

Kachin and Northern Shan State Context and Vulnerability Review

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Table of Contents

Table of Contents	2
Acronyms	3
Acknowledgements.....	5
Methodology.....	5
Executive Summary.....	6
1. Context, Conflict and Geography Analysis	8
2. Humanitarian and Transition Work: Finding Space for the ‘Nexus’	13
3. Protection.....	18
4. Opportunities for Return and Resettlement	24
5. Livelihoods	27
6. Localisation	32
7. Conclusions	34
Annex 1 – Review Brief	36
Annex 2 – Organisations Consulted	37

Acronyms

A2H	Access to Health
CCG	Conditional Cash Grants
CPT	Cash Transfer Programmes
CPG	Cooperation Partners Group
CSP	Community Strengthening Programming (USAID)
CSO	Civil Society Organisation
CU	Chronic Undernutrition
DAI	Development Alternatives International
DFID	The Department for International Development
DPP	Durable Peace Programme
DRC	Danish Refugee Council
EAO	Ethnic Armed Organisations
ERM	Emergency Response Mechanism
EU	The European Union
FPNCC	Federal Political Negotiation and Consultative Committee
GBV	Gender based violence
GCA	Government Controlled Areas
HARP-F	The Humanitarian Assistance and Resilience Programme Facility
HI	Humanity and Inclusion
HLP	Housing, Land and Property
HPA	Health Poverty Action
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IGA	Income-generating activities
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IFFM	Independent Fact Finding Mission
INGO	International Non-Governmental Organisation
IOM	International Organization for Migration
JST	Joint Strategy Team
KBC	Kachin Baptist Convention
KIO	Kachin Independence Organisation
KMSS	Karuna Mission Social Solidarity (Caritas Myanmar)
LIFT	Livelihoods and Food Security Fund
MHF	Myanmar Humanitarian Fund
NFI	Non-food items
NGCA	Non-Government Controlled Areas
NGO	Non-Governmental Organisation
NLD	National League for Democracy
NSA	Non-state Actors
NSS	Northern Shan State
PIMS	Protection Incident Monitoring
PSEA	Preventing Sexual Exploitation and Abuse
PSLF	Palaung State Liberation Front
RRF	Rapid Response Fund

STTA	Short-term technical assistance
3MDG	Three Millennium Development Goal (3MDG) Fund
TA	Travel Authorisation
TAT	Technical Advisory Team
<i>Tatmadaw</i>	Myanmar Defence Services
TNLA	Ta'ang National Liberation Army
TSYO	Ta-ang Student Youth Organisation
TWO	Ta-ang Women's Organisation
UK	United Kingdom
UN	United Nations
UNHCR	The United Nations High Commissioner for Refugees
UN RC/HC	The United Nations Resident and Humanitarian Coordinator
USAID	U.S. Agency for International Development
WASH	Water, Sanitation and Hygiene
WFP	World Food Programme

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Methodology

This Context and Vulnerability Review of Kachin and Northern Shan State (NSS) was undertaken by a team of the Humanitarian Assistance and Resilience Programme Facility (HARP-F) contracted consultants providing expertise on conflict and protracted crises, protection in humanitarian contexts, household economy/livelihoods and Cash Transfer Programmes (CTP). The review is intended to further guide the HARP-F Regional Strategy for Kachin and NSS and to inform future decision-making, programming and prioritisation.

The review was undertaken in close collaboration with the HARP-F staff, in particular the regional office in Myitkyina. It was also undertaken in collaboration with existing HARP-F partners who provided information on past programming experience and initiatives, assisted in obtaining Travel Authorisation (TA) and provided logistical support during the field trips.

The methodology included: interviews with humanitarian, peacebuilding and development organisations based in Yangon; organisations and key informants working in Kachin and NSS, including government officials; and interviews and focus group discussions with IDPs during field visits to selected camps (subject to access restrictions) around Myitkyina and Lashio. Relevant secondary documentation was also reviewed to inform the findings. A total of 26 different international, national and local organisations were consulted in Yangon, 21 in Myitkyina and 11 in Lashio (see [Annex 2](#) for a full list of organisations consulted).

Throughout this process, evidence and documentation was compiled and reviewed. During the report drafting process, initial findings were discussed with the United Kingdom (UK) Department for International Development (DFID), HARP-F Delivery Grant partners working in Kachin and NSS and other members of the donor community.

Executive Summary

Kachin State and Northern Shan State (NSS) are in a state of protracted crisis, characterised by ongoing and sporadic conflict, unresolved political grievances and an array of competing interests over resources ranging from logging and minerals to illicit drugs. Over 100,000 people are sheltered in 170 Internally Displaced Persons (IDP) camps across the region. Many have been displaced since 2011 when the Government - Kachin Independence Organisation (KIO) ceasefire broke down. In NSS, in addition to a static, encamped IDP population, violence continues to displace people from dozens of communities for shorter durations. These people are often forced to flee their homes several times in a year.

Despite conflict and uncertainty, IDP populations – together with local community organisations – are actively seeking solutions to reverse the hopelessness of prolonged displacement. These efforts deserve concerted local and international assistance – across the humanitarian, human rights, development and peacebuilding silos – which, in turn, can bring benefits to host populations and local communities that have also suffered from conflict and neglect.

Human Rights and Protection Challenges

The challenges for people seeking to achieve their development aspirations in Kachin and NSS should not be underestimated. The conflicts in the region have been marked by decades of widespread and systematic human rights violations by both the Tatmadaw and ethnic armed organisations (EAO), including widespread forced labour, extensive laying of landmines, torture and ill-treatment, sexual violence against women and girls, forced recruitment into armed groups (including of minors), arson, looting and destruction of civilian property. Growth in the drug trade is adversely affecting every aspect of society in Kachin and NSS, where the majority of Myanmar's narcotics are produced.

In addition to direct violence, the inability of affected populations to move freely to protect themselves constitutes the greatest threat to their safety and dignity (including their ability to access safe and sustainable livelihoods). The return to home villages, migration to safer cities or areas in Kachin or Shan or elsewhere Myanmar, and safe temporary or permanent migration to China all represent protection and livelihood options that are closed to many IDPs and conflict-affected people. Without access to safe livelihoods, IDPs are exposed to greater protection risks, such as the trafficking of women for marriage.

Efforts by the international community to monitor protection and rights violations in the region and to provide meaningful protection assistance (including through advocacy) have been uneven at best. This is due in part to the severe constraints on access imposed by the Government. Lack of access also compromises programme quality across sectors and undermines efforts at promoting accountability to affected populations - including the ability to introduce effective mechanisms for the Prevention of Sexual Exploitation and Abuse (PSEA).

Churches and monasteries that provide land and structures for IDP camps – together with the Joint Strategy Team (JST) members that administer the camps – provide the most meaningful protection inputs for displaced people in Kachin and NSS: safe refuge and the provision of basic needs. This major contribution is achieved despite the severe-to-complete constraints on access by international staff. Supporting a larger pool of local organisations (e.g. in the areas of gender-based

violence or housing, land and property [HLP]) could help expand positive protection outcomes for IDPs and other conflict-affected people.

Operational Settings

Short-term humanitarian assistance will continue to be needed in a number of settings in Kachin and NSS, especially where people are directly affected by violence. The majority of internationally-funded humanitarian support, though, will continue to be in the form of cash and in-kind transfers to long-term displaced people in camps – with some prospects for these schemes to evolve into more meaningful self-reliance for affected people (including through options to end encampment). Further direct funding of local organisations that have proven they deliver effective humanitarian outcomes in these settings should be considered.

Internationally-funded assistance in the conflict-affected areas of Kachin and NSS is heavily focused on IDPs, with seemingly little attention or investment going towards host or conflict-affected communities. If IDPs are going to find their way from reliance on humanitarian transfers in camps to productive livelihoods, this will be shaped by similar security guarantees, economic opportunities and services that are available to non-IDPs.

Opportunities for ‘Resolving’ Protracted Displacement

‘Resolving’ protracted displacement in the region will likely be a lengthy and uneven process. Though large-scale returns are not feasible, options for resettlement in safer communities are available. A small number of resettlement schemes – some informal and IDP-driven, others with more formal government or Non-Governmental Organisations (NGO) assistance – are ongoing and have demonstrated that acceptable, if not perfect, options for resettlement exist in Government Controlled Areas (GCA) of Kachin and NSS. While some of the objections to ending displacement remain ideological and political, many are practical and may be influenced through adjusting humanitarian and development aid transfers. More proactive support to ground up, camp-by-camp, localised approaches may help avoid some of the broader political constraints. With a conservative annual target of 2,000 households per year, the caseload of IDPs in protracted displacement in GCA could be addressed in five years.

Programmes that encourage self-reliance and sustainable livelihoods among displaced people – including those remaining in camps - are also needed to help unlock protracted displacement. Income-generation activities (IGA) for IDPs need to be complemented by jobs programmes of longer duration (at least two to three years) that consider self-reliance and sustainable livelihoods – when possible in conjunction with return or resettlement. Professional placement schemes as well as safe migration projects should be considered. In addition, programmes that support secondary and tertiary education as well as vocational training can give young IDPs some hope for sustainable livelihoods in the future. Finally, it is clear that cash transfers are broadening families’ ability to plan for their own future. Increasing monthly cash transfers could hasten IDPs paths to self-reliance.

A new interest in Kachin and NSS from development and other ‘nexus’ actors (largely absent on the ground in Myitkyina and Lashio) should spur on the process of resolving displacement – in part by helping improve the delivery of services (e.g. education, health, drug treatment) available to all in host and conflict-affected communities. There are risks of overwhelming the limited number of local partners with new initiatives, but these can be alleviated if nexus actors coordinate their programmes (including their local ‘capacity building’ efforts). The development of a ‘strategic

framework' for Kachin and NSS – facilitated by the United Nations Resident and Humanitarian Coordinator (UN RC/HC) – should encourage a shared analysis of – and approach to – protracted displacement and vulnerability in the region as well as guide coordination.

Note on HARP-F Grants and the Review

The review was not intended as an examination of the performance of HARP-F current grants and therefore does not comment on the details of these grants. However, design and monitoring information on these programmes formed part of the data that informed the findings.

1. Context, Conflict and Geography Analysis

The Kachin State Conflict has been ongoing since the breakdown of a 17-year ceasefire between the Kachin Independence Organisation (KIO) and the central government in 2011. Over 100,000 people have been displaced in the conflict, and peace talks have broken down as humanitarian access for international and national staff is constricted and access to over 170 IDP camps (across Kachin and NSS, including GCA and Non-Government Controlled Areas [NGCA]) has been restricted for international staff. **Northern Shan State** is one of the most complicated zones of conflict in Myanmar, with multiple EAOs, a proliferation of government backed militias, territorial struggles between armed groups and contests over resources such as logging, taxation of civilian business, illicit drugs and unsafe migration practices including trafficking of people into China. NSS has a smaller number of static IDP camps, but a number of communities in conflict areas find themselves displaced several times in one year due to sporadic fighting, placing a huge burden on livelihoods as well as exposing people to dangers from human rights violations and landmine incidents.

