concern is that countries such as Finland, Norway and Canada are seeking the most trained and related refugees due to their integration potential, as opposed to the US, which has opened resettlement to anyone interest. This has led to disproportionate number of skilled workers leaving certain camps. The largest group to leave is teacher, followed by health workers and those in leadership role (Harkins et al, 2011).

The proportion of educated workers in the camps is so small that this is expected to a major impact on camp management, community services and assistance projects supported by NGOs. International and local NGOs working in the camps have found it difficult to replace staff especially medics, as there is a small pool from which to choose candidates and the training take more than a year. The situation is further complicated by Thai government regulations preventing agencies from taking camp residents to outside institutes for training purposes. To cope with the situation, NGOs have tried recruiting Thai staff, but the cost is eight times that of hiring Burmese. It is expected that even if the replacement medic and teacher core is

created, many of them may not stay for long before they apply for resettlement. As argued, an incentive to keep workers in the camps would be to increase their salaries, but more resources are needed for this as well as for replacement training programmes. So far, none of the 11 countries resettling the refugees has expressed interest in covering the costs of training a new cadre of skilled workers.

Lack of information remains a significant problem for the refugees who have to make the choice of whether they want to be resettled. The guidelines of the UNHCR specify that the refugee can not choose between resettling countries. Information provided for refugees, therefore, will have to be about all possible countries, regardless of whether as a specific country will actually offer resettlement to the residents of a particular camp.

Some community-based organization in the camp maintain that resettling countries have initiated little dialogue with them, which has created misgiving about the resettlement process, and the feeling of marginalization after having played a critical role in camp activities for years. A recent document circulated by Karen CBOs noted that the organizations do not support mass resettlement. There appears to be pressure on those CBO members who want to leave and some member report being afraid to tell their colleagues that they have applied for resettlement. Agencies working with the refugees suggest that the resettling countries should provide a pre-cultural orientation and distribute information through a variety of audio-visual media and in the context and language understood by the refugees.

Gary Troeller (2008) outlines recent developments in the industrialized Western states which have simultaneously undermined the international protection regime and reinforced the containment of protracted refugee populations in the developing world. (EU decreasing the number of refugee) See chapter 3 These developments, in both the North and the South, are intrinsically linked and must be

firmly borne in mind in attempting to formulate realistic policy recommendations and tools to resolve protracted refugee situation. Some recommendation has lied on industrialized countries will have to muster resources to play a catalytic role, and all actors relevant to development and peace building will need to be actively involved.

● Challenges to Repatriation

Repatriation: Challenges of Reconstruction and Reintegration

Based upon the research on 'The Process and Prospects for Resettlement of Displaced Persons on the Thai-Myanmar Border' conducted during June-August 2010, the ARCM research team interviewed some ethnic Burmese displaced persons living in the three major temporary shelters located at Suan Peung, Ban Mai Nai Soi and Mae La located in Ratchaburi, Mae Hong Son and Tak provinces respectively.[2] The survey does show that the favour for resettlement solution in the third country might be an admiration of a large number of ethnic displaced, particularly the young people and the parents with the hope to see their children's future for better opportunity, including the family members for their fulfillment of reunification, as well as some skilled displaced migrants and many newly arrived displaced persons.

However, many respondents have still confirmed their hope to return home if the situation in Burma is assured for peace building (Harkins et al.,). As surveyed data, the perception on resettlement might have become only the dilemma for many Burmese displaced migrants persons who remain confused to make decision what should be the most appropriate resolution for the duration of their protracted

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[2] The survey of this research project is one part of six studies under the project of 'Sustainable Solution to the Displaced Persons Situation on the Thai-Myanmar Border' conducted by research team of Asian Research Center for Migration (ARCM) in collaboration with the United Nations Development Programme and funded by the European Union,

refugee situation. Therefore the resettlement option might has remained merely the most possible alternative, but not their most preference and expectation for durable solution of entire forced displaced migrants. Many Burmese displaced persons determine to remain in the camp by not applying to the resettlement programme with some fear of adaptation, acculturation, separation (Ibid.,) etc. Some group of displaced migrants such as self-settled migrants and new arrivals whose status have not been recognized and have not been eligible to apply for the resettlement programme. Furthermore, the resettlement programme might have never been attracted the attention of several displaced persons because they feel uncertain whether the resettlement assistance will be the durable solution for their future, especially the persons with political dimension of ethnicity who have concentrated to struggle for their autonomy (Berg, 2009). In an other issue, not every applicants have been successfully to be selected for resettlement. Those in favour of resettlement would like to start their new life in the resettlement country but have been refused for some criteria of eligibility without notice. In addition, some applicants have been prolonged for the resettlement process.

Although many attempts have been made by UNHCR, NGOs and international organizations in campaigning the good prospects of resettlement solution for the protracted situation. Nevertheless, the resettlement has still been challenged in serving as durable solution for Burmese displaced migrants not only their attitudes and perceptions towards resettlement assistance but also the institutional apparatus of resettlement process and operation (lang and Banki, 2008). Evidently, the resettlement programme has drawn less their attention to apply for new life in the third countries.

Meanwhile, as long as the conditions are far from ideal, UNHCR, along with several international agencies and institutions, has been under great pressure to facilitate and promote return of refugee (Chimni, 2003). Although the repatriation has come to be designated by the international community of states and the Office

of UNHCR over the past three decade. But the durable solution policy and international intervention for repatriation of Burmese displaced persons in Thailand need to be undertaken to investigate the experiences of the returnees themselves with their concerns, to focus on international causes of internal conflicts and possibility of building a participatory post-conflict society, to identify suitable measures in promoting sustainable return, to relate the basic problem and policies of the return of refugee to post-conflict society and their reintegration, and to assess the longer-term consequences of its interventions including to issue guidelines on returnee monitoring (Ibid.,).

