



Karen Community Based Organizations  
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## Karen Community Based Organizations' Position on Refugees' Return to Burma

The following is a preliminary working paper prepared by the Karen Community Based Organizations (KCBOs) concerned with refugees' repatriation and return to Burma.

This position paper does not look into the case of people who choose not to return or those who are unable to for any reason. We will address their concerns and issues in the future as we continue to develop our positions and concerns and reach out to more people in our community.

It is our position that every refugee should have a free choice regarding whether or not to return. We KCBOs believe that the outlined preconditions must be met before the return of refugees takes place. These conditions are not yet in place; therefore refugees must not be returned or repatriated at this time.

### Definitions as used in this position paper

These definitions were developed and agreed upon by the KCBOs; they reflect our common position and understanding of the following terms:

**Return:** Refugees returning with their full participation in the decision-making process at all stages of the return process, through our own decisions and willingness.

**Repatriation:** The word repatriation when interpreted into Karen is very passive. It implies the return of refugees without their participation in the process and decision-making and without being able to make their own decisions or without an alternative option. For this reason we prefer using the word "return."

**Consultation:** Meeting with and listening to a broad range of people and the community. Providing them with all relevant information and including them in open discussions and the decision-making process. Materials need to be provided in advance and in the native languages of the group. Meetings must be held in locations where people feel comfortable and not intimidated so open discussions are ensured. Consultation is not a training or simply making announcements or sharing information; it is an interactive inclusive and participatory process.

## **Pre-Conditions to Refugees' Return**

The following conditions must be in place before refugees return to Burma:

- A political settlement must be in place between the ethnic armed groups and the Burma government.
- A nationwide ceasefire including a code of conduct and meaningful enforcement mechanism must be agreed upon and fully enforced.
- People's safety and security must be guaranteed by the Burma government and the Karen National Union (KNU) through agreement(s) and enforcement mechanisms.
- Land-mine clearance must be completed in areas where refugees are returning or are needed for their livelihood. Land mine removal in other areas should have begun.
- The Burma Army and its associated militia must withdraw from Karen areas.
- Human rights violations referenced in a comprehensive ceasefire agreement must have ended and the rule of law established so that returnees and others have a place to report violations and can reasonably expect sanctions against perpetrators to be issued.
- The Burma government must abolish all oppressive laws that affect refugees' and ethnic community. This includes but is not limited to the Unlawful Associations Act, the Electronic Transaction Acts, and the cross border act.
- Healthcare and education, built on existing systems where possible, must be available in the places of return.
- A framework to resolve land issues must be agreed upon, including issues related to land ownership, land seizures and others.

## **Process to Follow When Planning Refugees' Return**

The following processes must be followed as the refugees' return is being planned and developed and only once the above conditions are met.

- Refugees must individually decide for themselves whether or not and when to return to Burma or to remain in the areas where they have currently taken refuge.
- There must be a special program for those who cannot return for any reason.
- There should be a local and international monitoring group for the return process. This group must be recognized by government of Burma, UNHCR, KNU, and the Thai government.
- An independent committee representing refugees must be created and be responsible for the return of refugees from the beginning up until the end of the process. This group would include representatives of KCBOs, Camp Committees, the Karen Refugee Committee (KRC), and other refugees in the camps. It must be recognized by and work with the Burma and Thai governments, UNHCR, KRC and KNU.
- A complete and up to date assessment of the locations where refugees will be returning must be done by a local monitoring team. This group must be an independent group and be allowed to complete the assessment before the return takes place. Community Based Organisation representatives must be part of this team.

- Community Based Organizations must be involved at all levels and phases of the refugees' return.
- The leadership and management roles of all different actors in the return process must be clarified and the decision makers and donors must put in place transparency and accountability mechanisms about their activities.
- There must be recognition of women's leadership and their contribution to the community from now until refugees return home.
- The return of Internally Displaced Persons (IDPs) must take place first and be followed by refugees.
- Refugees must be able to return in groups with their organizations, structure and with a good, detailed plan.
- There must be a full long-term support plan for refugees' basic needs until we are able to stand by ourselves.
- In areas where refugees and IDPs are returning, training and awareness programs must be given to both refugees and local people to understand each other and promote smooth integration.
- There must be specific joint procedures and mechanisms agreed by the KNU and the government of Burma in place to report cases of human rights violations and have them addressed.
- There must be a refugee information centre in each location where refugees will be returned.
- During our return, vulnerable people such as pregnant women, mothers with newborn babies, sick people including the chronically ill, people with HIV and TB, the elderly, disabled people, must receive special care.
- Returnees must be recognized as full citizens and have government Identification Cards issued.
- Certificates in camps that are related to education, health, livelihood, etc. must be recognized so that refugees will be able to use them when they return.

## **Karen Community Based Organizations (KCBOs) Background Information**

The Karen Community Based Organizations (KCBOs) is a grouping of a variety of Karen groups working on different issues, including education, health, relief assistance, environment, community development and human rights. These groups have been working in response to humanitarian crises in Karen areas and along the Thai-Burma border, providing assistance to refugees and IDPs.