These conflicts have been marked by decades of widespread and systematic human rights violations. The UN Human Rights Council-mandated Independent Fact Finding Mission (IFFM) report from September 2018 concluded that there have been patterns of crimes against humanity and war crimes perpetrated by the Tatmadaw but also EAOs.¹ The conflict has been defined by abuses against civilians, including widespread forced labour, torture and ill-treatment, sexual violence against women and girls, forced recruitment into armed groups (including of minors), arson, looting and destruction of civilian property. For many aid workers and displaced communities in Kachin State, the inclusion in the IFFM report of detailed reports of human rights violations since 2011 vindicated concerns that the long-term IDP population had been forgotten by the international community, including by donors. There have been relatively few if any prosecutions of armed actors for crimes perpetrated against civilians over years of conflict. Impunity is almost total for almost all armed actors, and repression and intimidation of civil society workers or journalists who report on abuses or corruption is commonplace. This is the environment in which aid providers must navigate their own and recipients' protection.

The patterns of abuses in armed conflict are exacerbated by an environment of exploitation through land seizures and exploitation of natural resources. In Kachin State, there has been considerable appropriation of land owned by IDPs along the border with China for banana plantations, amongst

¹ Human Rights Council, 'Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar', Geneva, A/HRC/39/CRP.2, 17 September 2018.

other cash crops.² In NSS, the military has appropriated land astride main roads for many years. Land issues are further complicated by the legal system which renders redress and compensation extremely difficult.

The paradox of conflict in Kachin and NSS is its relative obscurity: landing by air in Myitkyina one could conclude it was a booming river port trading town; or drive the road between Lashio and the Myanmar-China border town of Muse and one would not realise that conflict and displacement are occurring close to the roadside most of the way. Yet access outside the two main towns is largely restricted. Many Kachin and NSS aid workers who talked with the review team consistently remarked that the paradigm of 'seasonal predictability' for conflict in the area no longer applied: the age of monsoonal suspension of government operations and then dry season offenses was over; fighting now flared unpredictably and generally regardless of the weather. The main conflict 'hot spots' were listed in Kachin State as Waingmaw, Bhamo and Mansi in the southeast, and in Tanai and Hpakant in the west around jade and amber mining areas.³ In NSS most of the hot-spots and zones of dynamic displacement and intermittent skirmishes are in Kutkai, Namkham, Namtu, Namsham, Hsipaw and Kyaukme townships where there has been small scale, short-term displacement that has slowly escalated over the last five years.⁴

Fighting and displacement in Tanai Township during June 2017 and April to May 2018 could indicate a worrying shift in the conflict, whereby parties to the conflict more directly use displaced civilians as shields – blocking their ability to exit conflict zones through roads, jungle paths and waterways and denying them access to humanitarian assistance, all while the use of heavy artillery and airpower by the Tatmadaw intensifies.⁵ Over several thousand civilians from Tanai and other locations were exposed to extreme danger during several weeks of heavy fighting and suffered numerous casualties.

Landmines continue to be a major protection concern, with killing and maiming by landmines as the main source of civilian protection incidents according to the United Nations High Commissioner for Refugees (UNHCR) Protection Incident Monitoring (PIMS) Dashboard.⁶ Given the ongoing conflict and the multiplicity of actors, particularly in NSS, landmine contamination in many areas will further challenge the freedom of movement, livelihoods and health security of conflict affected communities.

There are also increased inter-communal and intra-communal conflicts which could exacerbate fractures in social cohesion and affect service delivery (and, potentially, fuel existing armed conflict dynamics). These inter-communal and intra-communal conflicts include heightened tensions between Kachin and Shan-ni (Red Shan) communities in Mohnyin and around Myitkyina. There is

² Durable Peace Programme, *Displaced and dispossessed: conflict affected communities and their land of origin in Kachin State*, Myanmar, May 2018.

³ Interviews with Technical Advisory Team (TAT), and Kachin aid workers, Myitkyina, Kachin State, October 2018. These hot-spots and the general security situation were also checked with the UNDSS officer in Myitkyina who concurred on general patterns of conflict dynamics and protection risks.

⁴ Interviews with Shan, Kachin, and Ta-ang aid workers, Lashio, Northern Shan State, October 2016.

⁵ UNHCR Protection Sector, Advocacy Note, 'Situation in Tanai', Kachin State, 5 July 2017; UNHCR Protection Sector, Advocacy Note, 'Situation in Tanai and Hpakant Townships', Kachin State, 19 April 2018. In another development, the Tatmadaw air-dropped leaflets to the area in 2017 warning civilians that fighting would take place in the area and the army would not be responsible for casualties.

⁶ UNHCR, 'Myanmar. Protection Incident Monitoring (PIMS) Dashboard', January-December 2017; UNHCR, 'Myanmar. Protection Incident Monitoring System (PIMS) Dashboard Northern Shan', April-June 2018.

also increased talk of tensions between Kachin clans along a range of religious, land and identity issues, with minority clans such as the Lisu, Rawang, Lowaw, Lachit and Zaiwa expressing frustration with majority Jinghpaw. Many Kachin elites insist these divisions have been exaggerated and are more the result of attempts by the Tatmadaw to fan tensions through divide and rule tactics. But the divisions, regardless of how deep, reflect one of many social fault-lines from a long conflict. In NSS, there are increased tensions between Ta-ang and Shan communities in several of the townships where armed conflict is persistent between a range of EAOs and where reports of human rights violations including forced recruitment, predatory taxation, forced labour and enforced disappearances have steadily mounted over the last five years.

The drug trade adversely affects every aspect of the armed conflict and communities across Myanmar, especially in Kachin and NSS where the majority of narcotics are produced. Production and consumption of opium, heroin, methamphetamines (AKA ya ba) for domestic transit and consumption and increasing amounts of crystal methamphetamines (AKA ice) for export markets have financed criminal organisations, insurgencies, and corrupt civilian and military officials. The social impact has been widespread and debilitating for all communities, with high rates of drug addiction and its negative impacts on young people, livelihoods, education, increased criminal behaviour and community violence.

Political Implications

As the nationwide peace process flounders, there is little likelihood for meaningful formal or informal peace and ceasefire talks in Kachin and NSS. Prospects will constrict even more ahead of the 2020 nationwide election: peace processes should be efforts towards conciliation while elections are by their nature contested and can be prone to violence and instability. Negotiations between the central government, Tatmadaw and the KIO have been dysfunctional for many years, but since the National League for Democracy (NLD) government assumed power, in March 2016, those negotiations have all but ended, and KIO attendance at Union level peace conferences has been as observers.⁷ The central government has grudgingly included EAOs from the Northern Alliance/ Federal Political Negotiation and Consultative Committee (FPNCC) operating in NSS to peace talks, but insists on the EAOs disarming before being accepted at formal peace negotiations. This in essence is a stalemate in a complicated long-standing civil war, as armed conflict continues over a number of confusing, overlapping causes and drivers.

These deteriorating, clearly dysfunctional, relations have direct impacts on aid and development initiatives as the Tatmadaw and some civilian agencies have directly threatened major aid agencies with alleged breaches of Section 17(1) of the Unlawful Associations Act for being in direct contact with the KIO. This allegation was made against the Kachin Baptist Convention (KBC) in May 2018, when the group claims it was supporting IDPs in NGCAs.⁸ Similar threats have been made towards women and youth groups in Lashio suspected of ties to the Palaung State Liberation Front (PSLF)/ Ta'ang National Liberation Army (TNLA). As described in the section on protection, these have

⁷ Interview with Technical Advisory Team (TAT), Myitkyina, October 2018. The more aggressive vilification of the KIO/KIA as 'terrorists' by the state media has been one overlooked factor on the ground. In Myitkyina, the context review team was provided a copy of an English-language pamphlet alleging KIA terrorist acts which had been delivered to UN offices in the early morning of August, with no attribution.

⁸ Interviews with Kachin aid workers, Myitkyina, Kachin State, October 2018. The colonial-era Unlawful Association's Act (1908) has been used against a range of perceived military or government critics, including journalists covering the conflict in Northern Shan State in 2017, and IDPs and civilians suspected of being part of, or aiding, the KIO/KIA numerous times over the last seven years.

contributed to additional restrictions in humanitarian access which have also affected local and national organisations.

There is increasingly litigious intimidation towards civil society supporting IDPs and fundamental freedoms in both states. In Kachin, three lawyers and women's rights activists, Lum Zawng, Nang Pu and Zaw Jet are facing charges under Section 500 of the Penal Code for allegedly defaming the military by criticising official actions around the trapped IDPs in Tanai Township. The three were leaders of public protests in Myitkyina in support of IDPs and decrying the military's actions.

The political dimensions of the conflict context have been further vexed by spill over from the Rakhine conflict and increasing calls for international accountability measures. Reactions from various sides to the IFFM report calling for International Criminal Court (ICC) investigation, increased sanctions on the Tatmadaw leadership and international opprobrium of the civilian government have been notable. First, on the ground, there has been no discernible behaviour modification by armed actors or accountability for past or ongoing abuses, and the patterns of aid restrictions have barely changed since mid-2016. Second, the defiant dismissals by national military and civilian leaders of accusations (and compelling documentation) of serious violations of International Humanitarian Law (IHL) and International Human Rights Law (IHRL) by the Tatmadaw and EAOs have contributed to a more aggressive campaign of vilifying EAOs (including accusations of terrorist actions) as well as a resurgence in broader Myanmar society support for civilian and military leaders (combined with criticism of Western pressure). Finally, international pressure over Rakhine State and to a lesser extent ongoing abuses in Kachin and NSS will not abate in the near future, and there is likely to be further pressure on the national government for accountability measures that will include further sanctions and the possibility of funding cuts in the medium future.

Humanitarian Context

Conditions for IDPs in GCAs and NGCAs are significantly different, especially for those in isolated camps along the Kachin-China border which experience extreme temperatures and where regular deliveries of assistance – as well as access of foreign and local actors to Laiza – have been regularly interrupted as of early 2016. Restrictions on aid to NGCAs in Kachin State have had considerable impact on conditions in the camps where an estimated 40 percent of IDPs are housed. The declining international funding for IDP shelter, health, food and education will exacerbate growing social issues in the IDP camps (see below). This has placed an extra burden on organisations (including a HARP-F partner) delivering aid across the border from China, as Chinese officials restrict cross-border activities and deny entry of IDPs into China.

Kachin political officials interviewed by the review team cited the need for significant shelter upgrades in NGCA IDP camps, uneven health and education supplies and services in NGCAs, and the breakdown of operational coordination between the Government and the KIO (e.g. during the ceasefire period, coordination between government and KIO health systems around vaccinations was routine). There is a growing sense of separation from GCA areas of displacement and the government's increasingly anti-IDP rhetoric around camp closures is contributing to unease – and a sense of feeling forgotten – among KIO and IDP communities in isolated areas.

Conflict-affected people in NSS also suffer from particular operational constraints. The lack of predictability around dynamic displacement – combined with the tedious and complex travel authorisation system – make rapid response very difficult. The first responses are usually private, locally driven solutions with smaller Civil Society Organisations (CSO) filling gaps in supplies. With

the increased complexity of the armed conflict in NSS, even this kind of rapid response is being threatened: in Namtu Township earlier this year, local armed groups restricted access by local aid groups to IDPs trapped between parties to the conflict. This kind of action calls for renewed advocacy efforts at local and national levels for unrestricted humanitarian access.

At more established camps in GCAs, IDPs and camp committees interviewed by the review team raised a number of issues related to worsening camp conditions, particularly around the deterioration of overall camp infrastructure (e.g. shelters in need of repair) and around Water, Sanitation and Hygiene (WASH) facilities. Interviewees cited overcrowded longhouse (barrack) accommodations, where many people are sharing crowded accommodation, as a significant concern - especially as more children come of age after seven years of displacement. Interviewees also suggested that overcrowding is leading to abuse and exploitation and gender-based violence. Finally, the reduction of food rations for some IDPs from 100 to 80 percent was frequently cited as having a harmful impact on families, leading to the adoption negative coping mechanisms.

