

# Discussion Paper:

## The Humanitarian, Development, & Peace Nexus in South East Myanmar

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### Acronyms

<b>CBO</b>	Community Based Organisation
<b>CSO</b>	Civil Society Organisation
<b>EAO</b>	Ethnic Armed Group
<b>EHO</b>	Ethnic Health Organisation
<b>EPI</b>	Expanded Program on Immunization
<b>GoM</b>	Government of Myanmar
<b>IDP</b>	Internally Displaced Person
<b>INGO</b>	International Non-Governmental Organisation
<b>KED</b>	Karen Education Department
<b>KNU</b>	Karen National Union
<b>MoE</b>	Ministry of Education
<b>MOHS</b>	Ministry of Health and Sport
<b>NMSP</b>	New Mon State Party
<b>NSA</b>	Non-State Actor
<b>SIRP</b>	Southeast Infrastructure Rehabilitation Project
<b>UNHCR</b>	United Nations High Commissioner for Refugees

## Executive Summary

### The Humanitarian, Development, & Peace Nexus in South East Myanmar

With over 60 years of continuous conflict, Myanmar presents a complex and delicate operational context. This is especially true in the South East of the country, which is home to roughly 20% of the population and each of the region's ethnic States are divided by culture and language, politics, and decades of protracted conflict and displacement. Although the political situation has changed significantly in recent years, the day-to-day lives of most men, women and children in, and from, the South East have changed very little.

It is within this context that bridging the humanitarian, development, and peace nexus, the resolution coming from 2016 World Humanitarian Summit, as well as consequentially the UN's 'New Way of Working,' is of crucial importance. The South East is a region with interconnecting and unique humanitarian, development, and peacebuilding needs and which must not be left behind due to other external pressures.

This nexus directly aligns with the context and work of local and international actors in South East Myanmar. This paper will therefore discuss the current context, challenges, case studies, and recommendations, in regards to five key areas of concern that fall within this nexus. These areas include: Resettlement and Reintegration, Health, Humanitarian Mine Action, Governance and Infrastructure, and Education.

Within all the areas of concern, conflict sensitivity, trust-building, and patience were key principles for success in humanitarian, development, and/or peace-building work in the region. Moreover, all of these key areas need further donor support order to truly bridge the humanitarian, development, and peace nexus, leave no one behind and reach the most vulnerable people in South East Myanmar.

## Return, Resettlement and Reintegration

### Context

After decades of protracted conflict and displacement in South East Myanmar, prospects for the sustainable return of over 400,000 refugees and internally displaced persons are greater than ever. However, the absence of humanitarian funds and a lack of flexibility in the disbursement of development and peace-building funds are limiting the options available for resettlement and initial reintegration.

A series of bilateral ceasefires negotiated in 2012-13 and the 2015 Nationwide Ceasefire Agreement have brought relative stability to Myanmar's eastern borderlands, with a decrease in armed hostilities and increased freedom of movement. However, confidence amongst displaced communities remains low with only 12,000 refugees returning from camps in Thailand between 2013 and 2017.

All stakeholders, including the Myanmar Government, UNHCR and the respective ethnic armed organisations, agree that conditions in the South East are not conducive to large scale refugee return. The peace process has not yet evolved to a political settlement which addresses the causes of conflict and displacement or even to include the withdrawal of troops from contested areas (which are also potential areas of return).

The absence of guarantees for safe and dignified return into South East Myanmar is exacerbated by the increasing inability to guarantee ongoing assistance for refugees in Thailand. This has primarily been due to an increase in emergencies caused by conflict and natural disasters elsewhere in the world, such as Iraq, Syria and Yemen. It is also because humanitarian needs in Kachin State, northern Shan State and northern Rakhine State are more urgent than those along the border with Thailand.

### Challenges

In this context, refugees and internally displaced communities are stuck between the proverbial 'rock and a hard place.' Without traction in Myanmar's peace process, national, sub-national and international authorities are unable or unwilling to promote a large scale return process. Unless the rate of spontaneous return increases, funding constraints will likely lead to further ration cuts and coercive pressure on refugees to leave the camps.

