

Internal Displacement Among Burmese Ethnic Groups

Report of a Seminar on the
Guiding Principles, Burma, March 2000

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Background to the workshop

I. Promotion & Dissemination of the Guiding Principles

In 1998, the Representative of the UN Secretary General for Internally Displaced Persons, Dr. Francis Deng, presented the Guiding Principles to the Commission on Human Rights. Since 1998, the Guiding Principles continue to earn significant international recognition as a valuable tool to promote improved response to the protection and assistance needs of the internally displaced.

Following presentation of the Guiding Principles to the Commission on Human Rights, the Norwegian Refugee Council (NRC), through the Global IDP Project has promoted the practical utility of the Principles at the field level in a series of protection workshops.

The workshops focus on capacity building among national NGOs involved in protection and assistance of internally displaced and encourage the involvement of the internally displaced themselves in seeking durable solutions. When governments are involved in the workshops they also become a unique opportunity to combine a training program on the Guiding Principles with practical discussions on the challenges and possible response to internal displacement in a specific country.

The overall purpose of the workshops are:

- To promote and disseminate the Guiding Principles on Internal Displacement.
- To operationalize the Guiding Principles at the field level
- To promote dialogue among national NGOs, international organizations, government authorities and the internally displaced on protection and assistance needs

- To encourage organizations working with the internally displaced to share among themselves their work experience and best practices

This report is based on a workshop held by NRC for several ethnic groups from Burma. Approximately 15 participants from human rights groups, political organizations and Burmese cross-border assistance groups were invited to the workshop to discuss the Guiding Principles. The workshop focused on how the groups represented could use the Guiding Principles in their assistance and advocacy efforts.[1]

The current Burmese regime which refuses humanitarian access to the internally displaced in the ethnic areas was not invited.

II. Workshop Objectives

1. Promotion and Dissemination of the Guiding Principles

To promote and increase understanding of the Guiding Principles among the ethnic groups in Burma some of whom control territory within Burma and therefore are equally responsible for ensuring respect for human rights.

2. Train-the-Trainers

Some of the ethnic groups have assistance and monitoring programs for internally displaced within Burma. In the context of their contact with the internally displaced and/or potentially displaced there are opportunities for promoting greater understanding of the Guiding Principles. The logic behind training activities on the Guiding Principles in Burma is that it is harder to abuse the rights of an informed population and when the internally displaced are more

[1] Please note the names of the groups plus the location of the workshop have been intentionally omitted.

aware of their rights they are more able to promote respect for those rights.

3. To Enhance Common Terminology and Approach

There are several different opposition groups working with the internally displaced in Burma for whom the workshop was an opportunity to enhance development of a common terminology and approach based on the framework of the Guiding Principles. For the groups present it was also an opportunity to exchange views and share information on their assistance programs and monitoring programs.

4. Assistance in Further Developing International Advocacy Efforts on Behalf of the Internally Displaced in Burma

As an NGO project involved in international advocacy efforts on behalf of the internally displaced, the Global IDP Project was considered to be in a position to identify potential forums and assist the participants in the development of their advocacy efforts to improve the situation for the internally displaced in Burma.

Who are the Internally Displaced in Burma

All participants agreed with the definition of internally displaced persons as described in the Guiding Principles and felt it reflected the situation in Burma.

The participants suggested the following typology to reflect the different categories of displaced in Burma.

I. Typology of causes

Forced relocation: (Relocation of complete villages and occupants is a policy of Burmese authorities and therefore considered a unique category of displacement in Burma)

- Relocation by SPDC troops from villages in government-controlled territories to resettlement sites in government-controlled territory
- Relocation by SPDC troops from villages in rebel-controlled territories to government-controlled sites

Displacement

- As a result of, or fear of, being forced into labour such as construction work and/or involuntary recruitment into portering service. Displacement also occurs after involuntary portering service where men flee in fear of repeated forced service.
- As a result of unfair tax collection by local authorities which is often connected to problems of corruption.
- As a result of generalized violence and armed fighting (especially military confrontations between SPDC and rebel groups).
- As a result of general troop movement and fear of attack.
- As a result of ordered displacement where people are told to move without resettlement arrangements.