In relation to WASH, assistance is currently provided through cash grants to WASH committees that allow for maintenance of infrastructure and hygiene promotion where necessary. These should continue while people are in camps, and links with municipalities should be encouraged to ensure adequate transfer of responsibility. In parallel, efforts are underway by the WASH cluster to review other areas of work, including whether hygiene kits are needed and how hygiene promotion could be rationalised. Women IDP camp committee members also raised protection concerns around WASH issues. These include the way WASH incentive staff are chosen, power abuse by some volunteers working on WASH programs, as well as common bathrooms causing discomfort due to lack of privacy.

Key Messages:

- Protracted armed conflict in Kachin and NSS since 2011 continues to generate new civilian displacement and deter IDP returns.
- The culture of impunity by the state and non-state armed groups will continue without more political will to redress decades of widespread and systematic human rights violations.
- The nationwide peace process is stalled in Kachin and NSS.
- There is space to pursue humanitarian, peace and development programming.
- There is a new wave of development actors aiming to invest in Kachin and NSS.
- Dynamics of displacement differ across Kachin and NSS. Displacement in Kachin tends to be longer-term, while NSS is characterised by temporary re-displacement.

Recommendations:

- The aid and development 'nexus' must seek to better understand the contours and complexities of conflict in Kachin and NSS and ensure that all programming is conflict sensitive.
- Development actors should ensure inclusivity, conflict sensitivity and support social cohesion in conflict-affected communities.
- Landmine contamination, human trafficking and an increase in drug trade and use are among the issues not receiving sufficient attention.
- The design of the humanitarian, peace building and development programmes should include accountability mechanisms to ensure that projects and programmes remain relevant and are meeting people's needs.

2. Humanitarian and Transition Work: Finding Space for the ‘Nexus’

Kachin and NSS are characterised by a wide range of operational settings, ranging from volatile and violent to protracted but predictable displacement and, finally, to relatively stable settings that can benefit from more traditional government and donor-supported longer-term development investments. Unresolved conflict and an environment of repeated human rights abuses and criminality in some areas means that critical, short-term humanitarian assistance will continue to be needed – probably on a relatively small scale.⁹ The majority of support will continue to be in the form of subsidising – on behalf of the Government of Myanmar – a potentially open-ended social protection schemes for long-term displaced people.¹⁰ For the majority of long-term displaced people (encamped now for two to seven years) – especially those in GCAs – there may be options for ending encampment and encouraging self-sufficiency. But changing the dynamic of long-term humanitarian aid – or trying to ‘resolve’ displacement – will entail facing difficult dilemmas around the unsustainability of open-ended international assistance, the inability of the Government or local institutions to assume full responsibility for the welfare of IDPs, and the deficiencies of likely settlement and livelihood options for displaced people.

As in most complex and protracted operating environments there is no clear distinction between those international interventions that constitute ‘humanitarian’ investments and those that constitute ‘transition’ (nexus) or development interventions.¹¹ They happen simultaneously across operational areas in Kachin and NSS and each contributes to developmental outcomes to a greater or lesser extent. Finally, there is no pre-defined linear path in which beneficiaries might graduate from one form of assistance to another. For the most part, the path towards more dignity and self-reliance for IDPs will be uneven and best supported through programmes that protect and grow human capital as IDPs themselves seek solutions for their future. In a few more straightforward cases (e.g. KMSS assisting in returns to areas of origin), there have been examples of ‘humanitarian’ funding being transitioned to ‘development’ funding as people re-establish lives at home, but the distinction is more about the origin (and duration) of donor funding than about the outcomes sought for beneficiaries.

Besides some immediate, critical life-saving support in the case of new and dynamic displacements, most IDPs in these areas are registered in a stable, if under-resourced, social protection scheme (financed through humanitarian transfers). The transfers (in the form of in-kind aid or cash) are being used by families for food, education and health care – with their flexibility greatly enhanced if they are in the form of cash.¹² The ultimate success of these schemes depends on simultaneous

⁹ This refers mostly to people in NSS who are being displaced repeatedly for short periods of times (from a few days to several weeks) – often a few hundred people at a time, occasionally up to 1,000.

¹⁰ Responsibility for the rights and well-being of IDPs rests with the Government of Myanmar. ‘Social protection scheme’ here refers to the humanitarian programmes being funded by donors, not to any ongoing national social protection schemes.

¹¹ The terms ‘nexus’ and ‘transition’ are used inter-changeably in this paper. Both terms (and others) have been used (‘nexus’ more recently) to characterise a crisis in which humanitarian needs are ongoing but when space is available for re-establishing or strengthening longer-term investments that can contribute to resolving a crisis. In the case of Kachin and NSS, with its conflict dimensions, a ‘transition’ or ‘nexus’ approach would include peacebuilding elements. The idea is to align all three components – humanitarian, development and peacebuilding – towards common objectives while understanding that a variety of types of assistance will be needed simultaneously.

¹² Food assistance has been switched over from in-kind to cash in GCAs without notable security or accountability problems. Access to functioning markets – rather than security – is still cited as an impediment to cash assistance in NGCAs (see [Livelihoods](#) section).

actions: recipients building their links into the productive economy (reducing costs or necessity of the schemes) and steps to improve and the quality and coverage of basic national social services such as health and education that can provide a predictable, basic safety net.

Normally for displaced people, this process happens messily and unevenly: displaced people muddle through over years and sometimes generations to achieve socio-economic parity with their co-citizens¹³ – and in cases, such as Kachin and NSS, where fundamental peace and stability issues are unresolved, the obstacles to the ‘normalisation’ of displaced lives are even greater.¹⁴ There is no reason to be particularly more optimistic for IDPs in Kachin and NSS. In the end, the fate of the roughly 100,000 displaced people in these regions will be inextricably tied to basic peace, governance and economic challenges facing Myanmar as a whole – and given their geographic proximity to their economic super power neighbour, how the economy integrates with China. The question for the international development and assistance community is two-fold: what tolerance does the international community have for subsidising a potentially open-ended social protection scheme (already showing signs of fatigue); and, what might it do, on the margins, while this fatigue sets in to help accelerate what will inevitably be slow and painful process for IDPs?

Three Broad Categories of Assistance Programming in Kachin and NSS

1. Meeting Short-term Critical Humanitarian Needs with Little Prospect for Transition

A number of settings in Kachin and NSS continue to generate acute humanitarian needs that will need to be addressed by local and international actors. These include:

- new displacements as a result of armed conflict in Kachin State;
- repeated and dynamic displacements in NSS as a result of violence associated with a plethora of armed groups pursuing strategic, territorial and criminal objectives; and
- isolated and remote camp settings where access to markets and alternative IGA – as well as to health and education services – is extremely limited, mostly in NGCA.

Assistance in these settings will continue to be what has been provided by humanitarian interventions over the past seven years: rapid response with food, temporary shelter, WASH and non-food items (NFI) to newly displaced; and the provision of food assistance (in cash or in kind) and basic WASH and health services in camp settings.¹⁵

In the case of needs generated by new and repeated displacements (e.g. in NSS where some 36 communities have suffered from repeated displacements over the past several years), local actors have proven to be agile responders. Bolstering their rapid response capacity through upfront preparedness funding (to ensure adequate stocks) or quick replenishments following an emergency intervention could improve their performance.¹⁶ In this context, further work on defining the

¹³ A number of studies identify differing lengths of displacement, ranging from seven years to three generations, as the time it takes for displaced people to adjust their livelihoods (e.g. from rural to urban) and reach something near economic parity with their host neighbours (Geller & Latek, 2013; Mosel & Jackson, 2013; Fielden, 2008 - as cited in ODI/Humanitarian Policy Group, ‘Protracted Displacement: Uncertain Paths to Self-Reliance in Exile’, Crawford et al, 2015).

¹⁴ This is further complicated in NGCAs where large numbers of IDPs have no national identity papers and therefore face an additional hurdle to reaching parity with their ‘citizen’ neighbours.

¹⁵ 37 percent of Kachin and NSS’s IDPs, or roughly 39,000 of 106,000 IDPs, are located in NGCAs (UNHCR figures). Transition programming (e.g. resettlement) for these IDPs will be more difficult.

¹⁶ Recent work by Relief International, mapping needs and capacities, has suggested how local response might be strengthened through modest international assistance around emergency preparedness, NFI stocks, etc.

relative strengths and defining the roles of Myanmar's existing rapid response funds (Myanmar Humanitarian Fund [MHF], Emergency Response Mechanism [ERM], Rapid Response Fund [RRF] and Start Fund) would be beneficial.

In the case of remote camps and camps in much of the NGCAs, continued camp services (including food and cash transfers, WASH, health, shelter maintenance, etc.) will be required. Protection needs are discussed below.

2. Protracted Displacement in Stable Settings: Scope to Move Towards Assistance that Builds Self-Sufficiency and Encourages Return or Integration in New Communities

Most IDPs in Kachin and NSS have been encamped for at least two years and many for up to seven years. In situations of conflict-related displacement, being displaced – and especially being displaced into an IDP or refugee camp – almost inevitably means long-term displacement and vulnerability. During protracted displacement, investment in nutrition and education is a basic prerequisite for displaced people's future self-reliance and livelihood prospects – whether in exile or upon return. This support ensures that displaced people (especially children) preserve the fundamental human capital foundations necessary to build sustainable livelihoods in the future. Although often discounted as a livelihood intervention in the context of displacement, mother- child nutrition and children's education are two of the surest development investments for improved lifetime economic achievement.¹⁷ That said, encampment itself – because it is accompanied by restrictions on movement and access to work and productive assets – remains a major stumbling block to achieving sustainable livelihoods. While maintaining programmes that protect human capital are crucial, unlocking the full potential of displaced people in Kachin and NSS will require patient efforts to find ways to close the camps.¹⁸

Box 1: Undernutrition Challenges in Kachin and NSS: Sustained Support for Long-Term Livelihood Outcomes

High levels of chronic undernutrition (CU) in Myanmar – estimated at roughly one third of all children – appear to be substantially worse in remote and conflict-affected areas of Kachin and NSS. Recent estimates suggest that stunting may be in the range of 50 percent of all children in the region with micronutrient deficiencies such as anemia even higher (LIFT 2016). This represents not just an ongoing health crisis but a major obstacle to the achievement of long-term sustainable livelihoods for both IDPs and their host neighbours. Tackling this challenge requires sustained coordination across humanitarian, development and Government actors – ensuring that camp-based populations continue to receive transfers (such as nutritional and micronutrient commodities) and access to services around the '1,000 day' approach, and that host and conflict-affected equally have access to similar integrated systems that support improving Infant and Young Child Feeding. HARP, LIFT and 3MDG all aim to improve the nutritional status of children in Myanmar and could build on recent discussions to drive a coordinated response in Kachin and NSS.

¹⁷ World Bank, 'Repositioning Nutrition as Central to Development: A Strategy for Large-Scale Action. Washington DC: World Bank', 2006, available at: <http://siteresources.worldbank.org/NUTRITION/Resources/281846-1131636806329/NutritionStrategy.pdf>; UNESCO, 'EFA Global Monitoring Report 2005'. Paris: UNESCO, 2004. As cited in ODI/Humanitarian Policy Group, 'Protracted Displacement: Uncertain Paths to Self-Reliance in Exile', Crawford et al, 2015.

