

SUFFERING IN SHADOWS: **AID RESTRICTIONS AND REDUCTIONS ENDANGER DISPLACED PERSONS IN NORTHERN MYANMAR**



December 2017

INTRODUCTION

The suffering of civilians and forced displacement of ethnic minorities by the Myanmar military goes beyond the ethnic cleansing of Rohingya Muslims in the west of the country. In northern Myanmar, nearly 100,000 people continue to live in displacement camps in Kachin and northern Shan States. Most were first displaced by fighting between the Myanmar military and the Kachin Independence Army in 2011, and many have been displaced multiple times, including in recent months. Approaching seven years of displacement, and despite ongoing and often increasing needs, displaced persons in northern Myanmar face decreasing aid and protection services. Over the past two years, the Government of Myanmar has dramatically increased restrictions on delivery of aid to this displaced population at the same time that the overall amount of aid provided by international donors has decreased. Nearly half of this displaced population lives in areas controlled by ethnic armed groups, areas where the government now forbids any international aid delivery and denies virtually all access for the United Nations and international humanitarian groups. Even for the displaced persons living in camps in government-controlled areas, access to aid and services has dramatically decreased as the government levies increasingly onerous bureaucratic requirements, limiting access to international and local humanitarians alike. These restrictions heighten the risks of abuse, exploitation, and human trafficking, creating a serious protection crisis. Despite attempts at peace talks, fighting and serious human rights abuses, including arbitrary arrests, torture, summary executions, and sexual violence, continue across the region. As recently as January 2017, Myanmar military shells fell near displacement camps, causing thousands to flee anew.

A combination of international aid and a robust local Kachin civil society has helped to ensure decent, if not ideal, conditions for those displaced in northern Myanmar. But the combination of reductions in such international aid, waning attention, and, most significantly, dramatically increased restrictions on assistance by the Myanmar government is creating a desperate and unsustainable situation for displaced persons in Kachin and northern Shan States. And while international pressure and attention on the plight of the Rohingya in the west of Myanmar must be sustained, the situation of forcibly displaced Kachin and other ethnic groups must not be forgotten.

There are immediate steps that the Government of Myanmar and the international community can take to alleviate the suffering of displaced persons in Kachin and northern Shan States, including restoration of “crossline” aid to non-government controlled areas, timely granting of travel authorizations for humanitarian staff, and maintaining, if not augmenting, international aid. For durable solutions to be created in the intermediate to long term, peace talks will need to advance. In addition, pilot programs for safe and voluntary returns of displaced persons to their villages of origin must begin when conditions permit.



Cover Photo: A displaced Kachin woman in Nhkawng Pa IDP camp near Mai Ja Yang in Kachin State

RECOMMENDATIONS

To the Government of Myanmar and Myanmar Military:

- Remove restrictions on delivery of crossline humanitarian aid into non-government controlled areas.
- Cease all bureaucratic and informal restrictions, including onerous travel authorization requirements, which are preventing international humanitarian agencies and non-governmental organizations from delivering humanitarian aid.
- Allow access to the fact-finding mission established by the UN Human Rights Council to investigate serious human rights violations throughout the country.
- Work with local civil society and ethnic armed groups toward pilot return programs for internally displaced persons (IDPs) in Kachin and northern Shan States that include negotiated troop withdrawals, landmine removal, and other assurances that all returns are safe and voluntary.
- Extend education opportunities to civilians living in non-government controlled areas, including recognition of credentials earned through formal education in those areas.
- Release the two Kachin Baptist pastors arrested for speaking about abuses with media and cease further actions to restrict freedom of expression and to intimidate media.

To the U.S. Government, United Nations, and International Donors:

- Press the Government of Myanmar to lift restrictions on international aid and allow unfettered access for aid providers, human rights monitors, and media throughout the country.
- Demand a cessation of abuses against civilians, measures to ensure accountability, and access throughout the country for the United Nations fact-finding mission that has been authorized by the UN Human Rights Council.
- Support peace talks and safe and voluntary returns of IDPs in Kachin and northern Shan States.
- Sustain and augment humanitarian support to IDPs in Kachin and northern Shan States through local civil society organizations, including support for full food rations to IDPs in areas outside of government control.
- Sanction and ensure accountability for those responsible for serious human rights abuses by:
 - Placing targeted sanctions against Senior General Min Aung Hlaing and other senior military officials and military-owned enterprises until the Myanmar government ends abuses, holds accountable individuals involved in planning, aiding, or carrying out abuses, and allows unfettered international humanitarian access throughout the country, including in Kachin State, northern Shan State, and other ethnic areas including Rakhine State.
 - Imposing a multi-lateral arms embargo until these requirements are met and individuals involved in planning, aiding, or carrying out such abuses against civilians are held accountable.
 - Authorizing evidence collection through the UN Human Rights Council fact-finding mission or a UN Security Council authorized fact-finding mission toward holding accountable those responsible for gross human rights abuses, whether in the Myanmar military or in ethnic armed groups.