The priority for most of the host state including Thailand is the rapid return of refugees to the country of origin. To avoid the continued politicization of the refugee issue n these regions and to lay an essential foundation for a solution-oriented approach, it is an essential to take a more engaged and united regional approach. It is necessary that an agreement among regional stakeholders be reached n the application of legal standards on the treatment of refugees, including repatriation.

Without such standards, foreign policy, national security and domestic political considerations will continue to prevail over protection principles, making future repatriation unsustainable and putting refugees at risk. The political interests of Thailand need to be addressed as part of a solution, the development of regional and national legal frameworks, in addition to accession to the UN Refugee Convention, would better to reconcile the concern of the Thai government and refugees for addressing the transparent mechanism and legitimate security concern. The impacts of refugees, representing a significant human rights and a security problem. Thailand has been challenged by the scale of these problems for several decades. The solution approach should likely contribute not only to short-term response to specific challenge posed by the prolonged presence of Burmese

refugees, but also to the longer-term objective of implementing a comprehensive solution for the conflict in Burma and for the associated refugee population.

UNHCR refugee statistics can be the result of a particular politicized dynamic, often reflecting a process of negotiation between the Office and the host government, and typically include only those refugees under the mandate of UNHCR. In many instances, host governments may limit the number of new arrivals that can enter camps and settlements, thereby limiting the number of refugees under UNHCR's mandate. Likewise, many group of refugee as Rohingya, including all recent arrivals, are prohibited by the Thai government from being registered as refugees and entering camps, thereby falling outside the mandate of UNHCR.

Voluntary repatriation is usually viewed as the most desirable long-term solution by the refugee themselves as well as by the international community. UNHCR's humanitarian action in pursuit of lasting solutions to refugee problems is therefore oriented, first and foremost, in favour of enabling a refugee to exercise the rights to return home in safety and with dignity.

Challenges to Refugee Durable Solutions

Drawing upon the development in recent decades relating to the role of democracy and international law in the regulation and resolution of armed conflict, generally, and in the negotiation of durable solutions for refugees, inadequate protection and assistance to displaced persons in prolonged exile has a significant negative impact on the dignity, security, and economic and social well-being of displaced persons and denies them the opportunity to make a meaningful contribution to society (Milner, 2011). As argued in recent studies in the field of forced migration studies and humanitarian studies (Milner, 2011; Betts, 2009;), one of the major challenge in

resolving the protracted refugee situation within the durable solution framework is the difficult process of achieving international agreement on the text of Conclusion (UNHCR 2009a).[vii] for future efforts to respond to the challenge of   protracted refugee situation and chronic displacement. It is recognized that the challenges for solution to chronic displacement require the sustained engagement of a broader range of political, security and development actors both inside and outside UN system, and potentially building on new initiatives such as the launch of the UN Peace Building Commission and the One UN development initiative (Milner, 2011). The challenges for such partnerships must be understood within the difficulty history of UNHCR's place within the UN system and the broader treatment of refugee issues (Loescher, Betts and Milner, 2008).

With these circumstances, many questions have been raised about how UN system can respond effectively to assist displaced persons in the protracted refugee situation and how durable solution policies have been drawn on the institutional and individual responses and what is the impact of policies and politics on forced migration management in resettlement and repatriation programmes. And our question goes further to how the operation of durable solution strategies is challenged and what is obstacle in achieving the durable solutions in linking security, human rights and development implications for displaced persons. In the context of resettlement durable solution, the question will go beyond why not many Burmese displaced migrants have determined to apply to the resettlement programme despite many attempts by UNHCR and international humanitarian agencies in campaigning the resettlement programme as widely perceived as the most durable solution; what is their perception about the resettlement programme as durable solution; how do the existing conditions in making decision to apply for resettlement have been well-responded; whether the resettlement programme has given them sufficient relief for those applicants in needed and those non-applicants; and what is their tension in resettlement process etc.

This has followed with some suspicion whether the Thai government's engagement in comprehensive strategies in partnership with UNHCR and non-governmental agencies does address adequately resettlement programme as durable solution for displaced persons and forced displacement situation?; what are the obstacles in operating in cohesive and effective manner to reinforce protection principles and enhance the international response to refugee resettlement process; what is the impact of resettlement for the people living in the camp?; and how their cultural identity has been respected in the resettlement process? etc.

An additional challenge is the relief-to-development gap; that is, the reluctance of development actors to become involved in broader work in conflict-affected countries. The long-term objectives of development programmes seem to follow the short-term objectives of humanitarian relief activities (Jeff Crisp, 2001 cited in Mattner, 2008: 114). A Framework for Durable Solutions and Convention Plus Approach adopted by UNHCR in 2003 and 2001 to 2005 respectively are the principles in strengthening the cooperation between relief and development actors – collaboration between UNHCR, UNDP and the World Bank; a host of other agencies as ILO, UNICEF, etc.; Development Assistance for Refugees or DAR; Development through Local Integration or DLI; an approach to Repatriation, Reintegration, Rehabilitation and Reconstruction or '4Rs'; and the notion of burden-sharing to increase the involvement of donor countries (Ibid, : 115).