It is generally recognized that an incremental, voluntary and dispersed return process will be more sustainable than sudden, coerced and concentrated resettlement. Indeed, UNHCR in collaboration with the Myanmar and Thai governments have introduced a facilitated return process to support refugees who choose to return despite the risks. However, UNHCR's facilitated return process has only supported resettlement and initial reintegration for 71 of the 12,000 returnees from the refugee camps in Thailand. This small proportion (less than 1% of returnees) is perceived as primarily due to a lack of trust in the Myanmar government's screening process.

However, the reluctance of donor governments to allocate humanitarian assistance into South East Myanmar means that there are no alternative mechanisms by which refugees can access resettlement and initial reintegration support. So if refugees are afraid to share personal details with the authorities from whom they had previously fled, or do not want to wait up to 12 months for government approval, then they must cover their own transport, food and housing costs as soon as they depart the camps.

Peace-building donors have expressed interest in strengthening the linkages between return planning and the peace dialogue process and developing return monitoring mechanisms. Similarly, development donors are expanding their reach in areas of potential return and promoting market-driven approaches for sustainable livelihoods. Just as reducing chronic poverty in local communities is a long term challenge, it is unrealistic to expect returnees to be self-reliant within a few months. However, government and multi-lateral donors in Myanmar have consistently opposed the use of peace-building and/or development funds to support resettlement and initial reintegration.

### Recommendations

UNHCR's facilitated return process remains the mechanism that offers the most support for returnees in the current context and should continue to be supported. However, it is vital to increase the options available so that refugees don't need to wait in hope for a political solution before deciding on their future. In between UNHCR's facilitated return package (of approximately US\$300/person) and the self-assisted option that most returnees have chosen so far, there is a gap that needs to be addressed.

Support is needed for travel and initial reintegration costs for those who are reluctant or fearful to engage in the UNHCR facilitated process. Without this support returnees are likely to put additional pressure on host communities when there are already concerns that the returnees will be competing for existing resources. The initial reintegration support could supplement existing community-driven approaches to return planning which are already underway.

Refugee leaders are already consulting with local villagers, authorities and CSOs and conducting non-technical surveys about access to protection, land, livelihoods and social services in areas of potential return. The findings from these "Go and See" visits are distributed amongst the refugee population to promote more informed decisions about return. In addition, subsidies of approximately US \$50/person recently enabled safe travel for returnees from EeTuHta IDP camp and reduced dependence on local communities for food during initial reintegration.

Community-driven approaches need to be integrated with government (and EAO) systems in order to be sustainable in Myanmar. This includes referrals for remote citizenship verification processes for returnees. Similarly, mechanisms will be required to ensure that refugees are deregistered from camp population lists in Thailand to prevent against "double-dipping" into assistance. Yet these are relatively minor procedural challenges compared to the conceptual change required from the donor community in Myanmar with regards to supporting return, resettlement and reintegration in South East Myanmar.

## Health

### Context

Despite recent political progress, many communities in the South East remain vulnerable and most, if not all, in non-state controlled areas, cannot access basic government services, including health, provided by the Myanmar government. Additionally, at present the Myanmar government does not have the capacity, language, or trust needed to provide essential health services throughout the South East.

These communities therefore remain dependent on ethnic health service providers (EHOs). Ethnic service providers have access and capacity to address essential health needs in ethnic controlled areas but lack stable funding and sometimes lack official recognition of skills. Without continued access to essential services, stability and well-being in the region will be compromised and large scale refugee return will continue to be only a distant prospect.

Mix control areas also exist and are the most complicated for service provision. Recently the government has opened Rural Health Centers (RHC) and in some areas these are very near existing EHO facilities. While in theory this seems a good thing, in reality it can present a challenge for the community. Often communities prefer EHO services as they are free, known/trusted, and provided by staff who speak their first (often only) language.

Since the 2015 elections and NLD's transition to power, there have been increased opportunities to bring State and EHOs together around the common goals of improved access to basic healthcare. However an integrated health care system is still a very long way from reality and progress has, and will continue to move at a cautious pace which allows relationships develop along the way.

### Challenges

- Both government and EHOs face human resources shortage.
- EHOs cannot compete with government salaries and thus EHO staff turnover is very high.
- EHOs generally lack standard operation policies related to HR, supply chain, etc.
- Both government and EHO systems remain very centralized.
- Many areas of the South East are very remote and difficult to access.
- Decades of mistrust have left both sides cautious.