BACKGROUND

More than 100,000 people have been displaced in northern Myanmar since 2011, when renewed fighting ended a 17-year ceasefire between the Myanmar military (Tatmadaw) and the Kachin Independence Army (KIA). Sporadic fighting and periods of intense offensives, including the use of aerial bombardment (at times on civilian areas), have continued since 2011, leading to further temporary displacement or re-displacement.

As of October 2017, the United Nations estimated 98,675 internally displaced persons were living in 165 camps in Kachin and northern Shan States.¹ Approximately 43 percent are living in so-called Non-Government Controlled Areas (NGCAs). These areas are effectively autonomous zones governed by the Kachin Independence Organization/Army (KIO/A), which collects taxes and provides public services for the population.

Thousands were newly displaced in January 2017 when Tatmadaw artillery shells fell near Zai Awng IDP camp in an area controlled by the KIO/A. That offensive followed one in November 2016 by a new coalition of ethnic armed groups calling itself the Northern Alliance (and including some brigades of the KIA) against Myanmar army and police outposts in northern Shan State.

Further recent clashes have taken place between a complex array of other ethnic armed groups and government aligned militias in northern Shan State.² Sporadic fighting between the Tatmadaw and KIA has also been reported in Hpakant Township in western Myanmar in recent months and continues in Tanai Township as of late 2017.³

Serious human rights abuses, including forced labor, torture, summary executions, and sexual violence by both the Tatmadaw and ethnic armed groups, have been documented across Myanmar for years and have continued to be widely reported in Kachin and northern Shan States. For more information on broader recent abuses against ethnic minorities in Kachin and northern Shan States, see Amnesty International's report, *All the Civilians Suffer: Conflict, Displacement, and Abuse in Northern Myanmar*.⁴

In recent months, Tatmadaw abuses have received unprecedented attention with more than 600,000 ethnic Rohingya Muslims fleeing from Rakhine State in western Myanmar to Bangladesh, in what Refugees International (RI) and others have determined constitute crimes against humanity and ethnic cleansing. Following an attack by a newly armed group of Rohingya militants (calling themselves the Arakan Rohingya Salvation Army or ARSA)

Kachin and Northern Shan States



on 30 security posts, the military carried out a grossly disproportionate response marked by burning of villages, summary executions, and mass sexual violence. This report focuses on northern Myanmar. For more information on the ethnic cleansing of Rohingya, see RI's October 2017 report *Bearing Witness to Crimes Against Humanity: The Forced Expulsion of Myanmar's Rohingya*, as well as other recent RI statements.⁵

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Myanmar has a long history of conflict between the military-dominated central government and a variety of ethnic minority groups around the country, including the Chin, Kachin, Karen, Mon, Rakhine, Rohingya, Shan, and Wa. The KIA is the main ethnic armed group of the Kachin, a largely Christian ethnic minority in the north of the predominantly Buddhist country. Myanmar has undergone a significant shift from military to nominally civilian rule in recent years, culminating in the election victory of former political prisoner and leader of the democracy movement Aung San Suu Kyi and her appointment in early 2016 as State Counsellor and de facto leader of the country. Still, the military maintains significant power and formal authority, including control of the Defense, Border, and Home Affairs Ministries and a guarantee of 25 percent of parliamentary seats and an effective veto on any constitutional changes.

Alongside the political transition, varied attempts by the government have been made toward reaching a National Ceasefire Agreement (NCA) between the Tatmadaw and all ethnic armed groups, but those attempts have failed

to convince the stronger and most well-armed groups to join, particularly the Wa and the Kachin. Since coming to power in March 2016, Suu Kyi and her National League for Democracy (NLD) party have declared that peace with the country's various ethnic groups is one of their top priorities. Recalling the attempts at such a peace by her father, independence leader Aung San, at the founding of the nation, Suu Kyi held a 21st Century Panglong Conference in August 2016 and another in May 2017. A third session of talks is planned for January 2018. Despite a promising breadth of participation, the talks have led to little substantive progress. Moreover, military offensives have actually increased over the past two years.