¹⁸ Encampment represents a fundamental barrier to the achievement of sustainable livelihoods for most IDPs. Real transition towards self-sufficiency and sustainable livelihoods will not occur while people are in the camps of Kachin and NSS. This is further explored below under '[Livelihoods](#)'.

In Kachin and NSS, IDPs face a variety of obstacles to returning home, most immediately the threat of new violence or other risks such as landmines or forced recruitment. IDPs interviewed for this study expressed diminishing hopes for return to their villages of origin. Most were categorical in their view that younger people who are reaching adulthood in the camps and families with younger children who are benefitting from services that may not have been available at home (e.g. schooling, health) would never return permanently to their places of origin.

Similarly, the obstacles to temporary or permanent settlement in safer communities – outside of camps – in the region are considerable, including access to land. In some cases, there may be political pressure from parties in the conflict to keep IDPs in camps. Equally important, IDPs lack the resources to seek solutions to displacement (money to buy land, housing, access services, etc.) that have been found by a few of their wealthier and well-connected neighbours who were displaced at the same time. The fear of immediately losing the little assistance they receive as registered IDPs reinforces their hesitation to strike out on their own. Nevertheless, prolonged encampment is clearly taking a toll on the psychological well-being of communities. IDPs themselves and partner agencies who work in the camps ascribe increases in community and intrafamily violence, increased drug use, and increases in the adoption of dangerous livelihood options to the hopelessness of enforced, long-term camp life.

For this combination of reasons, options for more integrated resettlement in safer communities is now a common theme: in conversations among IDPs, camp leaders and JST members that are administering camps and delivering the bulk assistance. A small number of resettlement schemes – some informal and IDP-driven, others with more formal government or NGO assistance – are ongoing and have demonstrated that acceptable, if not perfect, options for resettlement exist in Government controlled areas of Kachin and NSS. While the camp model may be providing basic life sustaining needs and guaranteeing some physical protection, every further month and year of encampment is likely undermining IDPs longer-term ability to re-join and contribute to productive communities.

Moving from a camp-based approach to a community-based approach, however, will take time and will not be an option for some IDP communities, particularly in the NGCAs. Assistance to these relatively stable IDP populations – with the goal of withdrawing international assistance as IDPs achieve sustainable livelihoods – needs the kind of ‘nexus’ approach that does not appear to be happening yet in the region (although there are signs that new actors with longer-term funding streams are now entering the region – see [Box 2](#)). This includes continued and possibly increased ‘humanitarian’ support as well as investments from development actors that are so far largely absent:

- continuing transfers to protect human capital, including access to nutrition and education (preferably through cash);
- multi-year funding that gives NGO partners and beneficiaries some additional stability to move towards greater self-reliance – including through support to livelihood options;
- short-term increases in transfers for return or resettled populations (e.g. cash for land purchase, longer-term food assistance resettlement packages, financial inclusion options);
- financing for the construction of new housing and infrastructure (or temporary rental payments if appropriate);
- temporary assistance packages to communities that accept resettled IDPs; and

- investments in strengthening delivery of services (e.g. education, health, drug treatment) available to all in host and conflict-affected communities.

3. Greater Attention Needed on Host and Conflict Affected Communities

International assistance in the conflict-affected areas of Kachin and NSS is heavily focused on IDPs with seemingly little attention or investment going towards host communities or communities directly affected by violence and conflict. Among the agencies and NGOs who participate in aid coordination mechanisms in Myitkyina or Lashio, the preponderance of attention and resources is directed to IDP camps. In NSS, for example, roughly 36 villages have suffered from repeated violence that has forced multiple short-term displacements over the past few years – involving up to 1,000 people monthly. These displaced people receive immediate humanitarian assistance from local aid groups before returning home after several days or weeks (sometimes because they have no option except to return to their insecure communities). Yet in the communities themselves, despite the repeated disruptions to livelihoods and the severe protection threats, there is almost no humanitarian presence or assistance. Several agencies interviewed mentioned that it was easier to access donor funds for predictable responses to a stable, easily identified group (e.g. encamped IDPs).

Tensions between IDPs and neighbouring host communities appear to be fairly muted and there is a general acceptance of IDPs as part of the community, but there are examples of discrimination (e.g. the treatment of IDP children in some schools). With displacement persisting, pressure on services such as education and health and land use (especially if moves towards resettlement grow) are inevitable. In NSS, there is also room for better understanding of the various armed actors and greater attention to inter-communal reconciliation. Finally, as previously noted, the drug epidemic in both regions is threatening lives and livelihoods among all segments of society (including IDPs), and it receives little national or international attention.

Box 2: A Tide of ‘Developmental’ Aid Moving Towards Kachin and NSS?

- Livelihoods and Food Security Trust Fund (LIFT): recent call for proposals in Kachin and NSS: USD 8 million.
- European Union-funded: Durable Peace Programme, Phase 2 (DPP2): USD 12 million for Kachin and NSS (with expansion from Phase 1 into NSS).
- USAID/DAI Community Strengthening Project (CSP): USD 12 million across Kachin, NSS and Rakhine.
- DaNa facility: with DFID’s four shifts, now focusing increasingly on conflict-affected areas and IDPs.
- World Bank: Peaceful and Prosperous Communities Project (five to six years; USD 250 million), for vulnerable communities in conflict-affected areas across Myanmar (feasibility of expansion into NSS and Kachin to be examined beginning of year three).
- Access to Health (A2H) (previously 3MDG fund): increasing focus on conflict-affected areas and IDPs.

Clearly, strategies to break the impasse of protracted displacement in Kachin and NSS require a more holistic approach towards the economic, security and peacebuilding challenges of the area. If IDPs are going to find their way from reliance on humanitarian transfers in camps to productive livelihoods, this will be shaped by the same security, opportunities and services that are available to non-IDPs. The recent attention of various development actors and funds with longer time-frames

to Kachin and NSS could be a positive development for both IDPs and the communities surrounding camps or directly affected by conflict (see [Box 2](#)).

For those communities (e.g. in NSS) that are suffering from repeated crises, humanitarian, development and peacebuilding actors will need to better understand the dynamics and try to intervene in ways that keep people in their communities of origin.

Key Messages:

- Acute, lifesaving interventions will need to continue for the newly displaced (frequently in NSS) and those in remote or difficult-to-access areas (especially in NGCAs) – led mostly by national actors.
- Humanitarian transfers to stable, encamped populations – especially in the form of cash – continue to be necessary *and* a precondition to an eventual acceptable resolution of the displacement crisis. These transfers help ensure mother-child nutrition and children’s education and represent two of the surest development investments for improved lifetime economic achievement.
- A new interest in Kachin and NSS from development and other ‘nexus’ actors (currently absent in Myitkyina and Lashio) could result in new programmes that directly benefit IDPs and contribute to their self-sufficiency.
- Investments in improved delivery of services (e.g. education, health) in host and conflict-affected communities could be a significant incentive for IDPs considering resettlement/integration options.
- The drug epidemic in the region cuts across all communities – threatening livelihoods for all population groups – and is woefully unaddressed.

Recommendations:

- **Acute needs:** Continue to empower and entrust local organisations to manage acute and lifesaving needs.
- **Stable, protracted displacement:** Maintain or increase multipurpose cash transfers¹⁹ to IDPs in conjunction with return and resettlement plans and other opportunities for self-reliance. Support maintenance of camp infrastructure and consider selective upgrades for the most challenging camp settings.
- **Host and conflict-affected communities:** Place the management of the ‘nexus’ geographically in Myitkyina and Lashio; the development of the strategic framework for Kachin and NSS could help encourage a shared analysis of – and approach to – protracted displacement and vulnerability in the region.

3. Protection

Protection and Gross Human Rights Violations

The people of Kachin and NSS are suffering through a prolonged protection crisis as a result of conflict and associated criminality and the deleterious effects of this violence on the rule of law.

¹⁹ The review team recognises that cash transfers are ‘multipurpose’ for the recipient. The term ‘multipurpose’ is used just to reflect the language of agencies, some of which provide cash with the aim that it be used by recipients for specific purposes.

While conflict-related violence varies in intensity and frequency – touching some communities and not others, shifting with front lines and changing alliances – it remains the greatest threat to civilians as a whole in the region. The international community’s ability to influence State and non-State actors to protect civilians caught up in the fighting from violence appears to be minimal.²⁰

Protection and the Denial of Freedom of Movement

Besides the direct violence associated with conflict and criminality, the inability of affected populations to move freely to protect themselves constitutes the greatest threat to their safety and dignity. The return to home villages; migration to other safer cities or regions in Kachin or NSS or elsewhere Myanmar; and safe temporary or permanent migration to China all represent protection options that are closed to most conflict-affected people in the region. The international community’s success in opening true freedom of movement for affected populations appears to be minimal.

Freedom of movement in some cases is affected directly by the actions of the Tatmadaw, armed groups and civilian government. In the most egregious cases – particularly in NSS – the Tatmadaw and armed groups are displacing people repeatedly from their homes. Civilians regularly get caught up and killed in this fighting. Those who are displaced return home (occasionally forced; sometimes because they have no other options) where they risk new violence, landmines and forced recruitment or forced labour. In both Kachin and NSS, the freedom of IDPs to return to their areas of origin are blocked as a result of strategies of armed groups – such as laying mines – aimed at keeping territory empty or insecure. Finally, many IDPs have no national identity cards (especially in NGCAs), which impedes their ability to seek safety and greater access to services in GCAs of Kachin or elsewhere in Myanmar. Those travelling without valid identity cards are subject to harassment or worse. Some displaced people moving from NGCAs to GCAs have been arrested and accused of collaborating with the KIO.

A number of more indirect pressures also effectively deny freedom of movement to people in Kachin and NSS, keeping them in harm’s way and closing off displacement options that are safer and more dignified than prolonged encampment. Near the frontlines in Kachin State, IDPs do not have the option of crossing into China to claim refugee status, and even temporary sanctuary across the border can be blocked. In addition, land grabbing is contributing to the inability of IDPs to return to their homes as they have little recourse for reclaiming illegally seized land. Finally, for some actors, including the KIO, the continued encampment of IDPs may be serving a political purpose, ensuring that Kachin political objectives stay in the news and that populations remain reliant on existing political structures. This political interference may also result in a hesitancy of some local NGOs – many of whom have links with Kachin political, ethnic and religious actors – to support alternative durable solutions such as resettlement.

Protection and Humanitarian Access: Churches, JST Members and Other Local CSOs

Churches and monasteries that provide land and structures for IDP camps – together with the JST members that administer the camps and manage the majority of assistance in the camps – provide the most meaningful protection inputs for displaced people in Kachin and NSS: safe refuge and the provision of basic needs. This major contribution is achieved despite the severe-to-complete constraints on access by international staff to operational areas.

²⁰ See [Context, Conflict and Geography Analysis](#) section for more details.

Camp administrators also demonstrate a commitment to mainstreaming protection in their assistance activities. For example, in the IDP camps there are no shortages of complaint mechanisms (hotline numbers, complaint/suggestions boxes etc.). Camp committees or focal points specifically for protection also exist in some camps (e.g. where DRC has been rolling out its protection activities). There are also committees and focal points that monitor assistance and challenges for specific vulnerable groups (e.g. for people with disabilities, children, women at risk etc.). There is clearly a widespread understanding of the international language of protection and its relation to assistance, which can be attributed in part to the many years of working together with UN agencies and international NGOs (the effectiveness of this mainstreaming is discussed below).