### Successes

- Increased access, easing of restrictions and ongoing funding have resulted in a number of INGOs trying to work with both government and EHOs to increase communication and coordination between the two.
- Initiatives such as the EPI example and others have served as positive examples of what's possible and increased confidence of both government and EHO's to continue moving forward.
- Inclusion of EHOs in the new National Health plan signals a recognition of importance of their role and a willingness to collaborate.
- Identification of shared health goals such as disease control mark relatively easy starting points for continued coordination between government and EHOs.

### Health Case Study: Movement towards an Integrated Healthcare System

A noteworthy example of integration is the successfully implemented Expanded Program on Immunization (EPI) joint immunization campaign which resulted in the Ministry of Health and Sports (MoHS) providing technical support and vaccines to ethnic health workers for delivery of vaccines in ethnic controlled areas of the South East. Beginning in 2016 and following intensive advocacy efforts with the government and ethnic armed groups, the Project for Local Empowerment (PLE) negotiated a process by which ethnic health organizations (EHOs) in the South East receive training from government staff and then receive, manage and deliver vaccines in villages where they work. This process has led to children and pregnant mothers in non-state controlled areas – areas controlled by ethnic armed groups and inaccessible to government staff, often extremely remote, having access to immunization for the first time. With each additional round of EPI activity, trust and collaboration between EHOs and the Myanmar Government is further developed, and the number of previously unvaccinated children protected from preventable diseases is increased.

This example highlights what can be accomplished around a shared goal through intensive advocacy efforts facilitated by trusted partners of both ethnic and government actors and the need to continue supporting ethnic service providers while helping to foster relationships between State and non-state actors. The length of time and multiple steps involved in the immunization project also serve to illustrate the time and investment needed to ensure trust building is addressed and that stakeholders are comfortable with the way in which initiatives move forward. Failure to recognize the importance of these factors would likely result in setbacks in newly formed relationships and destabilization of the existing fragile peace in the South East.

### Recommendations

- Continued funding through INGOs at the request of EHOs.
- Realistic timeframes and goals for convergence.
- Recognition of the importance of language in service delivery.
- Continued opportunities for exchange visits and “safe” trust building activities, ultimately leading to more joint implementation.
- Facilitate MOHS and EHOs to plan for area based services responsibilities, either clinical service areas e.g. primary health care/secondary health care and/or geographic service areas with agreed minimum package of quality standardize services provided by government or EHOs.
- Introduce District Health Board idea to plan the process of decentralization and form/strengthen Community Health Committees.
- Multi-sectorial working group to address health related social challenges – Clinical care in GBV cases, Birth Certificate, EPI certificates in school enrolment, School health, Health promotion messages in TV/Radio etc.
- Flexible funding mechanisms to provide essential services in the conflict affected areas.
- Adopt the approaches to support both MoHS and EHOs in reaching as many people as possible while keeping the assurance of quality care.
- Pursue health system strengthening approach through long-term partnership with MOHS and EHOs, and importantly appropriate technical and facilitating partners and trusting relations with EHOs should be given priority for such joint implementation program.



## Humanitarian Mine Action

### Context

Landmines present an immediate threat to human safety, especially in times of active conflict where emergency mine risk education activities are often used to try to address the imminent threat. In post conflict settings, landmines can also still remain active for many years after a conflict is over, blocking potential IDP and refugee return and hindering further socioeconomic development in contaminated areas. The Myanmar context is currently a patchwork with areas of active conflict, and areas where ceasefires are both being respected and/or are under negotiation. It is however important to note that it is not yet a situation of 'post-conflict' and that the peace process is still ongoing. Both armed groups and many civilians see landmines as protection of their areas from further intrusion by the government and many of them are therefore not ready to engage actively on clearance activities before they receive reassurances through the peace process of their political gains.

### Challenges and Key Principles

The principles connected to conflict sensitivity are crucial to both understand, consider and apply when designing both the sector's current advocacy efforts and potential future survey (mapping) and landmine clearance activities. Both advocacy and operational activities can and will affect the balance of power between the many varied and sometimes conflicting interests of the different stakeholders who have laid the landmines in the first place.