Displacement as a result of, or fear of, being accused as “rebel sympathizer” and where possible retribution may include: Killing, torture, rape, confiscation of food and property and family breakup.

Development-induced displacement as a result of:

- Construction of gas pipelines, dikes, roads, military camps (linked to forced labour)
- Confiscation of land (loss of land rights) for undisclosed projects
- Development of so-called new sections of town (where people are displaced in order to “modernize or develop” urban areas).

II. Patterns of displacement

According to participants, most displacement in the ethnic areas tend to follow a pattern. People were displaced from native villages and urban areas and were displaced to:

- Government controlled areas such as relocation sites
- Resistance-controlled areas which would include resettlement sites and IDP camps
- Cease fire zones (even when the ceasefire zone is in other ethnically-controlled areas)
- Dispersed into the jungle
- Forced to flee as refugees.

III. Duration

Working groups for the most part did not apply a time limit to the definition of displacement. One group however did note that the absence from place of “habitual residence” had to be at least for one week in order to be considered displaced.

All groups recognized that individuals, families and communities can be displaced several times especially when SPDC troops enter a territory and then subsequently withdraw. In such a case villagers may flee to the jungle temporarily until the withdrawal of the army.

IV. Vulnerability

All groups agreed that if displacement was “forced or obliged” it met the conditions in order to be considered of concern to the Representative of the UN Secretary General.

V. “Other considerations”

People that participants felt were difficult to categorize, either as a result of lack of available information or because of unique circumstances, included:

- Those people who are forced to move from Rangoon and either flee or move to satellite towns such as Okkalapa I & II
- Those people who would prefer to flee or leave their villages but because of presence of SPDC troops felt unable or afraid to flee in case they were caught. This could occur, for example, to original residents of a village when it becomes a relocation site for other internally displaced.

Issues Relating to Protection from Displacement and Protection during Displacement

Following introduction of the legal basis for the Guiding Principles, a practical exercise was conducted to provide hands-on experience with some of the fundamental human rights and humanitarian legal precepts within the Principles.

As part of the exercise, participants were asked to identify the most pressing needs of the internally displaced in Burma and then search for the corresponding rights in human rights law, humanitarian law and eventually the Guiding Principles. In one case, for example, participants identified shelter as an immediate need of many IDPs in Burma. Once they had identified shelter as a need they were then asked to identify specific provisions in international human rights law and humanitarian law that protected the right to shelter. The final stage of the exercise identified specific Guiding Principles which dealt with shelter. In order to do the exercise workshop participants were provided with a personal copy of the most important human rights and humanitarian legal instruments in order to gain familiarity with applicable law to internally displaced persons.

Following the exercise on the legal origins of the Guiding Principles the issue of protection from displacement and protection during displacement was discussed. Sections within the Guiding Principles covering protection from displacement and protection during displacement were presented to the participants using four central themes:

- 1) Discrimination,
- 2) Movement-related rights,
- 3) Physical security and
- 4) Special needs.

Once the participants had gained an understanding of the key protection principles and their origin in human rights and humanitarian law they were asked to describe the current conditions in Burma according to the themes.

Participants unanimously described a situation of gross and systematic violations of human rights and humanitarian law in Burma. These were the working groups' most pressing concerns:

I. Problems of Discrimination

It was agreed that discrimination is both a result and a purpose of legislation, government policy and military action in Burma. Participants noted that the internally displaced in Burma are discriminated against first for belonging to a particular ethnic group and secondly based on their situation of being displaced.

Other forms of discrimination were based on:

- language,
- religion
- and political opinion.

Evidence of discrimination in Burma can be found in the use of collective punishment, violations of the right to freedom of expression through denial of a right to express a political opinion or use ethnic languages, arbitrary arrest and the general treatment of all IDPs as sympathetic to the insurgent groups.