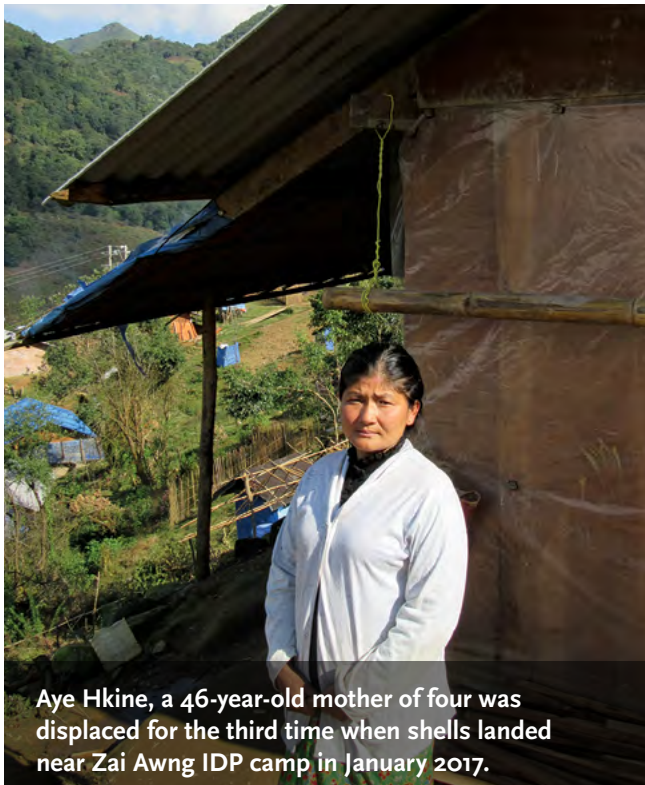
Since May 2016, the Government of Myanmar has blocked international aid from being delivered into NGCAs, restricted visits from the UN and international NGOs, and has dissuaded journalists from accessing NGCAs and covering reported human rights abuses.

In October 2017, a team from RI was able to access KIO/A-controlled areas of Kachin State, visiting several IDP camps and interviewing dozens of IDPs as well as humanitarian workers and KIO officials responsible for IDPs. Further interviews were carried out remotely with humanitarian and UN officials in Government-Controlled Areas (GCAs) of Kachin State.

RI has carried out previous missions to Kachin State in 2011 and 2014. For more on past humanitarian conditions and abuses of the Kachin by the Tatmadaw, see RI's report *Myanmar: Act Immediately to Protect Displaced People's Rights*.⁶

A Precarious Existence for IDPs in Non-Government Controlled Areas

IDPs, both in government and non-government controlled areas, face several common challenges, but the more than 40,000 who live in NGCAs face uniquely precarious circumstances. Most live in a narrow strip of land controlled by the KIO/A, just a few miles wide in a mountainous area between government-controlled land and the border with China to the east. IDPs and other civilians living in these areas are never far from the conflict lines and have few options for going anywhere else.



Aye Hkine, a 46-year-old mother of four was displaced for the third time when shells landed near Zai Awng IDP camp in January 2017.

As one aid worker told RI, the KIO/A-controlled territory is the last resort for many. If there are further offensives, there is nowhere else to go beyond crossing into China, which, despite denials, has shown its willingness to push refugees back from its territory.⁷

Most of these IDPs, as with those in Government Controlled Areas (GCAs), have been displaced since fighting between the Tatmadaw and KIA first resumed in 2011 and 2012. They carry with them the memories of fleeing the sounds of bombs and stories of severe human rights abuses—or direct experience of abuses themselves. Some IDPs with whom RI spoke described cases of arrest and torture, as well as the shelling of villages. One camp official said that in 2011 and 2012, the Tatmadaw fired artillery shells not only at villages but also at fields during the harvest season, and he believed they were intentionally targeting farmers.

Similarly in June 2014, Nang Seng, a 34-year-old woman whom RI interviewed, said that Tatmadaw soldiers occupied her village near Kutkai in northern Shan State and arrested and tortured two men from her village. She said that the rest of the village then fled out of fear.