The crucial problem is that this framework is less operational. Rather it is aimed at ensuring the long-term stability of financial support for refugee assistance in host countries. For example, the World Bank acts primarily as a funding agency and has a narrow conception of operational partnership. Similarly, the Bureau of Crisis Prevention and Recovery is a specialized body within the UNDP, and it cannot be elevated to represent the refugee-related activities of the agency at large (Ibid.). Therefore, significant initiatives for the protracted refugee situation of displaced persons from Burma in Thailand should be implemented by mainstreaming the

coordination of the activities among the development agencies, humanitarian actors, governments and security actors.

However, the key theme to strengthening the cooperation of development actors with other actors in protracted refugee situations is to clarify the fact that security challenges represent mainstream development issues and have a potential bearing on the success of the development portfolios. The operational cooperation and institutional relationships between development and security actors, however, remain largely uncoordinated (Ibid,: 116 - 117). All relevant factors and changes in the conditions in Burma are important when talking about refugee repatriation. Burmese refugees throughout the region fleeing war and persecution refuse to return home until their physical safety can be assured. It is also the case that communities in Burma's border regions are among the most impoverished in the world and will not be able to support and reintegrate a large influx of returnees without substantial and new international economic assistance (Loeacher and Milner, 2008: 322).

In the long term, a greater presence of humanitarian and development actors will be necessary to overcome the current crisis and contribute to the stabilization of the situation in Myanmar. Humanitarian NGOs and development actors will be needed to respond to the current economic and human security crisis in Myanmar, particularly in the border regions. In recent years, several Thai-based NGOs have provided cross-border assistance to civilians displaced by armed conflicts. Consequently, there has been a significant growth in community-based organizations inside Myanmar, which have initiated a number of extensive health and educational programmes. The important assistance and protection work of local civil society actors will be crucial in rebuilding a post-conflict Myanmar in the future (Chimni, 2003).

The role of social partner and civil society organizations as well resettlement agencies in promoting or coordinating comprehensive and sustainable and standard-based approaches to resettlement by government is essential. Thai government has recently accepted resettlement programme since 2005 (Lang and Banki, 2008). Previously Thai government had refused to include this policy because it is fear that the programme would become as a pull factor for evacuation. Having accepted there has been a question on the successfulness and efficiency to resettle those displaced. But the number of people in the camp has never decreased. This is becoming the problem of operation and management for government. The consequences are food ration, budget cut from donor. Resettlement of displaced persons hold significant implications for management, immigration policy, international security, welfare studies (Ibid.,).

Summary of Sectors Influencing Durable Solutions

Factor from Stakeholders	Resettlement	Repatriation	Local Integration
1. UNHCR & UN Agencies	/	-	-
2. NGO & Donor	/	-	-
3. Resettlement Countries	/	-	-
4. RTG	/	/	-
5. Myanmar Government	-	/	-
6. Displaced Persons	/	-	/

In general perspective, a permanent solutions remains elusive. But the trend of durable solutions has more positive prospect especially in the repatriation

solution. Although the agreement on repatriation plan of displaced persons residing in the temporary shelters in Thailand has reached in the level of military cooperation, not in the government level but this has reflected the satisfactory sign for practical operation. The Myanmar government have recently addressed the repatriation plan for internally displaced persons and the plan for land scheme. The RTG policy can be seen as rigid in its principle based on traditional paradigm of national security and the condition of local integration has not been possible to be the durable solution. However, the RTG policy has improved some approach in permitting humanitarian implementation on education, health and vocational training that equip some displaced persons with skills to earn their living. This approach should lead to development on self-reliance more fulfilling and productive in term of pending repatriation and resettlement.

The trend in durable solutions to protracted refugee situation have been noticeably moving away from local integration, since the policy response by Thai government as a host country has insisted on the restriction of movement under the unaltered policy of encampment. However, the target of five-year strategic plan demands to advocate the displaced persons' economic self-reliance in order to achieve a gradual opening of temporary shelters and gain the government's permission for displaced persons to work and move about more freely (UNHCR, 2005).

The international community has cooperated with the RTG by supporting the resettlement programme as a durable solution. Safe repatriation has remained as the most difficult task and can not be achieved since the peace process has not been successful. In the five-year strategic plan of UNHCR and CCSDPT has not mentioned about the repatriation. Repatriation has been less alternative. Therefore, the resettlement solution has still been preferred choice for all stakeholders. the announcement on 'fast track' screening PAB screening process of Thai government approved the status of displaced persons who might be absent from the shelters

during the registration process. This process had allowed the displaced persons to apply for resettlement programme.

As solution for displaced persons from Myanmar in Thailand, UNHCR has been implementing durable solutions in its capacity with great effort. As long as the continuing conflict between the Myanmar government and ethnic armed group, the preferred solution for RTG has been the resettlement to the third country even the UNHCR's preferred solution has been voluntary repatriation. Under the ceasefire condition and reconstruction process of Myanmar government, the repatriation of displaced persons has demanded the local integration from Myanmar government that has not been happened in reality.

CHAPTER V

Conclusion, Discussion and Recommendations

5.1 Conclusion

The history of the durable solutions in protracted refugees situations in Asia and Africa has reflected the diverse contexts of the responses of international refugee regimes, the countries of origin and asylum host countries and the impacts affected to the refugee resolution. The important issue has been underpinned on the factors influencing the

The cause and consequence of protracted refugee situation in Thailand emerged from the political conflict in Myanmar has embraced a range of actors and challenges on the prospects for achieving durable solutions for chronic refugee populations, containment and encampment in Thailand in concerning with the national security, securitization in asylum policy in the North, orientation programmes engaging comprehensive solutions and humanitarian assistance to difficult and complex long-standing refugee situation. The perspectives and roles of actors and stakeholders from the humanitarian, development and security communities – donors countries, international organizations such as UN agencies, UNHCR, NGOs, Thai government, Myanmar government, and displaced persons themselves – in addressing the problem of protracted refugee situation highlight the limitations of current practices of a purely humanitarian approach in resolving situation. Finding the soluation to the protracted refugee situation is caused by a lack of strategic, political, and financial engagement with this problem. Underlying root cause of political impasse to stabilize the agreement on security, human rights, democracy and peace

building between Myanmar government and ethnic oppositions in Myanmar has resulted in the current impasse in achieving solution.