II. Threats to Movement-related Rights

Protection from displacement

Workshop participants concluded that the right of the ethnic communities in Burma not to be displaced is being violated on a massive scale by the very authorities charged with their protection. It was reported that the Burmese army frequently orders the displacement of the population of entire areas, forcing them to concentrate in so-called relocation sites controlled by the army. When displacement is not explicitly ordered it is often the foreseeable result of gross human rights violations and indiscriminate attacks on

civilians. Those human rights violations include forced evictions as a result of infrastructure projects (roads, railroads, pipelines etc). Furthermore, participants noted that no special protection from displacement was afforded to indigenous groups with a special connection to the land as stipulated by the Guiding Principles.

Conditions during displacement

It was reported that when the population is forced by the army to relocate, no consent is sought, and no information nor transportation is provided. Displacement is simply ordered under threat.

In the relocation camps, IDPs do not have full access to basic subsistence materials such as nutrition, health and shelter. Furthermore, it was noted that the forced displacement often continues indefinitely.

Freedom of movement during displacement

Several participants pointed out the closed nature of the relocation camps. Only exceptionally, and for a very limited time, are IDPs in relocation sites allowed by the army to leave the camp. Commonly such permission requires the person to pay a “fee”.

IDPs outside the relocation camps are not free to move around given the army’s policy of “free-fire-zones” and its tendency to consider the fleeing population part of the insurgent groups.

Right to leave one’s country and return

Participants reported that as a result of the Burmese army’s increased control of the ethnic border areas with Thailand, fleeing villagers have been faced with increased difficulties to leave the country. There are also reports of Thai authorities, particularly the army, impeding access to the right to seek asylum.

III: Threats to Physical Security

Workshop participants reported that IDPs in Burma are subject to numerous grave violations of human rights and humanitarian law threatening their physical security. The most serious ones include:

extrajudicial executions, torture, enforced disappearance, forced labour, forced recruitment, indiscriminate attack, starvation as a method of combat, the use of IDPs to shield military installations and to clear mined areas, extortion and confiscation of land or properties.

Given the ethnically directed character of the violations, participants briefly discussed whether they amounted to “ethnic cleansing” or even genocide.

IV. Denial of Essential and Basic Needs

Participants were also asked to look at the internally displaced's access to essential food and potable water, shelter, medical services and sanitation. There was a clear consensus that IDPs in the relocation camps and particularly those in hiding in the forest, have extremely limited access to the mentioned necessities. It was further noted that children and the elderly in remote areas were particularly vulnerable to denial of basic needs which ultimately threatens the right to life.

Other special needs which are repeatedly denied include the right to individual documentation and the right to safeguard property during displacement. Several participants underlined the precariousness of these rights in Burma in general, and it was felt that very few IDPs were guaranteed these important rights.

Self-Help Strategies

(Note: Strategies are listed, where appropriate according to context such as whether IDPs are in relocation camps, dispersed in the jungle or elsewhere.)

I. Self Help Strategies Designed to Maintain Family and Community Structures

IDPs in relocation sites:

- families split up as the old people and children remain in the relocation sites, while adults may go back secretly to their old villages to grow food or seek work in Thailand
- communities may also split up when different villages are mixed together at the relocation sites, some households move to different relocation sites, seek refuge in Thailand or go into hiding
- people rely on informal news networks to keep track of family and community members (e.g. traders, travelers, monks etc) and make efforts to reunite if possible

IDPs hiding in the mountains or the jungle:

- Families tend to hide together, but may send their children elsewhere for safety.
- As communities are forced to split up some people can only move in groups no larger than 10 people.
- "Underground headmen" keep track of community members hiding in different places and people use underground news networks to send news back and forth.

II. Self-Help Strategies for Meeting Medical & Subsistence Needs

IDPs in relocation sites:

- to get access to food people sell for possessions and livestock, fish, hunt, try to grow rice or vegetables near the sites or undertake wage labour
- medical assistance people rely on traditional healers (herbs etc.)