Some of the IDPs have been displaced multiple times and have experienced more recent displacement. In January 2017, renewed fighting included the Tatmadaw firing shells that landed near the Zai Awng IDP camp high in the mountains of KIO/A-controlled territory, causing more than 2,500 IDPs to flee. IDPs with whom RI spoke said that they hid near a river for several days but had to flee anew when shells again landed near their location. Some IDPs fled into China but were pushed back by Chinese authorities. After several days, the IDPs were relocated by the KIO to a new camp at Sha It Yang, arriving in the snow and taking shelter under tarps.

For IDPs in Sha It Yang, in particular, the memories and related fears of fighting are fresh. But throughout NGCAs, there is a shared sense of fear of fighting reaching IDPs once again and of being trapped between GCAs and China with nowhere else to go. One woman told RI she is constantly afraid that planes might come to bomb them. While the presence of KIA soldiers in uniform near the IDP camps was generally welcomed by IDPs, one woman described their presence as a reminder that Myanmar soldiers were not far away and that fighting might resume and reach them at any time. Ongoing fighting and serious human rights abuses at the hands of Tatmadaw soldiers in other parts of Kachin State only further validate these fears.

In addition to shared fears of fighting, IDPs and humanitarian workers with whom RI spoke expressed a growing sense of lost hope as displacement for most nears seven years. This is exacerbated by little progress in peace talks and worries about homes and land having been destroyed and reclaimed. Adding to all of this, there have been both increased restrictions on delivery of humanitarian aid and reductions in the overall amount of international aid available to IDPs in NGCAs and GCAs alike.

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Restriction of Aid to IDPs

Over the past two years, aid and access for both international and local humanitarians have been increasingly restricted in both GCAs and NGCAs in Kachin and northern Shan States. As a UN report from November 2017 noted, “Over the last year, there has been a dramatic deterioration in the amount of access granted by the Government for humanitarian workers in Kachin and Shan states.”⁸ In December 2016, a group of international and local NGOs warned of “increasing restrictions on access to those in need,”⁹ and, one year later, humanitarian groups report to RI that access continues to worsen.

Since May 2016, the Government of Myanmar has imposed severe restrictions on delivery of aid to NGCAs, insisting that any IDPs in areas controlled by ethnic armed groups cross conflict lines to seek aid in areas controlled by the Government of Myanmar. At the same time, there has been a near total restriction on access for UN and international NGO officials to NGCAs. While the International Committee for the Red Cross and at least one other international NGO have been able to continue what one aid official described as access on “a very irregular basis,” approved visits by UN agencies have been increasingly rare with some agencies like UNHCR last being granted access in April 2016. This makes it much more difficult for international agencies to carry out their usual activities in the context of displacement, including collecting accurate information on humanitarian and protection needs and monitoring and assessment of aid delivery.

As a result, the IDPs in NGCAs have become much more dependent on local NGOs which, while still largely funded by international donors, face increased pressures. In addition to limited capacity and expertise to address specific protection, shelter, health, and sanitation needs, local groups face lost logistical support and are forced to seek aid delivery through informal means. Where most aid prior to 2016 had come from international agencies and NGOs based in Myitkyina, the capital of Kachin State, just a few miles from many of the camps in the NGCAs, local groups must now either smuggle aid crossline or, as is more common, from across the border with China. Often aid is transported from government-controlled areas of Myanmar into China and then into NGCAs. This brings increased risk, less predictability, and increased

transportation costs. As one humanitarian worker described to RI, all this has translated into less aid and higher levels of anxiety for IDPs in the face of less assistance.

Local groups find themselves constantly negotiating access in order to get needed aid delivered. Several humanitarian groups and officials with whom RI spoke reported increased enforcement by Chinese officials along the border preventing delivery of aid materials in recent months. While RI was on the ground, a shipment of blankets and tin sheets was blocked from entering the NGCAs from China and forced to turn back.

Reduction of Aid to IDPs

At the same time that aid has become more expensive and more risky to deliver, the international community, pressed by increased global humanitarian demands elsewhere, has reduced its aid to IDPs in both government and non-government controlled areas of Myanmar. As the Joint Strategy Team, a group of nine local humanitarian organizations in Kachin State, stated in August 2017, “After more than six years of displacement, securing substantial funding support to ensure the dignity of the IDPs and meeting their basic needs become increasingly difficult.”¹⁰

Since August 2017, the forced displacement of more than 600,000 Rohingya people in western Myanmar and the humanitarian crisis it has caused across the border in Bangladesh have created new and enormous assistance needs.

