



Karen Women Organization

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On World Refugee Day Burma Government and International Community Must Commit to Respecting Voices and Rights of Burma's Refugees

(20 June, 2015) On this 2015 World Refugee Day, we stand in solidarity with the over 110,000 refugees who fled Burma to seek protection in the nine camps along the Thailand-Burma border, embodying the years of conflict and the struggle for democracy. We call on the United Nations High Commissioner for Refugees (UNHCR), the Burma Government, the international donors, and all parties to respect the 1951 Convention relating to the Status of Refugees and 1967 Protocol Relating to the Status of Refugees, and uphold the rights of all refugees.

Since 2011, there have been rumors and counter-rumors regarding the repatriation of Burma's refugees. The Government's rhetoric of transition to democracy, the signing of individual preliminary ceasefire agreements – notably with the Karen National Union (KNU) in 2012 – and the continuing peace talks with ethnic armed organizations have further fueled the discussion of repatriation. These events have led to the decrease in funding and assistance from international donors. This, along with the restriction on movements, is deeply affecting the refugees' basic daily needs and livelihood. While the people of Burma have not observed the genuine shift towards democracy that dominates the rhetoric both inside and outside of the country, nor a move towards a genuine federal union as promised by the Government, the discussion of repatriation has continued without diverse participation of the refugees and the Community Based Organizations (CBOs) working with the refugee community.

The conditions that led refugees to flee in the first place have yet to be resolved, as initial ceasefires have proven to be fragile and regularly breached. In ceasefire areas, an increased presence of Burma Army troops, in terms of both numbers of personnel and infrastructure, threaten the lives of those who continue to live in fear of conflict. In northern Burma, over 120,000 people have been displaced since 2011 due to the renewed conflict between the Burma Army and the Kachin Independence Army, after the Burma Government breached the 17-year ceasefire agreement. In Karen State, 2,000 people fled to the border in September 2014 as fighting broke out between the Democratic Karen Benevolent Army and the combined force of the Burma Army and the Border Guard Force. As ethnic communities seek refuge from the Burma Army's relentless offensives, there is no guarantee that fighting will not occur in or spread to locations where refugees may return.

In addition, civil society groups have documented over 100 cases of gang-rape, rape and sexual assault since 2010, particularly in conflict areas committed by the Burma Army with impunity. The Burma Government has failed to address these issues of sexual violence one year after the signing of the Declaration of Commitment to End Sexual Violence in Conflict. Their lack of meaningful action is tantamount to being complicit in the perpetration of these crimes. Perpetrators must be held accountable or these human rights abuses will continue with impunity and refugees will once again be exposed to these crimes upon their return.

A genuine peace process must include structural changes that guarantee the rights and equality of ethnic people through a power sharing agreement between the Burma Government and ethnic armed

organizations, which has yet to commence. While the recent peace talks have observed positive developments in the unification and solidarity of the ethnic armed organizations, Burma is still far from achieving the signing of the much-touted nationwide ceasefire agreement (NCA). Premature repatriation under these current conditions will lead to further suffering for refugees who have already experienced persecution and human rights abuses by the Burma Army.

Furthermore, the initial ceasefires and the ongoing peace talks have increased economic investments and development projects that leave ethnic communities vulnerable to exploitive land expropriation. Without adequate mechanisms to prevent private entities and government backed corporations from confiscating land and initiating development projects without genuine and inclusive consultations, refugees will be exposed to displacement and a myriad of human rights violations upon their return. There should be a moratorium on all mega development projects while national laws and mechanisms are revised to fit international standards before refugees can return with the means to provide for their livelihood and to live in dignity.

Refugee return must be truly voluntary and based on durable solutions that are in line with international human rights standards and humanitarian laws that ensure their safety and dignity. Meaningful consultations and diverse participation of refugees and CBOs working with the refugee community in the planning and preparedness of their return is key to their sustainable return. It is vital that women are seen as equal stakeholders, and their participation in the preparation and implementation of refugee return must be ensured. Genuine and timely consultation with the refugees as primary stakeholders is fundamental in deepening the trust and improving communication with the refugee community, paving the way for the provision of clear information as regards to their future. There must be genuine and regular consultations in identifying possible relocation sites as refugees can provide expert local knowledge on this matter.

The timing for refugee return will not be right until the conditions which have led the refugees to flee Burma over the past 30 years are resolved. If Burma hopes to achieve a genuine sustainable peace, it is essential that the voices of refugees are heard and their rights are recognized and respected.

We recommend the Burma Government to:

- Allow meaningful and full participation of refugees and CBOs working with the refugee community in the preparedness planning for return;
- Protect the safety and dignity of women by ensuring the participation of women in the preparation and implementation of refugee return;
- Hold genuine and timely consultations with refugees to determine the timing and conditions of their possible return;
- Participate in the peace process in good faith by immediately ceasing all offensives and withdrawing all troops stationed in ethnic areas, honor original ceasefire agreements, and begin political dialogue prior to the discussion of repatriation;
- Prioritize the prevention of sexual violence and hold all perpetrators accountable to the full extent of the international law in accordance with the Convention on the Elimination of All Forms of Discrimination Against Women and the Declaration of Commitment to End Sexual Violence in Conflict;
- Place a moratorium on all mega projects, set up protection mechanisms to safeguard the peoples' land from confiscation, and undertake comprehensive investigation and action regarding land disputes;

- Ensure that eventual refugee repatriation is conducted in safely and with dignity by disclosing a clear plan to accede to the Anti-Personnel Mine Ban Convention and implement demining activities first, while strengthening mine-risk education programs;

We recommend international governments, UNHCR, donors and all relevant parties to:

- Ensure that refugees are included in all planning and preparation for return, and that they are genuinely consulted in the timing and location of their return;
- Provide aid and assistance that meets the refugees' basic daily needs;
- To respect the 1951 Convention relating to the Status of Refugees and 1967 Protocol Relating to the Status of Refugees and international human rights standards in regards to refugee return.

Signed by:

Karen Women Organization

Endorsed by:

Organization

1. Action Committee for Democracy Development
2. All Arakan Students' and Youths Congress
3. Alternative ASEAN Network on Burma
4. Arakan Rivers Network
5. Asia Justice and Rights
6. Assistance Association for Political Prisoners
7. Australia Karen Organization
8. Back Pack Health Worker Team
9. Burma Action Ireland
10. Burma Campaign UK
11. Burma Issues
12. Burma Link
13. Burma Medical Association
14. Burma Partnership
15. Burmese Women's Union
16. Chin Human Rights Organization
17. Chinland Natural Resources Watch Group
18. Equality Myanmar
19. Forum for Democracy in Burma
20. Info Birmanie (France)
21. INFORM Human Rights Documentation Centre
22. International Karen Organization
23. Karen Human Rights Group
24. Karen Student Network Group
25. Karen Women Empowerment Group
26. Kachin Women's Association Thailand

27. Karenni National Women's Organization
28. Kyauk Kyi Development Watch
29. Mae Tao Clinic
30. Network for Democracy and Development
31. Palaung Women's Organization
32. Partners Relief and Development
33. People's Progressive Front
34. Students and Youth Congress of Burma
35. Ta'ang Students and Youth Organization
36. The Free Burma Campaign (South Africa)
37. The Seagull: Human Rights, Peace & Development
38. United ACT
39. Union of Karenni State Youth
40. US Campaign for Burma
41. Women Initiatives Network for Peace
42. Zomi Student Association (Universities-Myanmar)

Individual

1. William Nicholas Gomes, Human Rights Defender and Freelance Journalist

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