IDPs hiding in the mountains or the jungle

- to get access to food IDPs in hiding try to grow rice and vegetables, forage for wild vegetables, fish, hunt, sell wild mushrooms and honey, or sell livestock secretly in the towns.
- Medical assistance from traditional healers and mobile " health clinics and backpack" medics

IDPs seeking refuge in safe areas (e.g. cease-fire zones)

- this group may try to reestablish themselves, build new houses and try to get access to land for farming or seek food by other means

III. Self-Help Strategies for Access to Education

IDPs in relocation sites:

- people set up temples in the relocation sites, where children get some schooling by monks (usually not the girls), but some villagers are too poor to support the work of the monks

IDPs hiding in the mountains or the jungle:

- education activities are generally not possible, although in some areas they do take place.

IV. Consulting the Internally Displaced

Since many of the ethnic groups present have assistance programs for the internally displaced in Burma they were asked to identify examples and mechanisms where the internally displaced, especially women were consulted in the design or implementation of programs.

Provision of food aid:

- local humanitarian assistance committees, groups collecting IDP information, local human rights organizations and the ethnic group's own political organizations in some cases ask local headmen in hiding about needs and hold meetings directly with some families to clarify their priorities (e.g. food, utensils or assistance to travel)
- Potential local sources where food can be bought for humanitarian distribution may be identified through underground networks and local leaders.

Medical assistance:

- mobile "health clinics and backpack medics" consult directly with the IDPs when being treated.
- efforts are made to use women as mobile "health clinic medics or backpack medics"

IV. Main obstacles facing the IDPs in Burma from being self-reliant

Threats to physical security were identified as the main obstacle impeding IDPs from self-reliance and preventing them from pursuing their livelihood. Lack of schooling was also identified.

Other constraints or limitations of self-help strategies included:

- limited freedom of movement constrains opportunities to reestablish community links
- the military rulers (SPDC) do nothing to assist families/communities staying together although there were mentioned cases where the SPDC offers families new plots of land
- village headmen can sometimes be powerless to keep their communities together

Dissemination and Promotion Activities

Participants were asked to develop some strategies for further dissemination of the Guiding Principles within Burma.

The objective of further dissemination of the Guiding Principles was to increase awareness of human rights and the Guiding Principles among the displaced population or potentially displaced population in Burma on the assumption that an informed population is better able to defend their rights.

I. Purpose

In addition to the objective presented participants also noted several additional reasons why dissemination of the Guiding Principles in Burma would be of value:

- To generally raise awareness of human rights among the population and members of the armed resistance
- Internally displaced would be better able to describe the violations of their human rights and therefore improve monitoring in the area.
- Internally displaced and potentially internally displaced would be in a better position, when possible, to negotiate for better treatment when displaced.
- Informing the population on fundamental human rights law was an investment in the future
- An informed population would also be some security against possible future impunity against the perpetrators of human rights violations

II. Dissemination strategies

Strategies had to be described by participants according to a classification of

high risk security zones, medium risk zones and low risk zones. The zones differed according to the risk for resistance members or the population engaged in dissemination activities. Government-controlled areas and ceasefire zones under government control were considered the highest risk zones and therefore the most difficult areas for different human rights organizations to operate. Active conflict zones on the other hand were considered areas where some of the ethnic groups were able to work and travel around with fewer restrictions.

The strategies described by the participants were broken down into those activities that could be done from a distance in a form of 'remote control' and those activities that required direct contact with the general population.

Possible Remote Activities/Mechanisms

- Radio programs disseminating the Guiding Principles into the different ethnic languages could be developed. Several possibilities for broadcasts were noted including stations in Chiang-Mai or Burmese language radio on the BBC or the RFA
- Recorded audio cassette-tapes and audiovisual videos (where technically possible) with explanations of human rights and the Guiding Principles could be distributed and shared.
- Distribution of human rights literature in ethnic languages, cartoons and pictorial illustrations.

Train-the-trainers/ Direct Contact.

It was recognized that members of the general population and cultural leaders could be trained on the Guiding Principles and human rights concepts in safe and secure

locations. The trainers could then return to conduct dissemination activities in various locations including hiding places, relocation sites and in villages where displacement is likely.