This reduction of aid has impacted IDPs across Kachin and northern Shan States but is felt most acutely by those in NGCAs and especially among those in more remote locations. Several IDPs cited the added challenge of a reduction in food aid over the past few months down to 80 percent of what they had received previously. The effects of this policy are discussed further below.

Finally, this reduction comes at the same time that the protracted nature of the situation has further deteriorated the ability of individuals and aid groups to cope. Extra money, food, or medical supplies that some IDPs and humanitarian groups had at the beginning of the displacement crisis have now been depleted.

Challenges Faced by IDPs in Non-Government Controlled Areas

The combination of increased restrictions and reduced international aid, or what one humanitarian worker described as “a perfect storm,” has exacerbated already difficult challenges faced by displaced people in NGCAs. Among the greatest challenges identified by IDPs interviewed by RI were lack of livelihood opportunities, protection concerns, difficulty obtaining sufficient food and firewood for cooking, medical needs, and lack of education opportunities for children.

Lack of Livelihood Opportunities

By far the most cited challenge by IDPs interviewed by RI was the lack of access to opportunities to earn wages. Many of the IDPs interviewed came from agricultural backgrounds, having to abandon their farms when fighting came to their village in 2011. The lack of available land for cultivation around IDP sites makes it difficult for most to practice their previous occupation. Some IDPs continue to cross into GCAs to clandestinely access and maintain their crops, returning to the IDP camps because it is unsafe or impossible to remain in their previous homes.

The most common form of temporary work cited was day labor in sugar cane fields during harvest season. Others find work in carpentry, selling clothing, or by opening small shops and selling fruits, vegetables, snacks, and other small items. Shop owners told RI they faced the challenge of obtaining goods to sell in light of increased restrictions and the fluctuating costs due to transport difficulties. The decreasing amount of discretionary money among IDPs to spend on such goods has further constrained such livelihood opportunities. Another common practice was raising pigs, though at least one IDP cited abandoning this because of the cost of feeding the pigs.

Local NGOs have begun several programs to address the lack of livelihoods, including skills training in carpentry, mechanics, and sewing, setting up of standing gardens (stacked in bamboo shelves that take up less space), and greenhouse projects that can supplement if not fulfill food needs, particularly in higher elevations where cultivation is more difficult. Other smaller projects are

teaching IDPs basket weaving, soap making, and wine making. These efforts are promising but have been unable to reach the scale needed to fill the huge gap in livelihood opportunities.

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Protection Concerns Related to Lack of Livelihoods

With the lack of livelihood opportunities in and around the camps, many IDPs seek work across the border in China, where they face a high risk of exploitation. Common jobs in China include working on banana plantations, planting mushrooms, and working in noodle shops and in construction. This has the added difficulty of causing families to be separated for extended periods of time. As one camp official told RI, it is common for a family member to leave for 10 days or more at a time to seek wages through work in China.

NGO workers who focus on women also cited a high risk of human trafficking for women who seek work in China. One aid worker told RI that a common path to trafficking involves women who seek better wages in China. They begin work as day laborers in rice paddies or banana plantations but then are lured to jobs in cities with the promise of higher wages only to become trafficked. In other cases, women are sold into forced marriages. This is not a new trend, but has been getting worse. As RI noted in 2014, lack of livelihood opportunities had already resulted in increased trafficking of young women into China including a growing number of forced marriages.¹¹ The Government of Myanmar’s restrictions on international access to NGCAs prevent further protection-specific expertise and capacity to face this challenge. Local NGOs are teaching awareness of trafficking risks in IDP camps and villages and have set up at least one safe house for



trafficked women, but greater support for such efforts is needed as trafficking remains a too common risk.

Food Security

Also connected to the lack of livelihood opportunities, many IDPs interviewed by RI cited a constant challenge of obtaining sufficient food. The KIO and local NGOs, supported from outside NGCAs by the World Food Program (WFP) and international NGOs, have been largely able to fill basic food needs. But finding sufficient food continues to be a preoccupation of IDPs and recent cuts and restrictions on aid delivery have made this more acutely felt. The elderly and families without someone able to find work remain particularly vulnerable and dependent on outside aid.

