



South-East Myanmar Consultation Meeting

6 February 2013

Minutes

Chair: Hans ten Feld, Representative, UNHCR Myanmar

1. Welcome and Updates from UNHCR Myanmar (Chair: Hans ten Feld, UNHCR)

- Participants were introduced to two new UNHCR staff members: Ayaki Ito, Deputy Representative; and Vicky Tennant, Head of Field Office Mawlamyine and Coordinator for the South-East Operation.
- It was noted that there would be a screening of the Burma Partnership documentary film, “Nothing About Us Without Us” in Yangon later in the week. The film implies that UNHCR is pushing for repatriation of refugees in Thailand. UNHCR stressed that this was not the case, and that UNHCR’s position remains that voluntary repatriation should take place only if/when such a decision is made by the refugees themselves. At the moment, UNHCR’s view is that conditions are not yet conducive to return.

2. UNHCR Cross-Border Meeting in Mae Sot from 28-29 January 2013 (Presenter: Vicky Tennant/UNHCR)

- The cross-border meeting brought together staff from UNHCR Myanmar and UNHCR Thailand with the goal of enhancing coordination in preparation for a potential future voluntary repatriation operation. This is still in the preparation, and not a planning stage.
- A strong conclusion was that the two offices should work together with each other and with partners to understand patterns of spontaneous returns which are currently taking place (albeit on a limited basis so far).
- The issue of resettlement was raised, and it was confirmed that the United States has begun to scale down its resettlement program. Just prior to the cross-border meeting, the US had initiated a series of rolling announcements from camp-to-camp in which refugees who wish to register their interest for resettlement will be given 90 or 120 days to come forward to register. Approximately 82,000 refugees have departed for resettlement from the Thai camps since 2005. [In response to a question, UNHCR

undertook to check the projections for departures to the US 2013. It has now been confirmed that the current projection for departures to the US in their current fiscal year (1 Oct 2012 - 30 Sep 2013) is approximately 8,000 persons.]

- Recent camp figures show a reduction of around 9,000 in the camp population since the end of 2011, to 128,199 refugees (registered and unregistered) at the end of 2012. TBC is conducting some analysis of possible reasons for this reduction.
- Participants were also briefed on a forthcoming profiling exercise to be conducted on the camps by the Mae Fah Luang Foundation. The Foundation is currently conducting extensive consultations with refugee leaders to be sure all are clear that this profiling is not related to pressure for returns but about analyzing skill sets and potential livelihoods possibilities, and to ensure sufficient buy-in before the profiling commences. In addition to information related to livelihoods, the profiling should also provide a better picture regarding whether, in the event of return, refugees would intend to settle in their areas of origin or other locations. The profiling exercise should begin in March in Mae La camp.
- Other key points of discussion were the activities of UNHCR and its partners in relation to protection in the camps, such prevention of refoulement, birth certification, preventing and responding to gender-based violence, access to justice, and child protection. It was noted that partners should be actively encouraged to consider how they might gradually establish similar projects in areas of return, with appropriate adjustments. A number of key protection-related obstacles to return/reintegration were also discussed (see below, page 3).
- In addition to internal UNHCR meetings, UNHCR staff also met with government representatives on both sides of the border. In meetings with the Kayin Chief Minister, he confirmed that the State government had identified 9 sub-townships that would be targeted for development as a means of providing an area of return for refugees who were unable or who preferred not to return to their villages of origin. He stressed that refugees would have freedom of choice as to the timing and destination of return, and that return should be voluntary. State government officials were due to meet KNU leaders the same week to discuss strengthening health and education in under-served border areas.
- In Thailand, the team met with immigration officials as well as a senior-level delegation from the Royal Thai Army. They also reinforced the position that the two governments are working together and that there is no intention of placing pressure on refugees to return before they are ready. Government coordination for an eventual voluntary repatriation operation will be led by the National Security Council.