In achieving the durable solution, protracted refugee situation must be considered at the core of broadening security discourse that need for a balance between the securitization and human rights, including social, economic and human rights issues. This must include a broader range of humanitarian, security and development actors. There remains the divide between the bureaucratic polities amongst the key actors and stakeholders in policy and practitioner levels that results in implementing the aids programme to the long-standing refugee population in the temporary shelters.

The study make an important contribution to our understanding of the causes, consequences and possible responses to the growing challenge of protracted refugee situation. The Myanmar refugee case illustrates that protracted refugee situation involve a wide range of local, national, regional and international actors, and relate to a wide range of issue area. While there is increasing recognition that international security actors must pay closer attention to Myanmar, country of origin, it is important to also recognize that resolving refugee situations must be a central part of any solution to long-standing regional conflicts, especially given the porous nature of Thailand's border and the tendency of recurring conflict in Myanmar. In this way, it is essential to recognize that protracted refugee situation are closely linked to the phenomenon of failed and fragile state, have political causes, and therefore require more than simply humanitarian solutions. A truly comprehensive solution to protracted refugee situations for Burmese refugees must include sustained political, diplomatic, economic and humanitarian engagement in both the country of origin and the country of asylum.

The pattern of forced migration and displacement under the international refugee regime is likely to be profoundly affected by the great complexity of the interaction between policy process of durable solutions responded by international humanitarian agencies, UN and regional peacekeeping and conflict resolution initiatives; and growing diversity in the political and economic circumstances in which Myanmar is integrating into the regional dynamism of ASEAN. As argued, the issue of refugee protection in Southeast Asia is affected more directly by political and diplomatic process shaping political and economic relations between states, and by conditions in the labour market which affect refugees and displaced persons' livelihood and security of stay (Collision, 1999: 27).

It is important to consider what we mean by a solution for a protracted refugee situation. It is questionable that 'Are the three durable solutions – repatriation, local integration and resettlement – sufficient to resolve today's durable solutions?'; 'What are the limits to these solutions?'; 'How can these solutions be reinforced to make solutions for protracted refugee situation more realistic?'. It is important to develop a more rigorous understanding of the nature and the causes of the problem, and to formulate effective policy responses and to identify practical solutions.

This part has provided a range of perspectives

5.2 Discussion: Government Asylum Policy (Politics) on Refugee Assistance and Its Impact on Refugee's Rights Protection

● Unprotected Rights of Displaced Persons in and Asylum Policy Implication of Thailand and ASEAN

- Definitional Problem of the Refugee Term; Freedom of Movement; Different Rights in Different Context; Circumstances Behind the US's Preference in Resettlement

Two interesting issues should be raised for analytical discussions: how the characteristic of protracted refugee situations in Thailand is conceptualized distinctively from the context of protracted refugee situations of other countries and in what circumstances; and amongst all aspects of factors influencing durable solutions, which factor should be priority in response to the implication of durable solutions policy, for example, the demand of displaced persons or other, and how these factors be adjusted to implement the possible sustainable solutions.

Conceptual Understanding of Protracted Refugee Situations in Thailand

The protracted refugee situations covering geographically East and West Africa, South Asia, South East Asia, the Caucasus, Central Asia, and the Middle East, as well as the escalating war and violence in many countries, generated massive refugee flows into neighboring countries. The notion of the protracted refugee situations from Myanmar in Thailand that appeared in the early 1980s as a symptomatic of the reality of conflict and insecurity in the weak and fragile state of Myanmar, reflects the dual challenges. Most developing countries demanded, first, that the rich countries of the North take a role in burden sharing, either by hosting these exiled people or providing the assistance, or a combination of both. Unlike Thailand, despite the assistance contributions from international community and even the positive response in providing temporary shelters and human resources for protection services through Ministry of Interior, the displacement issue are likely to remain low on the national agenda. The implementation of durable solutions policy on resettlement programme have just been allowed by Thai government in 2005. Thailand's policy towards displaced persons will continued to be shaped by internalist approach with security concern and bilateral considerations.

As argued by UNHCR and TBBC, the overall protection environment in Thailand is set to remain uncertain, marked by detentions and a shrinking space for urban displaced persons and asylum seekers. The confinement policy to keep displaced persons in the shelters has resulted in the limitation for the promotion of self-reliance for the displaced exile population. Whereas many programme on skill trainings and education opportunities as well as income generation projects and

employment to supplement the resettlement solution provided by the international community according to CCSDPT/UNHCR five year Strategic Plan (CCSDPT/UNHCR, 2009) have proved difficult to make real progress towards self-reliance of displaced persons. This is