Furthermore, though traditionally humanitarian mine action activities can be viewed from a humanitarian or a development perspective, attempting to view the landmine issue only through a humanitarian or a development lens limits its actual complexity. Applying this narrow view is both short sighted and ultimately futile, especially in the Myanmar context. Any program design focusing just on conducting demining activities will not happen in a context-less vacuum that is only driven by international actors and forces.

Humanitarian Mine Action (HMA) is not restricted to demining and, in the absence of clearance activities, HMA can and does take place successfully in the South East. In some circumstances, as in Kayah & Kayin, it is possible to conduct Non-Technical Survey (NTS) that allows the identification and marking of contaminated areas. This activity contributes to increased safety and security for local communities living in a mine affected environment and will facilitate future mine action operations. Risk Education and Victim Assistance activities, including livelihoods, rehabilitation and psychosocial support, are underway in Bago, Kayah and Kayin. It is our role as the international community to support these efforts, to make them sustainable within the existing structures and to prepare the ground for further HMA when it becomes feasible.

It must be acknowledged that while the landmine issue can be considered a humanitarian or a development issue, it is inseparably connected to the overarching and ongoing peace process in Myanmar, and sits within the humanitarian-development-peacebuilding nexus. The decisions of when, where and by whom the landmines will be removed is in many ways more sensitive than other humanitarian or development activities. These decisions will be made by the same actors that are currently involved in the larger peace negotiation process. Our role as international donors and humanitarian mine action operators is not to circumvent them or attempt to work around them.

Instead, in order to ultimately be successful, we must first seek to both advocate towards and enable these actors in their own endeavours to design and create a Myanmar specific response to dealing with a myriad of complex issues that also includes the past and current use of landmines, plus the future need for the eventual clearance of these same landmines. This should also be reflected in agreements with donors on how future successful humanitarian mine action activities in Myanmar will be designed.

Discussion Paper



## Governance and Infrastructure

### Context

Since the ceasefire agreements and the peaceful transition of power to a civilian government, in 2015/2016 many areas in South East Myanmar have experienced rapid expansion of government services and an increase in assistance from international development partners and NGOs. Nevertheless, Ethnic Armed Organizations (EAOs), are geographically and politically dispersed around the country with strongholds in the north-eastern, western, and south-eastern parts of the country. Some of these EAOs still act as pseudo governmental entities controlling vast areas of territory with complex organizational structures. In Kayin and Mon States, and Tanintharyi region the Karen National Union (KNU) and the New Mon State Party (NMSP) control large areas.

### Challenges

Large infrastructure and/or economic development projects in particular sit within the humanitarian-development-peacebuilding nexus, as the development of infrastructure raises concerns with EAOs, regarding increasing potential access of the Government of Myanmar (GoM) to EAO controlled areas. These projects, such as the Special Economic Zone in Dawei, also can directly negatively impact equitable development, livelihoods, and the peace-building process. Additionally, another challenge is in the work to “negotiate” access is that GoM follows a centralized structure, while EAOs, like the KNU, are decentralized. In effect there exists “two different systems” which challenges accountability, transparency and consistency in the implementation of project activities.

### Governance and Infrastructure Case Study 1: Special Economic Zone in Dawei

The specific interlinkages between development, peacebuilding and humanitarian assistance in the different geographical areas of South East Myanmar are clearly shown in the case of Dawei (Tanintharyi Region). There, the establishment of a Special Economic Zone (SEZ – Dawei) for development purposes (including a future deep sea port) threatens the environment and livelihoods of coastal communities which have been in the recent past affected by conflict. The interests of private agro-business enterprises also clash with those of the small farmers. On occasion, returning refugees and IDPs have found their land taken by companies. The impacts of land acquisitions for agribusiness in Myanmar that are documented are all overwhelmingly negative for the displaced. Loss of land means the loss of livelihoods and access to grazing land, firewood and alternative food sources. The use of pesticides and run off from factories processing oil palm or rubber also pollutes water ways and has led to skin and respiratory conditions in people and their livestock. Peace-building efforts in turn are hampered by land disputes arising from such dynamics. The interplay between the land registration systems of both the Government of Myanmar and the Karen National Union create a climate of legal uncertainty and lack of protection which does not benefit development either. Humanitarian assistance is often caught in the power dynamics between EAOs, government, military and private enterprise