The scale of activities would differ according to the risk level and range from public meetings, small discussion groups, and even one-on-one information dissemination. In current 'cease-fire zones' full-scale workshops and public meetings could be held. In areas of high risk, trainers or intermediaries would have to be able to explain the Principles and human rights fundamentals with little or no supporting documentation.

Some training within political organizations and armed groups was also considered necessary in order that human rights concepts and the Guiding Principles were better understood by those organizations that were presently acting, or may in the future, act in a quasi-statal capacity.

Other Activities

Direct contact activities are extremely limited in high risk zones. Nevertheless since most of the groups present at the workshop conduct cross-border activities several opportunities were identified for disseminating the Guiding Principles that might involve a combination of remote activities and direct contact such as during:

- Distribution of relief particularly food assistance
- Resettlement programs
- Monitoring visits such as during collection of human rights information
- Implementation of small-scale development projects

- Visits of mobile health teams or visits by displaced to clinics
- Common festivals

III: Considerations for Implementation of Dissemination Strategies

- Personal security within government-controlled areas, particularly if the organization is also based in the area.
- Cost of necessary equipment for remote activities ie. Radios, cassettes and video tapes.

Information Gathering

All groups participating in the workshop are presently involved in information dissemination and advocacy on the human rights situation within Burma. Human rights organizations of all but one of the four participating ethnic groups have prepared comprehensive reports on the IDP situation in their respective areas. All groups also regularly publish newsletters, which include detailed information about forced relocation and the humanitarian and security situation inside Burma. In addition to hard copies, sections of the newsletters are distributed by e-mail. Some IDP information is also available through Internet sites associated with the various ethnic groups.

In some cases the Guiding Principles have already been used by some groups such as the Shan to structure the information on the IDP situation in their areas.

Based on the Global IDP Projects' role in information collection and dissemination on worldwide internal displacement, a discussion was held with participants to identify ways to further strengthen information management practices.

With regard to international advocacy, it was agreed that various groups would have a greater impact if they undertook joint efforts to make the magnitude of the situation and the plight of the IDPs in Burma better known to the outside world. Up to now the various ethnic groups have not produced a joint report describing the IDP situation in all the four ethnic states bordering Thailand. However, the human rights organizations of the ethnic groups have made significant contributions to reports prepared by outsiders that discuss the overall situation in Burma including: the UN Special Rapporteur, Human Rights Watch or the Human Rights Documentation Unit by the exile National Coalition Government of the Union of Burma (NCGUB).

All groups present were making efforts to protect their sources and conceal sensitive

geographical locations in their reports. This was considered important because of the risk of undermining the physical security of the IDPs and the secret networks established for delivery of humanitarian assistance, medical aid and distribution of information within Burma. The participants also underscored the importance of respect for the dignity and the privacy of the victims of the conflict.

Conclusions

- Workshop participants all agreed that the Guiding Principles can make an important contribution towards the use of a more uniform set of topics in their reports.
- Participants recognized the advantages of increased common efforts. If the Human Rights Yearbook by NCGUB is intended to be published annually, it was recognized as an important tool in an all-inclusive advocacy strategy by the various ethnic groups.
- Participants underscored the importance of confidentiality of information in order to protect sources, assistance programs and information networks.
- Some workshop participants expressed frustration in cases where outsiders have questioned the objectivity of their reports. While some groups have made substantial efforts to present only factual information about the IDP situation, and avoid statements of a subjective nature there was still general agreement that reporting on the IDP situation would have to be as objective as possible to avoid undermining credibility.

Workshop Conclusions

1) Participants noted a degree of hypocrisy that the international community appears to have accepted the validity of the Guiding Principles, promoted their dissemination, yet has done very little to relieve the plight of internally displaced in Burma.

2) The participants applauded the support network and self-help strategies by the internally displaced as an indication of the endurance and courage of the people of Burma. At the same time however the participants recognized that the reliance on self-help strategies reflected an inadequate international response and therefore called for more international efforts to find a durable solution for the internally displaced in Burma.