In recent months food aid proportions, consisting of rice, cooking oil, and salt, provided by a local aid group via WFP have been reduced by 20 percent for the general IDP population, excepting a small group of those considered vulnerable. This vulnerability appears to be based on whether a family has a member deemed capable of seeking outside work. Implementing NGOs informed the displaced people that the new policy was due to increased global humanitarian demands. The IDPs with whom RI spoke described a sense of unfairness with this new 100 versus 80 percent distinction. The 80 percent group spoke of greater stress on themselves and their families as they were forced to do more to ration food or to use money earned that they would otherwise have used on clothes or supporting their children's education.



A woman in Nhkawng Pa IDP camp stands next to firewood gathered for cooking.

Firewood

Several IDPs cited the challenge of finding sufficient firewood for cooking in the camps. IDPs have been forced to go farther from the camps to find firewood, sometimes walking several hours from the camps.¹² Seeking firewood for the IDPs in Myanmar leads to both an added burden and tensions with the local community. Several IDPs cited youth gathering firewood from private property as a source of conflicts with local landowners. The KIO and camp management structures in particular have sought to manage these tensions by setting up camp committees consisting both of camp residents and members of the local community. In some areas, particularly in camps in higher elevations that experience harsh winters, the KIO and NGOs have provided electric cook stoves.

Medical Needs

A basic level of medical care is available for IDPs through KIO hospitals and clinics supported by international aid, but reduced aid and increased restrictions have strained the ability to provide sufficient care. As with food aid, transport of medicines to the NGCAs has become more difficult and expensive. Local aid groups reported having to constantly negotiate access, whether from GCAs or

from China. Incidences have also been reported where medicine being transported from GCAs was intercepted and taken by Tatmadaw soldiers. Amnesty International's report documented several further challenges, including the dangers of increased dependence on medicine and supplies from China with labels and instructions written in Chinese.¹³ As one aid worker told RI, there have been incidences of patients being given the wrong medications as a result.

Decreased international funding has also led to increased medical challenges.

Government policies have also increasingly discouraged people from going to the NGCAs, resulting in fewer skilled medical workers available to provide medical services to IDPs as well as non-IDPs. One aid group providing essential medical care told RI, they have increasing trouble filling medical positions. And while IDPs in NGCAs sometimes go across to GCAs for treatment, there is significant distrust of doctors in state-run hospitals. There is similar distrust of doctors among IDPs in GCAs, who cite discrimination and being forced to pay higher costs when seeking treatment in state run hospitals. A humanitarian worker who has long worked in IDP camps in government-controlled areas told RI, pregnant women in need of Cesarean sections in particular seek out help in China.

Decreased international funding has also led to increased medical challenges, particularly with reductions in support for programs related to water, sanitation, and hygiene (WASH) as well as essential health services. One NGO providing essential health services told RI that due to reduced international funding, it is planning to reduce its staff by nearly 30 percent in 2018. The reduction in WASH support, as surveyed by one of the main local groups providing aid (and shared with UN agencies), has led to increased incidences of WASH-related diseases like acute watery diarrhea among IDPs over the last year.¹⁴

Education

Many IDP parents expressed concerns about their children's ability to obtain an education that would provide them with future livelihood opportunities. This was due both to reduced ability to pay for tuition and transportation costs and the policy of the Government of Myanmar to not recognize diplomas from schools in NGCAs.

The KIO allows IDPs to attend local schools and, where capacity is particularly pressed, has set up new schools for IDPs. In Mai Ja Yang, for example, where many IDPs newly arrived from northern Shan State in 2014, the KIO has set up a school for IDPs from Shan State, offering boarding homes so that the students do not need to travel from the IDP camps each day. Basic education is free up to the 10th grade, though students need to pay for transportation and boarding. Many children of IDP families are unofficially sent to GCAs to stay with friends or relatives so that they can attend public schools run by the Myanmar government. There are also limited higher education opportunities in the NGCAs, including a teaching school in Mai Ja Yang. While primary and secondary education is provided without cost to people in both the GCAs and NGCAs, higher education is not.

IDP parents expressed concern about being able to afford tuition fees for their children, often citing the 20 percent drop in food aid as adding to their worries about their ability to earn enough money to provide for their children's education.

A related concern, cited in some camps more than others, was a recent increased dropout rate, which some tied directly to the decreased aid and need for youth to seek livelihood opportunities to supplement their family's income and address food needs.