### Governance and Infrastructure Case Study 2: Negotiating Access

In Kayin State, the 30 villages selected for the Southeast Infrastructure Rehabilitation Project (SIRP) were under full or partial control of the KNU. The villages located in the northern part of the State (Thandaungyi) were under the jurisdiction of KNU’s Brigade #2 while the southern areas were

under Brigades #6 and #7. Following the endorsement of SIRP by KNU's main liaison office, each brigade approved access and interacted with partners in line with the KNU's "development policy" for the area. Nevertheless, and before commencement of construction activities, Brigade #2 communicated to Norwegian Refugee Council (NRC) that it had produced its own "development policy" which were to guide the implementation of activities in Thandaunggyi Township. The new policy stated that donor agencies should pay the equivalent of 10% of total project budget to the brigade in order to cover "management and coordination" costs. This violated NRC's policy on funding to armed groups and SIRP activities had to be paused in the 12 villages. Negotiations in early 2016 with the Brigade leaders failed and SIRP activities were only implemented in 18 out of 30 villages in Kayin State.

NRC kept a dialogue going with Brigade #2 and discussed options to use a community based organization (CBO) for the construction work rather than a contractor from outside. Brigade #2 then modified its rather strict objection to construction work. When NRC introduced the model of using CBO for the construction, the KNU Brigade #2 dropped the claim for the payment of 10% of project costs. Still in the fear of allowing easy access for central authorities, the construction work was a subject of rigorous scrutiny and e.g. only a four-foot wide motorcycle road was approved.

The refusal of Brigade #2 to allow for project implementation has to be understood both in terms of efforts to prevent easy access for central authorities including Myanmar Armed Forces (aka Tatmadaw), but also in respect of the economic dimension of the local "development policy". However without doubt, the resources allocated to the road construction were seen as an important and positive income for the community. NRC also observed a slightly new and rather unexpected consequence of the CBO based construction work, namely the increase of local ownership.

### Recommendations

Understanding the internal politics of the EAOs, their relationship with GoM, and their influence in the local communities, has been essential for the project implementation in general, and for the implementation under the SIRP. The consortium partners for SIRP have navigated multiple stakeholders, agendas, power struggles, mistrust across partners, communities and beneficiaries. Some examples of "successful" access were to secure access to implementation in the targeted villages the consortium negotiated with three different stakeholders in Mon State (local authorities, the KNU and NMSP). In addition, in Tanintharyi region, a local partners gained easy access to villages – in part due to a shared Christian foundation with the KNU.

However using a CBO approach for construction will not be an answer to all challenges relating to access. Other key elements are gaining trust among the local leaders, as well as knowledge of the local context, a conflict sensitive approach that takes into account the impact and the consequences of the project implementation, as well as good communication skill and a solid dose of patience.

Implementing infrastructure projects often requires not only to work with GoM structures, but also non-government controlled areas (NGCA) and dual governance structures with the result of more time consuming implementation process. Increased flexibility on timeframes and milestones are recommended for project implementation in NGCA and areas with for dual governance structures.

## Education

### Context

While education service provision in south-eastern Myanmar is fragmented, and includes state and non-state provision, education in conflict-affected areas has largely been community-driven and administered by non-state ethnic service providers. The community-led non-state systems of education have varying degrees of sophistication, and vary from state to state in the South East. However these commonly utilise locally-developed curricula, provide for uniquely-tailored teacher education mechanisms and for mother-tongue based education. In some cases governance and administration is shared between state and non-state actors in “mixed-administered schools,” where Myanmar and/or a mother-tongue are used in the classroom and with the Myanmar and/or the non-state curriculum in use.

In the refugee camps, locally developed curriculum is most commonly used, aligned with non-state curriculum in the South East, but unique from the Ministry of Education of Thailand or Ministry of Education of Myanmar curricula. Children are predominantly taught in their own mother tongue, with Karen language being the most prevalent language. The large majority of children do not speak Myanmar language. Teacher education and teacher professional development for approximately 1300 teachers is provided within the shelters.