Second, Thailand had experienced as a major host-refugee country for more than one million Indochinese refugees who sought refuge in Thailand during and after the conflicts in Indochina during the 1980s. The resolution of these protracted refugee problems was ultimately tied up with Cold War rivalries and regional politics. As the case studies in the structure of social conflicts in the historical and contemporary world, refugees escape from regimes that typically have external supporters or, more subtly, have emerged under conditions shaped by external strategic and economic interests, such as in Indochina, Afganistan, the Horn of Africa, and Central America. (Zolberg, Suhrke, and Aguayo, 1989: 264 - 265). The opposing social forces also have foreign alignments, which often become the foremost patrons of the refugees (Ibid.,). In all these cases social conflicts had been internationalized by the intervention of either regional states or the superpowers and in the process had expanded into devastating regional conflict systems from which poured forth a perpetual stream of refugees (Ibid.,: 265). But, the protracted refugee situations from Myanmar in Thailand is rooted in the weakness of Myanmar state and the patterns and consequences of conflict in Myanmar. Myanmar government perceived a protracted low-intensity conflict involving with the ethnic minorities seeking autonomy for their border homeland as a direct treat to the survival of the state.

The ongoing conflict in Myanmar has created connected protracted refugee situations not only in Southeast Asia (Thailand and Malaysia) but also in South Asia (Bangladesh and India). The protracted presence of displaced persons from Myanmar in Thailand has not only had an impact on individual host state, but has had an impact on relation between states and regional dynamics. In the long run a regional response, both to the situation in Myanmar and to the associated refugee

problem, will likely more possible than the current international response that principally relies on the US and European trade sanctions against Myanmar. The solutions should be sought on a regional basis.

Factors Influencing the Implication of Durable Solutions Policy

Amongst all factors - International Organization Stakeholders and Donor Countries, UNHCR, Thai Government, Myanmar Government, and Demand of Displaced Persons – the interlinked importance of these factors has underlined the essentially political nature of the refugee phenomenon. All perspectives were colored by the dominant ideological forces. The point is how all perspectives will be balanced in respect to a whole range of conflict-reducing principles. A more realistic approach should start by realizing the essential political nature of the root causes which are the constituent elements of social change and historical development. Refugees are a by-product of the historical connection between social change and refugee movements. This fact has some conflict complex in considering the improved assistance for refugees. Whereas the orientation for a root cause approach by a U.N. Expert Group has been conditioned with conservative-preventive implication by emphasizing on 'averting flows' or conflict prevention. The humanitarian organizations devoted to aiding refugees, has not appreciated with the nations in pursuing their conflicting interests with less motivation for the possibility that refugees may result. Whatever is ultimately decided, however, action on durable solutions should be informed by an awareness of likely displaced persons' suffering associated with various strategies. It is in this instrumental sense that the implication of durable solutions policy grounded in the political sphere of stakeholders in structural analysis of conflict and impact of related population movement.

Therefore, all factors must be associated with respect to human rights tradition to encourage flexibility and mutual adaptation among conflicting bureaucratic polities in order to benefit for the perspective adjustment of displaced persons and their decisions towards the durable solutions framework. During this period of time, repatriation is foreseen, but the majority of displaced persons' objection is underpinned with the primary concern on the distrust in Myanmar

Government (Information from survey). This reflects the protracted and devastating conflicts in Myanmar with difficult refugee situation. The root cause of refugee movement from Myanmar and their displacement involved with the political sphere from the repression of Myanmar government. A whole range of conflict-reducing principles are relevant to gain confidence from the displaced persons in repatriation.

This could entail support for policies of moderation with respect to existing ethnic cleavages and peaceful way trough process or institutional reforms in Myanmar Government such as decentralization, distributive social justice, democratization, coalition-formation among community elites, balancing socioeconomic opportunities in the state apparatus. More immediately and concurrently, political reforms are essentially to accommodate security for its citizens. However, the challenge is actively to support the policies of moderation in the political sphere, and beyond that, to build structures of peace in regional conflicting areas.

5.3 Recommendations: Comprehensive Approach to the Existing Situations of Protracted Refugee Situation

Drawing on the lessons from Indochina on the protection of victims of conflict and the search for solutions has offered some thought. Recommendation should be put forth for how better align the realities of implication for durable solutions with consideration for human rights. ASEAN's cooperation for the international and regional refugee protection regime in Asia needs to be strengthened in unconditioned way. Thailand should remain the temporary refuge for asylum seekers and proceed the screen-in for displaced persons holding PAB pending status in order to benefit for resettlement eligibility. Meanwhile the international community must insist on the responsibility of Myanmar government to create the political and practical conditions for safe return.

The notion of durable solutions in response to the protracted refugee situations relate to a number of conceptual and policy questions that need to be addressed. One of the most pressing conceptual questions is how we define a protracted refugee situation in Thailand and which implications of strategic durable solutions is

appropriate in approach that the State government will approach and what is the impacts?   It is argued that an understanding of the causes of protracted refugee situation will contribute to the longer-term objective of finding solutions (Loescher; Milner; Newman and Troeller, 2008: 17).   As argued, a principle challenge in approaching protracted refugee situation with three durable solutions, from both a theoretical and a policy perspective, is the need for a balance between securitization and human rights issue.

The possibilities and challenges of strategies to resolve the problem of protracted refugee situations of Burmese refugees are lying in the scope of UNHCR durable solution as they relates to the conceptual, policy and practical relevance. In so doing, it should develop a better understanding of implications and consequences of UNHCR durable solution strategy to refugee situations in the context of: the nature of protracted refugee situation exile in Thai border camps, challenge to the international legal regime, the consequences of prolonged exile, impact of legal structures on durable solution, local settlement structure for refugees and a more conceptually rooted and empirically informed understanding of how these situations may be or may be not resolved with each durable solutions.