3. Draft UNHCR framework for engagement in support of durable solutions in South-East Myanmar (Presenter: Vicky Tennant)

- An overview was provided of a draft framework which would guide UNHCR's engagement in support of durable solutions for IDPs, and the reintegration of refugees, in the South-East from 2013-2015. Whilst the immediate aim is to articulate a framework for UNHCR's activities, this will also form the basis of consultations with partners and the government with a view to informing a common vision and strategy. The framework is a counterpart to the Voluntary Repatriation Framework presented at the last meeting.
- Key considerations include a focus on national ownership, interagency coordination, and linking durable solutions to development, peacebuilding and other national planning frameworks.
- There are also many challenges, most of which are well-known, including those related to protection (eg. recovery of land, land mines, documentation/citizenship, penalties for illegal departure, arbitrary 'taxation' in return areas). Socio-economic issues associated with access to health, education, water, shelter and livelihoods are also key considerations.
- The approach UNHCR is proposing is a phased operation that initially focuses on providing support to durable solutions for IDPs (either those who are already returning, considering return, or who may be locally integrated at the location where they are currently living) while, at the same time, working on preparations for refugee returns, and later, when refugees are ready to return, moving to the planning and implementation of voluntary repatriation and reintegration operations. UNHCR normally seeks to limit its engagement in reintegration to a period of 2-3 years post-return, followed by a period of measured disengagement. The draft document outlines a series of key objectives:
 - i. Refugees are empowered to make an informed choice on whether to return, and if so, when and to where;
 - ii. Refugees and IDPs have the opportunity to determine which solution(s) are most appropriate for them, and to participate fully in the design and implementation of durable solutions programmes;
 - iii. Legal and administrative frameworks guarantee the rights of IDPs and returning refugees, and are applied in practice;
 - iv. The physical safety of IDPs and returnees is ensured;
 - v. Returning refugees and IDPs and receiving/hosting communities have opportunities to (re-) establish meaningful and productive lives;

- vi. IDPs and refugee returnees, together with the communities receiving or hosting them enjoy key socio-economic rights.

The framework is currently being reviewed within UNHCR and in the next stage will be shared with partners, including the Government, as a basis for further discussions.

4. Discussion (various participants):

- The government's notion of freedom of choice as regards return: the message from government interlocutors in both Thailand and Myanmar is that returns should be voluntary, that there is no pressure for refugees to return, and that it is up to individuals to determine whether and when to return.
- The government's perspective on key challenges: in UNHCR's meeting with the Kayin Chief Minister following the cross-border meeting, a number of key challenges were discussed, including, for example land mines, land issues and citizenship documentation. The Kayin Chief Minister indicated that children born in Thailand of Myanmar citizens would be issued with citizenship documents. There are nonetheless some concerns that certain categories of refugee may have difficulty in having their citizenship confirmed. UNHCR will undertake further structured discussions with the government on this and other matters raised.
- Addressing a mixed flow of migration, especially in cases of the return of migrant workers and unaccompanied children: UNHCR believes that it important to differentiate responses to those who have been forcibly displaced from others, such as migrant workers, who have left under other circumstances. The former are more likely to return as families rather than individuals, often having been away from their home areas for many years and without remaining family members there, and may have a specific set of protection needs linked to their displacement. Clearly, unaccompanied children also have very specific protection needs which should be addressed regardless of their status (there are around 6,000 unaccompanied children attending 'boarding schools' in the camps in Thailand, for whom solutions should actively be sought). It nonetheless important to recognize the link between forced displacement and migration management – for example, labour migration schemes may provide opportunities for those who do not wish to return, or may support the reintegration process by allowing some family members to remain in or return to Thailand.
- On inter-agency coordination: participants were of the view that there was a need to develop some practical strategic approaches to how we can bring all these different activities and objectives together. There is a need to develop a common approach - it is a complex situation, and we need to develop an inclusive and operational coordination mechanism. The Myanmar Peace Centre has an important role in relation to coordination in areas previously affected by conflict. Coordination is needed not only with the government, but also with non-state actors, faith based organisations (FBOs) and community-based organisations (CBOs) in the border region.