The predominant role of JST members in administering assistance, though, also gives the JST member agencies a near monopoly on information about IDPs and camp conditions – including serving as the predominant voice for affected people to donors and the international agencies with whom they are partnering. In any protection crisis, a variety of checks and balances on powerful actors is healthy and plays an important role in assuring accountability to affected populations. International protection and human rights actors, local CSOs not affiliated with the JST, elected camp representatives and committees can all play this type of checks-and-balance role and should be encouraged and funded. It should be noted, however, that in camps managed by JST members, independent protection actors will continue to find it difficult in some cases to challenge that authority.

Protection and Humanitarian Access: International Actors

While influencing the behaviour of armed and political actors is inherently a political question, international humanitarian presence could play a role in contributing to a better protective environment for affected populations in Kachin and NSS, including in the camps. The access of international humanitarian staff, though, is so severely constrained at present that the contribution of international agencies and staff charged with implementing ‘protection’ activities is probably modest at best.²¹ National staff working for INGOs are likewise constrained in ways that compromise their effectiveness as protection actors – obliged, for example, to travel ‘under the radar’ as individuals rather than openly as representatives of their agencies.²² Successful humanitarian diplomacy, ‘protection by presence’ and information gathering/analysis that might be built out of first-hand contact with affected populations and regular discussions with authorities from government and armed groups (or even with camp managements, for that matter) are all compromised by the lack of access. The arbitrary denial of humanitarian access in Kachin and NSS constitutes the greatest impediment to international and local actors’ ability to contribute to a better protection environment for IDPs and conflict-affected communities. This denial of access also contributes to a generalised repressive climate in which NGOs, INGOs and media are nervous to speak out and campaign against rights infringements. The continued lack of real access raises valid questions about the usefulness of international humanitarian protection activities that are now being financed.

²¹ In NGCAs there is almost no official access for international agency staff. Access in GCAs for international staff is also severely curtailed. Access for national staff of international NGOs and local NGOs is likewise curtailed in various ways (e.g. having to travel ‘under the radar’ to NGCAs, facing harassment and bureaucratic obstacles in GCAs, threatened with prosecution under the ‘unlawful associations’ law).

²² This is not the case everywhere. In NSS, for example, DRC local staff travel freely.

As long as it continues, this denial of access – by now internalised as normal by many humanitarian and development actors working in Kachin and NSS – will also substantially compromise programming in other sectors.²³ It will continue to impede any transition to more sustainable interventions – including the adoption of a holistic humanitarian-development-peacebuilding-human rights approach; it undermines attempts to transfer international skills and experience to local actors; and it undermines efforts at accountability for aid resources and accountability to affected populations. Without the presence of neutral, impartial and independent actors on the ground, efforts at protection education and deterrence as well as reporting/documenting protection abuses and threats will remain ineffective.

Importantly, the ability to introduce effective mechanisms for PSEA – difficult enough when access is not an issue – will continue to be compromised, meaning that even measures to prevent the protection threats posed by humanitarian actors themselves will continue to be under-developed.²⁴

Protection and Changing Behaviour at Community and Household Level

Anecdotally, communities and households affected by the conflict and violence in Kachin and NSS are suffering from a range of serious intra-communal, intra-family and individual protection violations, some the result of longstanding cultural and social practices. While the language of protection and protection ‘mainstreaming’ is widespread among aid staff (and some IDP ‘focal points’), it is not clear how humanitarian protection activities supported by donors are contributing to the prevention of these violations or whether they are leading to better access to justice. One protection actor interviewed described the overall strategy on prevention as functioning through ‘osmosis’: with enough people aware of protection threats and rights, behaviours may eventually change.

According to IDPs interviewed and agency staff working in the area, these types of household and community protection threats have been intensified by conflict and prolonged displacement. The loss of livelihoods and the indignities of camp life are cited as having a corrosive effect on safety as well as on social and family structures.²⁵ The daily protection violations frequently identified by IDPs and agency staff include gender-based violence, marginalisation of people with disabilities, trafficking of girls and women, labour exploitation and land expropriation. The illegal drug economy and drug addiction is frequently mentioned as a contributor to abusive behaviour.

The risk of trafficking to China is a significant issue along both the Kachin and NSS border regions. Although already a serious issue before the conflict, the displaced population in Kachin and NSS is particularly vulnerable and at risk – with increasing reports from IDPs interviewed of women forcibly married to Chinese men and forced into sex trafficking and domestic servitude.²⁶ A number of local

²³ The byzantine, haphazard and lengthy process of TA requests is well documented. TAs are typically only approved for a limited number of sites and even approval for these sites is irregular. No rational explanation for the arbitrary closure of space - or partial opening of space (as around Lashio during 2018) - is apparent. Opacity between the relationship of civilian and military arms of government when it comes to access is the only certainty.

²⁴ A few development programmes appear to have maintained some access over several years to sensitive areas (e.g. the World Bank Community Empowerment Project, present in Namsham, NSS), suggesting the Tatmadaw/ Government may give greater latitude under certain conditions. Understanding these dynamics better – including the trade-offs between access that stresses a human rights lens vs. access that stresses an investment lens – will be important for any ‘nexus’ approach in the region.

²⁵ Further indignities of camp life, as reported by IDPs interviewed, are discussed in the section [Humanitarian Context](#).

²⁶ US Department of State (2017), ‘Trafficking in Persons Report – Burma’ (<https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271156.htm>)²⁶

organisations (including those met by the team) are working on prevention (such as awareness-raising) and victim assistance activities, with support from international organisations such as the International Organization for Migration (IOM) (with funding from LIFT and others). Despite under-reporting and a lack of resources to cover the issue exhaustively, these programmes already assisted over 200 people over the past year.

Protection interventions supported by international actors appear at best to document the pervasiveness of these abuses and link victims/survivors to remedial services. But interviews with conflict-affected people and protection actors on the ground suggest that most abuse is not understood or reported. A number of protection actors suggested that IDP communities themselves and camp management are reluctant to acknowledge protection violations. In addition, the referral pathways seem to be inconsistent or incomplete – or the remedial services offered are non-existent or insufficient (e.g. psychosocial support, labour protection, HLP legal services). Transformational protection objectives around changing societal attitudes/behaviour and opening pathways to legal recourse (for example around gender-based violence) seem naïve in light of access constraints, the generally poor state of the rule of law, and the degree to which IDP populations are disempowered.

Some local civil society groups are fighting an uphill battle to keep a semblance of rule-of-law and legal recourse alive – around, for example, housing, land and property (HLP) and gender-based violence (GBV). In the long run, these small local initiatives may be the best-case international investment for longer-term, transformational change around protection and human rights.

[Protection and Measures for Reporting, Advocacy and Accountability](#)

Reporting mechanism that document abusive behaviour at all levels – essentially via the UNHCR-led Protection Working Group at local and Yangon levels – do not add up to an advocacy strategy that is understood by those actors who feed into (or even those who manage) the mechanism. There are also important actors (e.g. JST members with greatest insight into conditions in the camps) who do not regularly or fully participate in field-level protection coordination mechanisms led by the United Nations (UN). If there are short-term and strategic protection advocacy messages being delivered as a result of protection coordination and reporting (to Government, Tatmadaw, armed groups, local authorities, camp managers etc.) by the UN or the diplomatic community, their effect on the behaviour of perpetrators does not seem to have been substantial.

It is likely that the presence of an international protection reporting mechanism – however imperfect – creates some incentives for improved behaviour among abusive actors. However, its limited functionality – combined with the absence of a discernible protection advocacy strategy for Kachin and NSS²⁷ – suggests the international community may be unprepared to respond in a timely and forceful way if the human rights situation in the region begins to deteriorate precipitously.

[Key Messages:](#)

- The overall protection environment of Kachin and NSS – characterised by gross human rights violations, the denial of freedom of movement and a culture of impunity among armed State

²⁷ Individual agencies (e.g., DRC) have protection and advocacy strategies but at the regional and national levels these individual strategies do not seem to form the basis of an overall strategy.

and non-State actors – poses an ongoing and major impediment to IDPs pursuing a safe and dignified life.

- Advocacy efforts (e.g. by donors or senior international officials) are not understood by those protection actors who gather and analyse protection violations – leading to apathy or disinterest in the reporting process; what advocacy efforts that have been made appear to be ad-hoc and have done little to change the behaviour of perpetrators.
- The widespread denial of access – and the denial of access generally for international ‘non-humanitarian’ donor and agency staff (and to a lesser extent for national staff) – seems to be internalised in the international community as the ‘normal’ way of doing business in Myanmar. Without this access, the contribution of international protection actors – whether through direct protection activities and presence or indirectly through assistance activities with a protection lens – is severely curtailed.
- National humanitarian assistance NGOs (in particular the bigger JST members) along with faith organisations play the most significant protective role for displaced and conflict-affected people in Kachin and NSS, providing safe haven and basic needs. This dominant assistance and protection role – combined with the JST members’ political affiliations – results in a near monopoly when it comes to serving as a voice for affected people. International efforts to support more broad-based systems for ‘accountability to affected populations’ (including systems for PSEA) are under-developed.
- Attention to protecting and including people with disabilities seems to be a gap: for example, Humanity and Inclusion (HI) has only become operational recently and its coverage is limited.
- Some smaller, local CSOs – unaffiliated with the JST – are working to provide meaningful protective and legal resources for IDPs, including in the areas of GBV and HLP.
- The pernicious effects of prolonged displacement on family and community social structures and on household incomes are pushing people towards negative and dangerous coping mechanisms, such as trafficking and early marriage, unsafe migration, exploitative labour options and participation in the drug trade.

Recommendations:

- Renew advocacy efforts: A strategy for renewed and consistent human rights advocacy and advocacy for unhindered access is needed, building up from activities to be taken by actors in the field and reaching up to involvement of the UN RC/HC and to donors. Without a strategy, participation in the UNHCR-managed Protection Incidents Monitoring process will continue to wane and its effectiveness will be further compromised.
- Intensify support to smaller, non JST member CSOs that are striving to preserve and grow a culture of the rule of law, especially in the areas of GBV and HLP. These CSOs can also serve as an additional voice for IDPs and conflict-affected populations.
- Further work on developing PSEA awareness and systems is needed; attention to people with disabilities is also under-developed.
- Protect IDPs from negative coping mechanisms, such as trafficking for forced marriage or exploitative labour, by accelerating their moves towards self-sufficiency and sustainable livelihoods (see [Livelihoods](#) section)²⁸.

²⁸ Camp maintenance and selective upgrades in camps (see recommendation under Section 2, ‘[Humanitarian and transition work: finding space for the ‘nexus’’](#)’) could also have a beneficial impact on household and community protection.

4. Opportunities for Return and Resettlement

Most of the current IDP population in Kachin and NSS have been in displacement camps since the end of the Kachin ceasefire in 2011. Seven years later, the prospect for peace any time soon through a negotiated agreement between the warring parties is unlikely. Displacement has become protracted, leading to frustration, resignation and loss of hope for a comprehensive solution. Conditions in these 170 IDP camps²⁹ have become increasingly undignified with overcrowding, degraded infrastructure and associated social problems. Within this bleak climate, however, a number of localised, small-scale initiatives to provide IDP durable solutions have developed; if carefully scaled up and adjusted, these could be transformative to the lives of the IDPs and to the overall displacement context.

Since 2014, a number of return and resettlement initiatives have been implemented through either the State Government and/or the church and monasteries and local NGOs. While returns have been less successful, due principally to issues related to safety and security (presence of armed actors, ongoing clashes and landmines) and peace process politics, local authorities and religious organisations have made some headway in resettling small numbers of IDPs in GCA. According to those interviewed by the review team, Palana resettlement village with over 400 families was opened in 2014 outside Myitkyina and expanded in 2018; and 95 families were resettled from Maina in Waingmaw Township earlier in 2018. Small scale initiatives have also been identified around Bhamo, and Mansi as well as in NSS. The situation in NSS appears more open to resettlement with less reticence to allow IDPs to move.