3) Participants of the workshop recognized the value of the Guiding Principles as an empowerment tool and expressed a willingness to promote and disseminate the Guiding Principles in their assistance and monitoring activities and to conduct training on the Guiding Principles within their organizations.

4) The description of internal displacement as outlined in the Guiding Principles was considered applicable to those displaced in Burma which made the Guiding Principles a useful tool in monitoring and reporting on the internally displaced in Burma.

5) Participants agreed that the Guiding Principles could be used as a common language and framework in their advocacy efforts to raise awareness of the plight of IDPs in Burma.

6) Recognizing that many of the groups at the workshop represented "competent authorities" as described in the Guiding Principles, or were groups that may become, competent authorities in their ethnic areas, the participants acknowledged the moral standing of the Guiding Principles as a standard by which all authorities should be held accountable.

7) Participants recommended that the groups represented should establish a network to coordinate information gathering and advocacy efforts on behalf of IDPs within their home states.

Annex one: Training Modules

Section One -Introduction

Presentation: Tracing the Origins of the Guiding Principles

Discussion on the background and purpose of the Guiding Principles including an introduction to the mandate of the Representative of the UN Secretary-General on IDPs (RSG), institutional responsibilities within the UN system and the development of the Guiding Principles.

Activity: General discussion at plenary level

Module One: Definition of Internally Displaced Persons

Discussion on the definition used in the Guiding Principles and explaining the different uses of the definition by UNHCR, the RSG on IDPs and the ICRC. Discussion on the underlying non-legal nature of the definition

Activity: Working Groups define and develop a profile of internally displaced within Burma looking at a number of practical issues in application of the definition.

Plenary level Discussion – A Burmese Profile of Displacement

Module Two: Legal Origins and International Obligations

Discussion on the international legal obligations of the Guiding Principles and their foundation in international law.

Group Activity: An exercise to understand the basis of the Guiding Principles in international human rights, humanitarian law and refugee law by analogy.

Section two – Protection and Assistance

Module Three: Prevention, Protection and Promotion

Discussion on Section II of the Guiding Principles: Principles relating to Protection against Arbitrary Displacement and Section III: Principles relating to Protection during Displacement

Working Group: Using the Guiding Principles as a framework, discussion and identification of the protection problems and issues of internal displacement in Burma.

Plenary – Groups report on proposals & recommendations

Section three – Durable Solutions

Module Four: Self-help Initiatives and the Guiding Principles

Discussion on the development of a community-based, participatory approach such as the inclusion of members of the IDP community, especially women, in planning and implementation.

Working Groups: Describe some of the community-based activities currently undertaken by the internally displaced in Burma.

Plenary – Group discussion including proposals & recommendations.

Module Five: Return, Resettlement and Reintegration

Discussion on Section V: Principles relating to return, resettlement and reintegration. Includes topics such as defining and ensuring return under conditions of safety and dignity.

Working Group: How to employ the principles in everyday work, proposals and recommendations. Development of an implementation plan.

Plenary – Groups report on Proposals & Recommendations. (Detailed discussion on recommendations to take place on final day)

Annex two: Agenda

Day One

- 9:00-9:15 Objectives/NRC Presentation
- 9:15-10:15 Participants Presentations (6 x 10 min.)
- 10:30-13:00 Introduction to the Guiding Principles
- 13:00-14:00 Lunch
- 14:00-15:30 Definition of an Internally Displaced Person (Module I)
- 15:45-17:15 Legal Origins and International Obligations (Module II)

Day Two

- 9:00-10:30 Prevention and Protection during Displacement (Module III)
- 10:45-14:00 Lunch
- 14:00-15:45 Self-Help Initiatives and the Guiding Principles (Module V)
- 16:00-17:15 Return and Resettlement (Module IV)

Day Three

- 9:00-10:30 Discussion on Opportunities for Empowerment of IDPs
- 10:45-12:00 Discussion on Opportunities for International Advocacy
- 12:00-14:00 Lunch
- 14:00-15:30 Discussion on Opportunities for Collecting Information and Monitoring of IDP Situation
- 15:45-17:00 Conclusions