- Need assessments and the development of a common needs assessment tool: MPC is planning to facilitate a post-crisis needs assessment (PCNA), with the support of the UN Country Team. Participants would like to move towards a joint exercise that is inclusive. In the meantime, there is a need to avoid duplication of needs assessments, to share the results of those which are conducted, and to develop a common approach which covers key indicators.
- Sharing information from state/region inter-agency coordination meetings: there was a request that these be formally linked to coordination mechanisms in Yangon. Some participants in certain locations are however unwilling to have minutes shared widely. It was agreed that UNHCR would explore the possibility of making the minutes available, in summary format if necessary, and in the meantime will identify and share key issues emerging from the state/region-level meetings.
- Engaging with the private sector on Corporate Social Responsibility: In conflict areas, any kind of business should be done in consultation with non-state actors and communities.

5. AOB

- UNDP sent apologies for being unable to participate, and requested that the following update be shared.
- UNDP is planning to engage under its new program in Kayin and Mon state with a focus in the areas of local governance.
- During a joint mission with the Ministry of Border Affairs a series of sensitization meetings on the new programme was held with Mon and Kayin Chief Ministers and their cabinets, attended by the UNDP Country Director and the Deputy Minister of Border Affairs
- As part of the transition from the HDI program UNDP has at the end of 2012 closed previous TSP offices in 3 TSPs (Kyaikhto, Kyaikmaraw, Bilin) in Mon State. In addition township (TSP) staffing has been significantly reduced, with the remaining UNDP TSP team operating from shared office space with government partner agencies in these townships during the transition. The UNDP Area office in Hpaan is operational and will also remain as the new central UNDP office for Kayin region. A regional UNDP office in Mawlamyine for Mon State will be opened in the course of 2013.
- UNDP TSP teams during the transition (Jan-Sept. 2013) will continue to work with the TSP community groups at village cluster and TSP level for wrapping up and enhancing the HDI program results. As part of the transition program, UNDP is implementing in February/ March TSP closing and linkage WS with the emphasis on sharing UNDP HDI results with government and development partners (including

detailed information per TSP on sector and village activities/ coverage/ groups format and contact person) as well as is facilitating joint action planning between community groups and local authorities for future engagement. WS invitations are being extended to all local INGOs and NGOs and 2 Linkages Workshops have been implemented at the occasion of the joint mission with the Min. of Border Affairs in Hpaan and Kyaikmaraw.

6. Concluding Remarks (Chair):

- UNHCR will further refine and share the framework that was presented, which will then form the basis of further consultations with participants and others.
- UNHCR and other UN partners are ready to work together with the MPC on a joint needs assessment.
- Further discussions should be held, in particular with the MPC and the RC/HC, on strengthening coordination.
- The next consultation will take place in two months, with the possibility of smaller meetings in the meantime to follow up on some of the specific issues raised.

15.02.2013



List of Participants for SE Consultations Meeting held
on 6 Feb 2013

(listed in alphabetical order of agencies)

Sr.	Agency
1	ACF
2	ACTED Myanmar
3	ADRA
4	AusAID
5	AVSI Myanmar
6	Bridge Asia Japan
7	CARE-Myanmar
8	Church World Service
9	Dan Church Aid (DCA)
10	Danish Refugee Council
11	Diakonia Myanmar Program
12	Department of Immigration
13	Department of Social Welfare
14	ECHO Yangon
15	EU Bangkok
16	EU Office in Myanmar
17	ICRC
18	ILO
19	INGO Liaison Office
20	IOM
21	IRC
22	JICA
23	Karuna Myanmar Social Services
24	Malteser International
25	Marie Stope International
26	MercyCorps
27	Metta Development Foundation
28	Myanmar Information Management Unit
29	Myanmar Peace Centre
30	Myanmar Peace Support Initiative
31	Myanmar Red Cross Society
32	Norwegian Refugee Council
33	Norwegian Church Aid/ACT Alliance
34	PU-AMI
35	RC/HC office
36	Save the Children
37	SDC
38	Tag International Development
39	Terre des homes Itallia
40	The Lutheran World Federation
41	UNICEF
42	UNHCR
43	UNOCHA
44	UNOPS (3 D Fund)
45	USAID
46	World Food Programme
47	World Concern