In June 2018, the Union Government announced a plan to close all IDP camps in Myanmar, including those of Kachin and NSS. Responsibility for closures has been allocated to the respective State Governments in partnership with the Ministry of Social Welfare, but no concrete plans of action have been developed.³⁰ The Government has requested support from international actors such as the Red Cross and UN for technical assistance with return and resettlement activities. While significant concerns remain around these initiatives in Rakhine, the review team felt this should not preclude carefully pursuing case-by-case options in Kachin and NSS where the context is more conducive to promoting durable solutions. To ensure that this is not seen as a precedent for other parts of the country where conditions are different, clear and consistent messaging from the humanitarian community would need to accompany such initiatives.

Currently, there is very little discussion of return and resettlement in NGCA IDP sites. KIO authorities have indicated that in the absence of a signed peace agreement there are no guarantees of safety and security for displaced populations. KIO-Technical Advisory Team (TAT) representatives interviewed by the review team said their positions on resettlement were based on discussions with previous government authorities and officially agreed in 2013 and 2014. With the peace process stalled, these agreements had yielded no further actionable progress. Available land, safe from the front line is also very limited in NGCA. Recent years have seen a trend of movement of IDPs from NGCA to GCA for a variety of reasons.

²⁹ OCHA, 'Myanmar: IDP sites in Kachin and northern Shan states', 31 August 2018.

³⁰ See for example: Myanmar News Agency, 'Workshop on National Strategy for Closure of IDP Camps' <http://www.moi.gov.mm/moi:eng/?q=news/3/06/2018/id-13719>, last accessed on 29 October 2018.

Given the greater obstacles to resettlement in NGCA, the review team recommends, in the first instance, supporting feasible initiatives in GCA and NSS and proceeding more slowly with NGCA as conditions or positions change. The recent formation of the Church Return and Resettlement Committee brings a more holistic approach between key Catholic and Baptist Churches to address Resettlement and it could play an important role in unlocking displacement.

Understanding that large scale return is unlikely in the near future, the following findings refer principally to resettlement as one IDP durable solution option.

Enablers to Resettlement:

- While not statistically representative, almost all IDPs spoken to in this Review were interested in exploring resettlement options as long as it did not negate their eventual right to return or to their land in communities of origin.³¹
- Many of those with school-aged children indicated a specific preference to resettle, as many communities of origin do not have adequate education facilities. Youth overall also indicated a reluctance to return permanently to remote rural areas.
- Some IDPs expressed that resettlement was safer than return in the current climate.
- Many expressed a desire to move out of the congested camps and live in better shelters, ideally with access to agricultural land or other livelihoods options.

Barriers to Resettlement and Opportunities for Support:

- While some of the objections to ending displacement remain ideological and political, many are practical and may be influenced through adjusting humanitarian and development aid transfers. By supporting a ground up, camp-by-camp, localised approach – as opposed to a top down, national camp closure programme – there may be possibilities of avoiding some of the broader political constraints.
- Access to appropriate land is the responsibility of the State Government and moves towards identifying or obtaining land have been very slow to date. In some cases, religious authorities, CSOs, the International Committee for the Red Cross (ICRC) or IDPs themselves³² have identified land for resettlement. Opportunities for specialised development actors to provide technical support to the State Government in identifying and procuring appropriate land for IDP resettlement could be further explored.
- Lack of clarity on HLP as well as access to documentation such as identity cards were identified as key gaps to IDPs pursuing durable solutions. The review team found that in addition to wider advocacy efforts on HLP issues, strengthening small-scale initiatives and partnerships with local legal service providers could have significant impact on case by case redress.
- Access to meaningful sustainable livelihoods. As detailed in the ‘Livelihoods’ section below, short-term humanitarian livelihoods initiatives have not been transformative in promoting IDP self-reliance. The three-month ‘de-registration’ food/cash package was also identified as a barrier, as IDPs felt they required financial support for at least one additional agricultural cycle (for nine to twelve months following resettlement).

³¹ OXFAM Durable Peace Programme Baseline report found that 50 percent of IDPs in NGCA and 80 percent in GCA wanted to be resettled. This later reduced in the Endline report.

³² In KBC 1 camp in Kutkai, Northern Shan State, IDPs have identified a parcel of land outside the town to accommodate the whole camp but require a 50 percent down payment of approximately MMK 2 million per household to secure the land.

- Access to basic services, in particular education and health in return and resettlement areas as well as host communities should be prioritised by development agencies planning to work in Kachin and NSS in the coming years.
- Operational and coordination constraints between responsible agencies around resettlement are complex. These include the need for: effective consultation, joint planning, IDP participation, informed voluntary consent, access and clarity on land tenure. Clearer leadership and communication between stakeholders (Government, EAO, religious organisations and NGOs, CSOs and UN development and humanitarian actors) around minimum standards for return and resettlement could address some of the operational constraints raised by implementing agencies.

Notwithstanding the unpredictability of the next few years in the lead up to the 2020 election, the review team has found that opportunities currently exist for supporting sustainable, voluntary IDP return and resettlement initiatives in Kachin and NSS. These initiatives will be most effective if they remain small scale and localised in nature and harness the resources of longer-term development actors planning to expand to Kachin and NSS in the coming months. Under current stable conditions, with a conservative annual target of up to 2,000 households per year, the caseload in GCA could be addressed in up to five years.

Key Messages:

- Opportunities exist for supporting IDP durable solutions in Kachin and NSS.
- Due to sensitivities around the national Government camp closure strategy, especially as it relates to Rakhine, voluntary return and resettlement initiatives in Kachin and NSS will be most effective if they remain small scale and tailored to local settings.
- Longer-term development actors planning to invest in Kachin and NSS in the coming months could play a critical role in overcoming barriers in IDP transition to self-reliance.
- With a conservative annual target of up to 2,000 households per year, the IDP caseload in GCA could be addressed within five years.
- The alternative of non-action and ongoing further encampment in overcrowded camps with deteriorating infrastructure and associated social problems needs to be carefully considered.

Recommendations:

- The UN and donors should support the Government's request for technical assistance to better plan and coordinate voluntary return and resettlement initiatives for Kachin and NSS. This assistance needs to be carefully considered and well designed to avoid risk of tacit endorsement of initiatives failing to meet minimum standards. Accelerating appropriate land identification and procurement could be a key first step.
- Resettlement is a fraught process: humanitarian and development actors have to work together to protect populations and help create an environment for sustainable solutions.
- Establish effective operational coordination mechanisms under the Kachin and NSS Strategic Framework that recognise the centrality of the local CSOs and church actors.
- Provide longer term predictable support for IDPs choosing to return or resettle (e.g. provide one year food/cash assistance instead of the current three months; and offer longer-term livelihood and skills training support specifically targeting economic conditions in the resettlement community – see the section on '[Livelihoods](#)' below).
- Support approaches that respect ground up, camp-by-camp, localised solutions - maintaining flexibility as not one size fits all.

5. Livelihoods

As a consequence of displacement and continued encampment, the majority of IDPs across both Kachin and NSS have lost their productive assets, have lost their jobs and have therefore been deprived of their usual livelihood opportunities. The large majority of those displaced previously relied on agricultural livelihoods, which are essentially impossible to pursue in a camp setting. While some IDPs have been able to temporarily access their land in their places of origin, this access is unpredictable and involves important protection risks, primarily due to the proximity to armed conflict and landmines. In some areas of displacement, IDPs have been able to rent land (sometimes with the help of NGOs), but these opportunities remain limited and precarious due to the IDPs' limited financial assets, which also lead to indebtedness. Accessing nearby agricultural land also sometimes creates tensions with the host community.³³

In parallel, IDPs' total household income (from aid programmes) has declined over the years.³⁴ This is due to a reduction in aid over time – through prioritisation exercises conducted in 2017, but also the fact that NFI distributions and the provision of unconditional cash grants ('curry money') have been reduced. At the moment, the main contribution from the aid community to household income comes in the form of monthly food or cash-for-food distributions (e.g. cash distributions intended for purchasing food but also used for other expenses). **Although these provide minimum assistance that achieves adequate food consumption (as measured on a regular basis by food sector partners using food consumption scores³⁵), they do not allow for a dignified existence in a protracted situation, nor do they enable self-reliance.**

In the absence of viable agricultural livelihoods, many IDPs rely on other short-term jobs as opportunities to gain additional income. These include various daily labour opportunities (agricultural, construction, food businesses, etc.) in host communities. For the most part, this work is unpredictable (e.g. seasonal jobs in plantations) and there have been reports of discrimination whereby IDPs receive lower wages than other workers. A more limited number of IDPs have been able to establish their own businesses, such as small grocery shops within IDP camps.

Beyond seeking jobs where they are displaced, IDPs are also finding work in risky and far off settings. IDPs and organisations interviewed reported an increasing number of people (particularly adolescents) engaging in 'easy money' alternatives, such as working in mines in other parts of Kachin State (jade, amber and gold mines), getting involved in the drug trade, or travelling to China temporarily to work as daily labourers. These options come with considerable risks: (i) dangerous working conditions in jade mines (frequent landslides which lead to regular casualties); (ii) detention in China for not having valid work permits (this is a regular occurrence according to the conversations held with IDPs); (iii) exploitative labour conditions - particularly lower wages, but also risks of trafficking into China and situations of bonded labour/modern-day slavery (noted in '[Protection](#)' section above) and (iv) arrest/imprisonment (e.g. penalties for selling drugs do not differentiate between small and large dealers). Prolonged displacement, the deterioration of camp

³³ There seems to be little information available on the social issues and tensions caused by the long-term presence of IDPs in these communities. This may be worthy of additional research.

³⁴ See Oxfam, 'Durable Peace Programme Endline Report', 2018

³⁵ Food consumption scores are one of the standard ways employed to measure food security. See for example WFP VAM, 'Food Consumption Analysis', 2008, available at: https://documents.wfp.org/stellent/groups/public/documents/manual_guide_proced/wfp197216.pdf, accessed: November 2018.

settings, limited job options nearby and a sense of hopelessness are all cited as reasons for IDPs taking higher risks.

It is important to note here that people also engaged in these risky job opportunities before the conflict, and that members of the host community engage in similar behaviour. However, IDPs are more vulnerable and therefore perhaps more susceptible to being lured into these activities. It therefore makes sense to support them through programmes that raise awareness on potential risks, that promote safe labour migration (e.g. information and assistance on legal migration options), and that prevent trafficking or assist trafficking victims.

Within camps, organisations have increased the number of livelihoods activities undertaken over the past few years.³⁶ Agricultural activities such as kitchen gardens (partly to improve dietary diversity) are one example. More commonly, support is provided in the form of vocational training coupled with Conditional Cash Grants (CCG) that are delivered based on simple business proposals prepared by IDPs (used for activities such as pig raising, sewing/weaving, amber polishing, snack production, etc.). Some of these initiatives are also combined with simple business skills trainings. The various livelihood activities are coordinated and tracked by the Food Security Sector in Myitkyina and to some extent in Lashio. However, with the possibility of an influx of resources and activities around livelihoods (see [Box 3](#)), more strategic coordination will likely be required.