The three durable solutions for displaced persons are repatriation, integration and resettlement, but there are unique barriers to these solutions for them. Repatriation is not feasible, as the military Myanmar Government can not guarantee protection of human rights for displaced persons from Myanmar. Integration is resisted because of historical conflicts between Myanmar and Thailand and the reason of national security. In addition, Thailand does not want all the responsibility for displaced persons when other developed countries are not sharing the burden. Resettlement to third countries has slowed because of the global financial crisis and amidst fear that terrorists may reside in refugee populations.

5.3.1 On Resettlement

The resettlement option is recently recognized as the most sustainable solution for the prolonged exile of displaced persons from Myanmar. As noted by UNHCR the prolonged encampment of refugee population has led to the violation of a number of rights contained in the 1951 Convention relating to the Status of Refugees, including freedom of movement and the right to seek wage-earning employment.

The comprehensive solution with resettlement strategy should consider the perceptions and attitudes of refugees themselves particularly their traumatized experiences in prolonged exile in confine camps. Because the policies of containing refugees in isolated and insecure refugee camps, typically in border region and far from the governing regime, further compound the vulnerability of certain categories of refugees such as refugee women, refugee children, medically vulnerable refugees etc. it is important to include this dynamic in a consideration of the human rights consequences of protracted refugee situations. The extent and the significance of the human rights violations and some particular aspects of their vulnerability suffered by long-staying Myanmar refugees in Thailand need to be highlighted. Furthermore, a truly comprehensive solution to protracted refugee situations must include sustained political, diplomatic, economic and humanitarian engagement in both the country of origin and the country of asylum.

The overall conclusion reached about resettlement is that it continues to play a meaningful palliative, protective and durable solution role within the shelters in Thailand. While it is necessary for resettlement to remain a carefully targeted programme, the stakeholders involved should consider expanding resettlement to allow participation of legitimate asylum seekers within the shelters who are currently restricted from applying because of the lack of a timely status determination process. Allowing higher levels of participation in resettlement through addressing this policy constraint, as well as some of the more personal constraints that prevent some families within the shelters from moving on with their lives, would be a

positive development in terms of providing durable solutions to the situation. In conjunction with greater opportunities for local integration and livelihood options for those who cannot or do not wish to participate in resettlement, the programme should be expanded to make the option of an alternative to indefinite encampment within the shelters in Thailand available to a larger group of eligible displaced persons.

5.3.2 On Voluntary Repatriation

What all concerned have learnt about the experiences of repatriation from the Indochinese refugees and the international response could be drawn some lessons for the mandate for displaced persons for Myanmar. Although in the recent time the political and human rights crisis in Myanmar shows some signs of resolution, but the repatriation issue has not been indicated in the agenda of Myanmar government. The issue is about the timing to foresee the decision of Myanmar government. The important thing is to achieve the agreement to sign the Memorandum of Understanding (MOU) amongst Myanmar government, Thai government and UNHCR for the return and reintegration. But the most important thing is the importance to respect the principle of voluntary repatriation. In the previous experiences in mandating the repatriation assistance for the Indochinese refugees by UNHCR, were acknowledged from all concerned about the most difficult and distinct tasks in comparison with other region.

Whereas the discussion on the prospects on eventual voluntary return has been controversy and currently regarded as 'cautious optimism' (UNHCR, 2014).

It has not been possible at this time to present a comprehensive implication for durable solutions in repatriation and its dynamics at the present time – such a task would be way beyond what could be included in the preliminary plan for preparation process. Indeed, what this research tries to emphasize above all is the enormous diversity of challenges that the recently changing context of Myanmar reform, and thus, directly, that these developments impact to the implications of international refugee regime on durable solutions. The analysis offered here rests on the recognition that,

One clear conclusion that can be considered, however, is that current trends do not depict a particular positive picture for protection in refugee repatriation during this period of time or in the years ahead. And this trend has impeded to the protection in protracted displacement of displaced persons along the Thai-Myanmar border. Both Thailand and Myanmar, as an asylum hosting country and an origin country respectively, it appears, remain unwilling or unable to apply the international refugee convention and associated human rights instruments to guarantee complete protection for those who are forcibly displaced, whether within Myanmar's territory or across international border. The prospect of many displaced persons in the temporary shelters in Thailand in returning to the original country is profound of worries and uncertainty. There is no prospect of improvement in their situation. The Government of Myanmar's has not developed a plan of action to facilitate the implication of repatriation policy to activate the reintegration mechanism – no progress and prospect for repatriation. This unwillingness and incapacity to protect their plight is very much connected with the erosion of state authority under the pressures of economic regionalism (weakness). The decline of the international commitment to the refugee protection regime is accelerated, certainly, by the downward-standard setting led by the migrant- and refugee- receiving countries of the North.

UNHCR continues to play a key role in these efforts consistent with its mandate to promote durable solutions for refugees including through its catalytic role aimed at strengthening the link between humanitarian and development organizations. New concepts like '4Rs' (repatriation, reintegration, rehabilitation and reconstruction and DAR (Development Assistance for Refugees) have been developed and are being tested on a pilot basis.

Promoting and consolidating the solution of voluntary repatriation has been rather little opportunity for UNHCR. This is partly because there is little possibility of sustainable return when the state of origin refuses to recognize returnees as its own nationals and the conflict continuation of persecution between the Burmese

government and ethnic military group. Interestingly, this also includes an ambiguous issue after voluntary repatriation became the central preoccupation of UNHCR in the post-Cold war period and UNDP promoted the 1990s as the decade of returnee aid and development. The UNHCR involvement in returnee reintegration began in the early 1990s.