### Challenges

Refugee and returning children: Children that return to Myanmar and encounter barriers to accessing education are highly likely to drop out of school and/or ‘spring-back’ to Thailand after a period of time. Language and the recognition of prior learning act as key barriers that prevent access to Myanmar MoE schooling and a quality education. While the National Education Sector Plan (NESP 2016-2021) does highlight the need for a flexible pathway for the recognition of refugee teachers, it does not certify learning and teaching via community schooling, nor does it detail mechanisms to promote policy development that are inclusive of the ethnic service providers in south-eastern Myanmar. The return and successful re-integration of refugee children into state schools are not addressed in NESP dialogues. In addition, with a reform of the state curriculum ongoing, equivalency mapping across curricula has been to date impossible. Through the voluntary repatriation pilot, reports cite that returning children were successfully able to enter school at the appropriate grade, yet there remains little information around how the grade status was deemed appropriate. More broadly, there remains a lack of qualitative data on the experiences of those returning children into both state and community schools outside of the formal process.

Teacher shortages and certification: There remains a shortage of teachers in the South East, and in response to this shortage, initiatives through which government teachers are trained centrally and deployed to ethnic areas have been utilized by the Myanmar MoE. There have been numerous reported consequences including high teacher absenteeism, teachers unable to communicate with their students, the displacement of local teachers, and struggles with local administration. Simultaneously, ethnic teachers mostly remain ineligible to attend teacher education colleges, lack the criteria to obtain a teacher license, and ethnic colleges remain unaccredited by the state. Similarly for the returning refugee community, a key concern for returning refugee teachers is the likely challenges in securing teaching work in Myanmar when their qualifications and prior training

are not recognised. There is a need for consideration on how to capitalise on the extensive and experienced workforce of refugee or ethnic teachers by providing a flexible pathway for their certification. Progress remains stagnant given the highly centralized nature of education reforms in teacher education, management and licensing, and the inability for non-state actors to engage.

#### **Education Case Study: Successful State-level Education Coordination**

Given the centralized nature of education reform, and the inability for non-state actors to engage directly in central reform, in Kayin and Mon states state-level co-ordination between state and non-state education departments has increased and sought to promote dialogue around key issues in student and teacher recognition, with a view toward 'feeding-up' best practices and field-level solutions.

Most recently, the Mon National Education Department and the Mon State Education Department have engaged in dialogue to create bridges between the provision of mother-tongue based education and receipt of state recognition. This would provide Mon community-school students with the opportunity to sit Grade 8 state exams, which provides the necessary pre-requisites for students to access the state matriculation exam. This case provides an example of the key role that non-state providers play, not only in the implementation of service delivery but in acting as a liaison channel between state authorities (recognition of the non-state system), communities themselves (engaging parents' choices on mother-tongue and concerns on recognition) and ethnic leadership.

In Kayin state, a series of 'gentleman's agreements' between the Karen Education Department and the Kayin State Education Department relating to the recognition of KED/ refugee certificates in government schools and on teacher deployment in Karen speaking communities have shown potential, however there are varying accounts of their implementation in the field, as these agreements are unwritten. There is a need for joint monitoring of state level agreements at township level, as well as formal incorporation of agreements into central level education planning, and with respective resourcing allocated.

#### **Recommendations**

In regards to reintegration of children into the education system, parallel to joint monitoring, community-led documentation of successful cases of reintegration at the local level would further support identification of best practices to inform decision making and policy development. This would additionally strengthen information sharing to refugee communities who currently lack reliable sector-specific information about areas of return. There is a need for consideration on how to capitalise on the extensive and experienced workforce of refugee or ethnic teachers by providing a flexible pathway for their certification

In addition, inclusion in policy development or a de-centralisation to state-level is required to ensuring sustainable reintegration, and the national peace-dialogue can take a role in addressing the disconnect between state and central MoE, and respective non-state education systems for inclusive reform. Similarly, in both Mon and Kayin, where state-level language policy drafts have been developed, yet have not been formally absorbed by Naypyitaw, the peace-dialogue provides an opportunity for progress in ensuring no child gets left behind in the South East.