Most organisations the review team spoke to admitted that many of the livelihood activities undertaken in the camp setting to date have had limited success. This is something that was corroborated by IDPs the review team met with in both Lashio and Myitkyina. **While the activities may have fulfilled an important function of providing some additional income, they have had limited success³⁷ in promoting self-reliance or sustainable livelihoods, in other words helping IDPs to stand on their own feet and integrate into the local job market.³⁸** There are various reasons for this:

- limited freedom of movement and access to land by the IDPs;
- limited project duration, as most of these activities have been supported through short-term humanitarian grants (six to twelve months maximum);
- limited or no analysis of the labour market as well as lack of (or limited) market and value-chain analysis, limiting the viability of activities;
- vocational trainings that are too short (from a few days to a few weeks) to enable IDPs to successfully gain new skills and switch professions;
- CCG that are often too small to enable the establishment of a business;
- limited number of vocational training institutions run by the government and KIO (these only accept a small number of students per year) and limited knowledge or ability to access vocational training institutions in other parts of the country such as Mandalay and Yangon;
- underlying factors in the current conflict environment, including the limited labour market (which cannot absorb a large number of people trained in one profession at one particular

³⁶ See HARP-F, 'Review of Cash Transfer Programming in Kachin and Northern Shan States', 2018.

³⁷ DRC, 'Market research and alternative livelihoods options for Internally Displaced Persons (IDPs) in Kachin and Northern Shan State', 2017.

³⁸ DFID, DFID Sustainable Livelihoods Guidance Sheets: 'Livelihoods are sustainable when they: are resilient in the face of external shocks and stresses; are not dependent upon external support (or if they are, this support itself should be economically and institutionally sustainable); maintain the long-term productivity of natural resources; and do not undermine the livelihoods of, or compromise the livelihood options open to, others', October 2001.

time), restrictions on freedom of movement due to ongoing armed conflict, and the threat of landmines and frontline conflict; and

- little focus on the labour market and too much focus on the creation of small businesses within the camp context.

Box 3: How IDPs Are Supporting Themselves

- Monthly cash grants/food distributions: in GCA, the majority of IDPs receive monthly cash distributions instead of food; in NGCA IDPs receive either food or a mix of cash and food.
- Supplementary cash grants: IDPs used to receive additional cash contributions ('curry money') but these are rarer now.
- IGA in camps: these include a variety of activities, such as pig raising, weaving, and amber polishing. IDPs generally provide business proposals and then receive a cash grant.
- Jobs outside of camps: a number of IDPs work in host communities, often as daily labourers in agriculture, carpentry/construction, food service, etc. – these are highly unpredictable, often seasonal and lack job security.
- Jobs in China: a relatively small number of IDPs work temporarily in China, many illegally. There are regular reports of exploitative employment conditions, arrests due to lack of documentation, trafficking and bonded labour.

Until underlying barriers are resolved, livelihoods interventions in this context will continue to yield uneven results. Organisations operate in a context of continued armed conflict and a lack of sustainable access to markets or strong value-chains for products. And they compete against the lure of other 'easy-money' but high-risk opportunities. Resolving such structural issues is a long-term endeavour that goes well beyond humanitarian interventions. In the current context, though, there is certainly an argument to be made for the continuation of IGA through cash grants, which in a modest but important way contribute to the preservation of financial assets and to human capital. Such assistance, though, is unlikely to be transformational for IDPs in the sense of their achieving financial independence. In parallel, there are opportunities for financial inclusion initiatives (including microfinance schemes) to be made more accessible for IDPs who want to create their own businesses. These should be expanded carefully and be accompanied by business skills development to avoid a spiral of indebtedness, considering that levels of indebtedness have been highlighted as a concern across Myanmar.³⁹

Beyond current initiatives, the review team observed that there is now both an opportunity and a need to work on longer-term alternatives which support more sustainable livelihood options – primarily in the form of diversification of livelihoods. These initiatives could be funded through multi-year, humanitarian funding streams. The arrival of additional development actors and resources provides an opportunity for some of these activities to be funded by them, or to be linked into their programmes. Some aspects of more durable programmes enabling self-reliance would include:

³⁹ See for instance UNCDF et al., 'Making Access Possible (MAP) Myanmar', 2014, available at: https://www.lift-fund.org/sites/lift-fund.org/files/publication/MAP_Myanmar_Diagnostic_full_report_Final.pdf, accessed: November 2018.

- **Longer project duration** (at least two to three years): this would allow projects to provide longer-term support.
- **Apprenticeship and professional placement schemes:** while the labour market is not able to absorb a large number of people with the same short-term training, placement schemes are likely to be more successful.⁴⁰ There are clear opportunities for linking HARP-F, LIFT and other initiatives with the support to private businesses through the DaNa facility, as well as to other development actors and funds which are planning to invest in Kachin and NSS.
- **Safe labour migration projects:** although some organisations are implementing small-scale awareness-raising activities and designing potential projects, long-term safe migration interventions could be beneficial. As highlighted by organisations interviewed, most people are not aware of existing possibilities to work legally in China or of opportunities for safe internal migration within Myanmar. Cash assistance to cover the costs of safe migration could go a long way in supporting viable options while contributing to the prevention of trafficking.
- An increasing **emphasis on youth:** while many of the existing livelihoods programmes operate on a voluntary basis, there is a need for more targeted interventions for adolescents who drop out of school. Interviews conducted by the review team indicated an increasing number of adolescents dropping out of school and working in China or involved in the drug trade at younger ages.

As outlined in the section on return and resettlement, there are an increasing number of durable solutions that are worth supporting. Above and beyond projects in camps, providing livelihoods opportunities in these new locations would be an investment with likely higher returns, given all the limitations of the camp setting. Programmes should start to take this into consideration now, as the shift from camps to resettlement sites or areas of origin progresses.

Education

Education was one of the main concerns raised by IDPs and other stakeholders interviewed by the review team – especially for secondary and tertiary levels. Drop-out rates of secondary students seem to be increasing due to a perceived lack of future opportunities, leaving youths without opportunity to attend tertiary education and increasing the likelihood of their engaging in risky employment in jade mines or the drug trade. Some of the obstacles to secondary education include, but are not limited to:

- lack of recognition of the matriculation exam taken in the KIO areas and differences in the curriculum, limiting access to universities in Myitkyina and elsewhere;
- financial constraints, as monthly ‘cash for food’ is also used to pay for education expenses;
- boarding schools/houses exist, but they not officially supported, are costly and can present child protection threats; and
- limited opportunities to attend tertiary education due to financial constraints and a limited job market.

Although some of these obstacles are linked to the peace process and cannot be resolved in the short term, it may be worth exploring additional programmes that support secondary education, tertiary education as well as vocational training institutions – with a particular focus on girls’ education to ensure they have equal access. This could include: providing additional financial

⁴⁰ DRC (2017) (see previous footnote).

support for families to help pay for boarding schools/houses (if and where appropriate) and regular education expenses (with appropriate child protection safeguards in place for these institutions); supporting negotiations between the KIO and the Government to find a solution on matriculation exams taken in KIO areas; supporting the establishment of vocational training schools or the expansion of existing vocational training institutions and making them accessible to IDP families through financial support. While these interventions would traditionally fit in the portfolio of development actors, humanitarian interventions could provide some cash contributions in the interim.

Cash Transfer Programming

As outlined in the HARP-F Review of Cash Transfer Programming conducted earlier this year, cash programming is increasingly being used in Kachin and NSS. While cash transfers are not ideal for all IDPs (in particular in the remoter NGCA), there is room for expansion of cash programming even in these areas. At the moment, all IDPs assisted by the World Food Programme (WFP) in GCA (over 40,000 people) receive monthly cash distributions as do several thousand IDPs in NGCA. Altogether this represents a significant proportion of the IDP population.

As the community explores durable solutions, it is paradoxical that IDPs currently only receive minimum assistance. This means that although a shift to cash may increase flexibility in how they use this income, assistance is still minimal and therefore too low to enable self-reliance now or in the future. The DPP Endline Report shows a significant decrease in household income over the past two years across all IDP populations in Kachin.

Considering the desirability for increased self-reliance among IDPs and the fact that current household incomes are insufficient to cover food, education, health and other expenses, a larger, multi-purpose cash grant is worth exploring in the GCA (in NGCA, the challenges are significant⁴¹). The Cash Working Group has already considered a pilot initiative which could be supported and accelerated. If additional resources were available including from development partners, a significant increase in the monthly cash contributions could be a major contributor to self-reliance and the achievement of better education and livelihood outcomes. This is not unlike a social protection scheme for IDPs and could be linked to future initiatives – such as the Mother and Child Cash Transfer Project which is slated for expansion to Shan State in 2020 and will ideally apply to all people in the State, including IDPs across both GCA and NGCA.

Key Messages:

- Current IGA have been useful and should continue, but they have not enabled IDPs to become self-reliant. A key constraint is protracted encampment – a context in which sustainability will be almost impossible to achieve.
- IDPs increasingly engage in risky livelihoods options that include working in mines, temporarily and illegally migrating to China, and engaging in small-scale drug trade. While these longer-term trends also affect the surrounding population, IDPs are particularly vulnerable to these risky options.
- There is an absence of multi-year projects supporting vocational training (based on market trends), apprenticeship and placement schemes, financial inclusion, business skills and safe migration.

⁴¹ See HARP-F, 'Review of Cash Transfer Programmes in Kachin and northern Shan States' March 2018, available at: https://www.harpfacility.com/s/HARP-F_CTPReview_Kachin-northernShan_June2018.pdf, accessed: November 2018.

- There is a need for additional programming on education to reduce secondary school dropouts.
- Increasing monthly (multi-purpose) cash transfers to IDPs could accelerate the move to self-reliance – particularly if combined with resettlement alternatives and more sustainable livelihoods options.

Recommendations:

- Donors to fund multi-year, market-based livelihoods projects including apprenticeship schemes and improved vocational training targeting IDPs and conflict-affected communities.
- Organisations and donors to identify and support safe migration initiatives.
- Organisations to provide increased and multi-purpose cash for IDPs to accelerate pathways to sustainable livelihoods, while increasing choice and dignity.

6. Localisation

Across Kachin and NSS, the large majority of humanitarian assistance has been delivered by national NGOs and CSOs since the beginning of the response in 2011. Local organisations that were present in the area before the conflict took on the first line of response in 2011. National NGOs and faith-based organisations added humanitarian activities to their programmes in response to the needs of the newly-displaced. International organisations have provided funding, training and technical support throughout the response, although it took time for them to establish a presence in Kachin and NSS.

After seven years of responding to humanitarian needs in the region, the main local NGOs have clearly proven that they deliver quality humanitarian interventions. Among them are the JST's largest organisations (Metta, KMSS, KBC and Shalom) who channel the majority of the aid, but also a multitude of smaller organisations that have been engaged in the response for several years in a row.