The involvement of the returnee reintegration was necessary to the strategy of promoting the return of refugees (Chimni, 2003: 211-212). The main reason of limits of UNHCR involvement in sustainable return comes from these circumstances: until the beginning of the 1990s, returnee aid and development was a derived concept and did not have the meaning independent of refugee aid and development (R.F Gorman and G. Kibreab, 1997 cited in Chimni, 2003: 211).

Another important reason is that UNHCR is not development agency nor is it equipped in material and intellectual terms to address the problem of development of post-conflict societies. Therefore, the scope of returnee aid is confined to achieving the objective of establishing minimum material and social conditions in which the return of refugees can be promoted. UNHCR's mandate in the reintegration process is emphasized on emergency development rather accounted for long-term problems of recurrent costs and sustainability. This weakness limits UNHCR's mandate in taking some activity that far away from its protection role. In addition. UNHCR's multilateral partners have cooperated willingly in activities initiated by UNHCR but in reality, the priorities, objectives and approaches   of other agencies often diverge from UNHCR's specific concerns. [viii]

It is pivotal for agencies and UN organizations to assist returnees by bridging the gap between humanitarian relief and rehabilitation efforts, in the context of peace-building in post-conflict situations. Assisting returnees in the initial reintegration process is of particular importance, in order to consolidate peace in the regions of origin as well as to prevent returnees from being displaced once again.

This is a challenge in forced migration management. The analysis of protracted refugee situation needs to be better informed to the extent that international actors should get better at mediating and consolidating peace agreement in such a way that the chances that violence in Myanmar resumes are lessened.

It is pivotal to international community (regional basis) to assist the socially vulnerable, including refugees in host countries or returnees in countries of origin, in the context of human security, with due consideration to gender issues and inequalities in economic development among regions. Thailand should address great importance to human-centered development when engaging in development and protection assistance and empowerment. Thailand should promotes a more strategic and integrated approach for further strengthening partnership and collaboration in international community on the aspect of human security.

Thailand should seek to develop comprehensive approaches including generic and country-specific multilateral arrangements, aims at realizing durable solutions for refugees through improved international responsibility and burden sharing. Also, Thailand should promote a more strategic and integrated approach for further strengthening the human security.

5.3.3 On Local Integration

The protracted refugee situation in Thailand are derived from the political conflict, and solutions must be sought in this arena. In the meantime, a facilitating element of any durable solution is building the capacity of the displaced persons to attain self-reliance by enhancing their skills and capacities, and providing them with the necessary tools (e.g. loans, land, and income-generating project). Evidences from based-solution operations in many countries suggests that the most effective means to foster self-reliance within refugee populations is to focus on circumstances they face and removes the obstacles to their productivity. Consideration also need to be given to the human and material asset refugees bring with them and how these can be utilized to support development.

Two possible solutions to this situations are sustainable living and dealing with forced migrant groups as collectives. Sustainable living involves displaced persons using their skills to develop self-sufficiency through engagement with local communities and their economy. This integration may be a temporary solution or a durable one. Either way, displaced persons maintain their dignity and decrease their dependence on aid. Self-settled refugee groups need formal processes to develop sustainable living in order to remove fear of deportation.

Although resettlement plays an important role within the shelters in Thailand, many displaced persons have justifiable reasons for choosing not to apply to the programme. Increasing the options for self-reliance and integration with the local community in Thailand is a necessary part of any truly sustainable long-term strategy for resolving the displacement situation.

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Appendix

Appendix I

Details of Interviewees

Details of Key Informant Interviewees

Table 1: Royal Thai Government

Interviewees	Government Agencies
1 High Level	Foreign Affairs Division Office of the Permanent Secretary for Interior, Ministry of Interior
1 High Level, 1 Officer	Operations Center for Displaced Persons (OCDP)
1 High Level, 2 Officers	National Security Council, Office of the Prime Minister
1 High Level, 1 Officer	International Social Organization, Ministry of Foreign Affairs
Total 8 people	Total 3 Ministries

Table 2: International Non-governmental Organization (INGO) and UN Agencies

Bangkok	Surveyed Temporary Shelters	INGO and UN Agencies
1 Executive	-	ARC
1 Executive, 1 Staff	1 Staff, 1 Field worker	COEER
1 Executive, 1 Staff	1 Staff	IRC
1 Executive	-	CCSDPT
1 Executive, 1 Senior Officer	1 Staff	IOM
-	1 Executive	MRU
1 Senior Officer	-	UNDP
1 Senior Officer	1 Field worker	UNHCR
1 Staff	1 Staff, 1 Field worker	ZOA
-	1 Executive	MI
	1 Staff	UNFPA

Focus Group Discussion with Displaced Persons

A total of 7 focus group discussions were conducted with 45 female displaced persons in three selected Temporary Shelters from 21-30 November 2012 as following detailed schedule:

In-depth Interview with Displaced Person

Appendix II

Questionnaire

Alternative Proposed for Durable Solution: Policy Implication for Resettlement and Repatriation Programme

Survey on Perspectives of Displaced Persons From Myanmar Living in the Three Temporary Shelters in Thailand

Number of Questionnaire ☐☐☐

Date of interview ………………………

Name of interviewer ……………… Name of translator ………………………

Interview starting time …………… Interview ending time …………………

Questionnaire Investigator by………………………………………

Name of the temporary shelter

☐1. Mae La, Tak Province
☐2. Mae Ra Ma Luang, Mae Hong Son Province
☐3. Mae La Oon, Mae Hong Son Province

Language used during the interview

☐ 1. English-Karen

☐ 2. Thai-Karen

☐ 3. English-Burmese

☐ 4. Thai-Burmese

☐ 5. Other (specify) …………………………………

_____

Notes:

Part 1 Demographic Background

No.	Question	Answer	Data
101	Status of respondent	☐ 1. Registered ☐ 2. Non-Registered ☐ 3. PAB	
102	Length of stay	.... years	
103	Your age	.... years	
104	Your marital status	☐ 1. Single ☐ 2. Married ☐ 3. Not married but have a couple ☐ 4. Widowed ☐ 5. Divorced/Separated ☐ 6. Other	
105	Do you have any children?	☐ 1. No ☐ 2. Yes	
106	How old do you have first child	.... years	
107	How many children do you have?	.... Persons	

No.	Question	Answer	Data
108	Place of birth	☐ 1. Karen state ☐ 2. Mon State ☐ 3. Thanithayi State ☐ 4. Karenni State ☐ 5. Temporary Shelter in Thailand ☐ 6. Other (Specify)...................	
109	Religion	☐ 1. Christian ☐ 2. Buddhist ☐ 3. Animist ☐ 4. Muslim ☐ 5. Other (Specify)....................	
110	Current or last occupation	☐ 1. Employed (Specify occupation)................ ☐ 2. Self-employed (Specify occupation)............ ☐ 3. Housewife ☐ 4. Unemployed ☐ 5. Other (Specify).....................	
111	Highest level of education	☐ 0. Never attended school ☐ 1. Primary school in Myanmar (Kindergarten-Standard 4) ☐ 2. Middle school in Myanmar (Standard 5-8) ☐ 3. High school in Myanmar (Standard 9-10)	

No.	Question	Answer	Data
		☐ 4. Primary school in the temporary shelter (Kindergarten standard 6) ☐ 5. Secondary school in the temporary shelter (Standard 7-10) ☐ 6. Post-10 Course ☐ 7. College/University ☐ 8. Non-formal education ☐ 9. Vocational training ☐ 10. Other (specify)........................	
112	Ethnicity	☐ 1. Karen (Pwo) ☐ 2. Karen (S'gaw) ☐ 3. Burman ☐ 4. Karenni ☐ 5. Other (Specify).................	

Language Skills   4=very good   3=good   2=fair   1=no

No.	Question	Language	Speaking			Reading				Writing				Data
			4	3	2	4	3	2	1	4	3	2	1	
113	Language Proficiency	Karen (Pwo)												
		Karen (S'gaw)												
		Myanmarese												
		Karenni												

		Thai											
		English											
		Other (Specify).......											

Part 2 Displaced Persons' Perspectives on Repatriation and Resettlement

No.	Question	Answer	Note
1	Due to Myanmar's reform, have you heard about the repatriation programme ?.	☐ 1. Yes ☐ 2. No	
2	From whom have you received the information on repatriation?.	☐ 1. Thai authority ☐ 2. NGOs ☐ 3. Friend ☐ 4. Relatives ☐ 5. Other	
3	Do you think people will be convinced by repatriation programme ?.	☐ 1. Yes ☐ 2. No ☐ 3. Not sure	

No	Question	Answer	รหัส
4	If repatriation programme would have been established, will you apply to the programme or return spontaneously ?.	☐ 1. Apply to programme ☐ 2. Return spontaneously ☐ 3. Not sure	
5	If there repatriation programme would have been established, which organization do you prefer to take care for repatriation ?.	☐ 1. UN Agencies ☐ 2. UNHCR ☐ 3. Thai government ☐ **4.** Myanmar government ☐ 5. NGOs ☐ **6.** Other (Specify)..................	
No.	Question	Answer	รหัส
6	If the repatriation process would have been available, what kind of assistance do you need ?. (Choose more than one)	☐ 1. Agricultural equipment ☐ 2. Job placement ☐ 3. Education for children ☐ 4. Land for agriculture ☐ 5. Vocational training ☐ 6. Other.............	
7	In case if you want to repatriate, what kind of occupation will you do ?.	☐ 1. Agriculture ☐ 2. Vendor ☐ 3. Work in factory ☐ 4. Work with government agencies	

		☐ 5. Work with NGOs ☐ 6. Other	
8	If you don't want to repatriate, what kind of reason make you feel concerned about?. (Choose more than one)	☐ 1. Safety in Life and Property ☐ 2. Unclear process for repatriation / preparation for return ☐ 3. Don't know where to live ☐ 4. Unclear assistance approach ☐ 5. Want to apply for resettlement country ☐ 6. Other..................	
9	If the repatriation process would have been available, in your opinion, how the repatriation programme should be proceeded ?. (Choose more than one)	☐ 1. Need the representative of returnees to participate in the decision making process for repatriation ☐ 2. Need the female representative in the repatriation process ☐ 3. Need the representative from every ethnic group ☐ 4. Need equal integration process in every group ☐ 5. Don't know ☐ 6. Other	
10	Do you know the resettlement programme ?.	☐ 1. Yes ☐ 2. No	

11	Do you agree the resettlement programme will offer you the opportunity for better life ?.	☐ 1. Agree ☐ 2. Not agree ☐ 3. Don't know	
12	Have you or your member of family applied to the resettlement programme ?.	☐ 1. Apply ☐ 2. Not apply	
13	How do you think what is the most preferable choice for the most people between going back to Myanmar or resettling in the third country ?.	☐ 1. Going back to Myanmar ☐ 2. Resettling in the third country ☐ 3. Other………………	

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VITA

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