In many ways, this is a successful example of localisation as it is laid out in the outcomes of the World Humanitarian Summit and the Grand Bargain.⁴² However, despite the recognition by the international community of the role the local organisations have played, there is still a noticeable reluctance to fund local organisations directly. While there are some examples of transfer of responsibilities to local actors (such as the transition which Trōcaire and KMSS have been engaged in with HARP-F support), most funding is still channelled through international organisations – generally invoking the need for technical capacity and donor financial accountability requirements. While there is no doubt that some of the support has improved abilities of some organisations, this arrangement also results in weighty administrative and organisational burdens. Some organisations mentioned to the review team that the approximately ten larger local NGOs in Kachin had to manage funding from about 60 donors and organisations. It is reasonable to question whether there

⁴² See commitment number 2, where signatories commit, for example, to “Increase and support multi-year investment in the institutional capacities of local and national responders”. For the full text, see https://www.agendaforhumanity.org/sites/default/files/resources/2018/Jan/Grand_Bargain_final_22_May_FINAL-2.pdf.

is still a need for international organisations to channel money or provide capacity support – after seven years of doing just that and in a context where local organisations are stronger than in many comparable contexts. In the current environment, funding should increasingly be provided to local organisations – with medium-term technical accompaniment, if necessary.⁴³ It should be noted here that such arrangements will necessarily have to be adapted to each organisation’s capacity and handing over responsibilities in terms of grant management (which often come with a significant workload) and that it takes time to set up processes and structures in an effective way that does not overburden local organisations. In addition, a number of the community-based organisations have religious and ethnic affiliations which need to be taken into consideration when ensuring adequate coverage across all people in need.

Considerations around handing over responsibilities to local organisations while not overburdening them are all the more important as the operating environment is evolving. During interviews conducted, several donor agencies and funds confirmed to the review team that they are planning in the coming months and years to open or expand operations across Kachin and NSS (see [Box 2](#)).

Given the limited number of larger local organisations present in Kachin and NSS, these funding mechanisms are likely to look at the same partners that HARP-F and others have been funding. Given that many partners are already stretched, this is likely to overwhelm some of these organisations. Organisations already have a multitude of funding sources and have to meet a multiplicity of reporting requirements.⁴⁴ Donor contributions currently still rarely include provision for organisational development and support for strengthening systems (reporting, financial systems) that enable organisations to meet these increasing demands. Although many of these organisations implemented development activities prior to the conflict, the amounts of money available and demand for new deliverables are likely to stretch their capacities. While there are an increasing number of much smaller CSOs providing specialised humanitarian activities (for example on child protection, legal aid, health, etc.), these organisations have limited capacity and would not currently be able to absorb large amounts of funding.

This displays a clear need for increased coordination among development, humanitarian and peace actors to rationalise the way funding is and will be provided to these organisations. There is a need for mapping the major contributors of funding and how they channel resources to the main organisations. In parallel, there should be an effort to rationalise capacity-building efforts and related demands on these organisations – rather, funding should be provided directly and include provisions for technical accompaniment, organisational development and strengthening administrative and organisational systems. In this context, partners should also envisage coordination mechanisms that are increasingly led by national and local NGOs (initially perhaps by the JST). This could ensure that these initiatives are well coordinated from the bottom up, at the operational level.

⁴³ It should be noted here that many local organisations welcome the role that international NGOs play in taking on the bulk of the reporting and financial accountability requirements/risk that come with larger grants. In the meantime, these relationships also risk perpetuating a situation where local organisations are ‘capacity-built’ for years but without being enabled to become direct recipients of funding.

⁴⁴ This relates to another Grand Bargain commitment (number 9, see previous footnote): ‘harmonise and simplify reporting requirements’.

Key Messages:

- Local organisations have been delivering the large majority of the humanitarian response for the past seven years across Kachin and NSS, and this should be seen as a success for localisation.
- There is an opportunity to provide increased direct funding to these local organisations.
- Several development actors and funds are planning significant investments across Kachin and NSS in the short and medium term. This has the potential to overwhelm existing local organisations and requires coordination on behalf of the donors. Concerted accompaniment could help smaller local organisations cope with the additional demands.

Recommendations:

- Donors and funds to coordinate capacity support to local organisations – including through mapping of funding streams and accountability requirements⁴⁵.
- Local and national organisations should be encouraged to lead coordination of development activities at the operational level in Kachin and NSS.
- Donors and funds to find additional ways of funding local organisations directly and manage (actual and perceived) risk. Donors and actors promoting localisation of humanitarian assistance in Myanmar to come together and lead the development of a series of localisation commitments to be taken forward by the humanitarian and development community. Consider additional mechanisms for providing smaller grants for CBOs.
- Donors to include funding for organisational development and accompaniment to strengthen local organisations.

7. Conclusions

Seven years into the conflicts across Kachin State and NSS, over 100,000 people remain displaced in camps and the situation remains protracted. Peace talks have stalled, and humanitarian access has remained constricted. The culture of impunity by all the armed groups continues and is exacerbated by land seizures, exploitation of natural resources and the adverse effects of the drug trade.

Despite this context, the wide range of operational settings makes it possible to continue or expand humanitarian, peace and development programming across Kachin and NSS. Short-term humanitarian assistance will continue to be needed in some areas; the bulk of humanitarian support, however, will continue in the form of transfers to the long-term displaced. This represents a potentially open-ended social protection scheme, funded by donors on behalf of the Government of Myanmar. A new surge of interest from development and other 'nexus' actors could result in programmes that directly benefit IDPs and contribute to their self-sufficiency – including through assistance that supports returns or resettlement.

The protection environment, however, continues to pose major impediments to IDPs pursuing a safe and dignified life and to unlocking or 'resolving' protracted displacement in the region. The pernicious effects of prolonged displacement are pushing people towards dangerous coping mechanisms. Without more humanitarian access, the contribution of international actors to

⁴⁵ It should be noted that the group of Fund Directors has recently initiated such an exercise with a view to then rationalise capacity-building efforts.

mitigate these protection concerns is severely curtailed. National humanitarian assistance NGOs along with faith organisations play the most significant protective role for displaced and conflict-affected people in Kachin and NSS.

While protracted displacement has led to resignation and loss of hope for a comprehensive solution among IDPs, a number of localised, small-scale initiatives to provide durable solutions to IDPs have emerged recently. If carefully scaled up and adjusted, resettlement could be transformative to the lives of the IDPs – especially considering the alternative of slow deterioration of conditions and dignity within camps. Careful messaging around these initiatives would alleviate concerns about potential links to the national Government camp closure strategy, especially as it relates to Rakhine.

Protracted encampment also remains the key obstacle for IDPs to regain sustainable livelihoods. As household incomes have declined over the years, IDPs engage in highly unpredictable and increasingly risky options. There is now both an opportunity and a need to work on more longer-term and sustainable livelihood programming, including on safe migration. Until IDPs find durable solutions, increasing the monthly (multi-purpose) cash contributions could accelerate the move to self-reliance, and additional education support could reduce secondary school drop-out rates.

Across both Kachin and NSS, local organisations have been delivering the large majority of the humanitarian response for the past seven years. This is a success for localisation. After seven years of capacity building and channelling funds by international organisations, funding should increasingly be provided to local organisations – with technical accompaniment, if necessary. In a context where development actors are planning significant investments, coordination among donors and concerted accompaniment could help organisations cope with the additional demands.

REVIEW BRIEF

Context and Vulnerability Review of Kachin and Northern Shan States

Background: The review is intended to further guide the HARP-F Regional Strategy for Kachin and Northern Shan State (NSS) over the remaining years of DFID Burma's HARP programme (currently due to end on 31 December 2020), and to inform HARP-F decision making and prioritisation in future protection and assistance programming. The combined analysis of conflict/political context and vulnerability will also enable an examination of potential opportunities to support, and advocate on, humanitarian issues with other stakeholders, including those in the broader humanitarian "system", concerned de facto authorities and development actors.

Purpose: To undertake a review of Kachin State and Northern Shan State (NSS) to better understand the conflict and political context and to closely analyse the vulnerability of conflict affected populations. This review will:

- Provide a "think piece" and analysis of the conflict and political context to inform and guide the HARP-F strategic approach for Kachin and NSS for the next three years.
- Examine the opportunities for practical application of DFID Burma's strategic "four shifts" in policy priorities to the HARP-F programme in Kachin and NSS.
- Guide HARP-F priorities in ongoing and future protection and assistance programming in Kachin and NSS.
- Examine potential opportunity for HARP-F support, networking and advocacy with other stakeholders in the humanitarian system, development actors and relevant authorities in Kachin and NSS.

Scope: This review will examine the conflict perspectives concerning Kachin State and NSS, including cyclical and seasonal aspects of conflict as well as longer term trends. It will need to challenge existing assumptions and examine potentially dynamic connections across humanitarian and development divides in the two contexts. The findings from recent reviews and visits will be considered together with the findings from a set of detailed semi-structured interviews with HQ and Kachin/NSS based representatives of humanitarian agencies operational in the Kachin and NSS contexts. There will be an examination of key emerging issues related to the wider economic and political perspectives of these contexts (including agricultural-business and land issues, extractives, trafficking and other economic/political drivers of protracted instability) to inform the context analysis side of this review.

Annex 2 – Organisations Consulted

Listed in order of consultation

Three Millennium Development Goal (3MDG) Fund	Yangon
USAID Office of Foreign Disaster Assistance	Yangon
Karuna Mission Social Solidarity (KMSS)	Yangon
Paung Sie Facility (PSF)	Yangon
Norwegian Refugee Council (NRC)	Yangon
Joint Peace Fund (JPF)	Yangon
International Organization for Migration (IOM)	Yangon
DaNa Facility	Yangon
Humanity and Inclusion (HI)	Yangon
Health Poverty Action (HPA)	Yangon
Myanmar Red Cross Society (MRCS)	Yangon
The World Bank	Yangon
Livelihood and Food Security Fund (LIFT)	Yangon
United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA)	Yangon
Metta Development Foundation	Yangon
Nyein (Shalom) Foundation	Yangon
Danish Refugee Council (DRC)	Yangon
Trôcaire	Yangon
Oxfam	Yangon
UK Government Department for International Development (DFID)	Yangon
Foreign and Commonwealth Office (FCO)	Yangon
European Civil Protection and Humanitarian Aid Operations (ECHO)	Yangon
United Nations Population Fund (UNFPA)	Myitkyina
United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA)	Myitkyina
United Nations Children's Fund (UNICEF)	Myitkyina
Community Health and Development (CHAD)	Myitkyina
Kachin Women Association Thailand (KWAT)	Myitkyina
Wun Pawng Ning (WPN)	Myitkyina
Dai Fin Social Service (DFSS)	Myitkyina
Grip Hands	Myitkyina
Pyoe Development Organisation	Myitkyina
Loi Yang Bum Community Development	Myitkyina
Htoi San Local Development Organisation	Myitkyina
The World Food Programme (WFP)	Myitkyina
Karuna Mission Social Solidarity (KMSS)	Myitkyina
Trôcaire	Myitkyina
Danish Refugee Council (DRC)	Myitkyina
United Nations High Commissioner for Refugees (UNHCR)	Myitkyina
Technical Advisory Team (TAT)	Myitkyina
Kachin Baptist Convention (KBC)	Myitkyina
Metta Development Foundation	Myitkyina
Nyein (Shalom) Foundation	Myitkyina
Department of Disaster Management (DDM)	Myitkyina
Danish Refugee Council (DRC)	Lashio

United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA)	Lashio
The World Food Programme (WFP)	Lashio
United Nations Population Fund (UNFPA)	Lashio
United Nations Children's Fund (UNICEF)	Lashio
Kachin Baptist Convention (KBC)	Lashio
Karuna Mission Social Solidarity (KMSS)	Lashio
Metta Development Foundation	Lashio
Ta'ang Women's Organisation (TWO)	Lashio
Ta'ang Student Youth Union (YSYU)	Lashio
International Committee of the Red Cross (ICRC)	Lashio
United Nations Children's Fund (UNICEF)	Yangon
Development Alternatives International (DAI)	Yangon
United Nations High Commissioner for Refugees (UNHCR)	Yangon
UN Resident & Humanitarian Coordinator's Office Myanmar (UN RCO)	Yangon