Those living in remote areas and high elevations like Sha It Yang IDP camp face added challenges of cold weather and even less access to firewood and land for cultivation.



Displaced Kachin children in an IDP camp near Laiza in Kachin State

Finally, though schools in KIO territory use the same curriculum as in GCAs, they are not recognized by the Government of Myanmar, making it difficult for IDPs and non-IDPs alike in KIO territory to pursue higher education and job opportunities.

Other Concerns

Among the other concerns cited by IDPs in NGCAs were the need for shelter repairs, living in remote higher elevation areas, fear of renewed fighting, and a general sense of abandonment and hopelessness.

Shelters in NGCAs were largely built in 2012 and 2013 and meant to be temporary. Most have not had repairs since that time. For many IDPs used to living in rural areas with open spaces, the years in the camp are a challenging adjustment. As Hkawn Htoi, a 32-year-old mother from Sengmai village west of the Bhamo-Myitkyina road, told RI, "In a wider sense, it is difficult to live in the camp because it is very crowded. Here we do not have much space to live freely." A further strain comes from the fact that IDPs who arrived as children are now young adults starting families but unable to move into their own shelters.

Those living in remote areas and high elevations like Sha It Yang IDP camp face added challenges of cold weather and even less access to firewood and land for cultivation. The fact that those in Sha It Yang were newly re-displaced in January 2017, when Tatmadaw artillery shells fell near their previous camp, adds further stress and loss of limited coping mechanisms. One man told RI that because he was from a nearby village and familiar with the area, he had been able to find land to cultivate food near his previous IDP camp, Zai Awng. Now in the unfamiliar area of Sha It Yang, he is no longer able to find available land and has turned to opening a shop with limited success. “I have never run a shop before,” he told RI, “but what alternative do I have?” These more remote communities will be particularly affected by reduced aid.

The mental strains on IDPs are also an increasing concern as time goes on with little clear prospects for the future. As one local humanitarian worker told RI, psychosocial support is increasingly needed as IDPs continue to want to return to their homes but are now facing nearly seven years of displacement with little prospects for the future.



A displaced Kachin man in an IDP camp near Laiza in Kachin State

Displaced Persons in Government-Controlled Areas

Like IDPs in non-government controlled areas, most IDPs in government-controlled areas have been displaced since 2011 and 2012 and face similar challenges of limited livelihood opportunities, food security, and the psychological strains of protracted displacement and dim prospects for the future. While the Myanmar government has not had the same policy of near outright denial of international aid to GCAs, restrictions on aid delivery and access have also increased in these areas over the past couple of years.

The displaced people in GCAs and NGCAs alike express an overwhelming desire to return to their homes.

Displacement camps in GCAs differ from those in NGCAs in a few significant ways. The same local Kachin civil society groups provide most of the direct services to IDPs in government-controlled area camps but with a more direct supply from WFP and international NGOs, as well as better access for surveying and monitoring. There has also been a more pronounced shift from in-kind to cash assistance in GCAs overseen by WFP, a move that some humanitarian officials told RI was insufficient to meet basic needs. Another difference is that while the KIO has a humanitarian wing that is highly involved in oversight of IDPs and coordination of aid efforts, the camps in government-controlled areas are largely without any government presence, including soldiers. Partially because of this, but also because IDP camps in GCAs tend to be far from front lines, the displaced people in GCAs express less of a fear of fighting reaching them than those in NGCAs.¹⁵ Perhaps most significantly, the displaced people in GCAs and NGCAs alike express an overwhelming desire to return to their homes.

Again, while not facing the blanket ban placed on NGCAs, UN agencies and international NGOs have faced gradually increasing barriers to delivery and monitoring

of aid and other services like protection within GCAs. International staff members are required to request travel authorizations on a monthly basis from multiple levels at ministries at the national government, officials at the state level, and from the Northern Command of the Tatmadaw. Increasingly, these authorizations are denied or delayed until after proposed travel dates have passed. The result is a significantly reduced ability to carry out adequate assessments and monitoring of aid delivery or protection services. As in NGCAs, such restrictions place an increasing burden on local partners, straining their capacities by preventing additional support and expertise. Yet more troubling, humanitarian officials have told RI that these restrictions have increasingly applied to local staff working for international NGOs and local NGOs as well.

Durable Solutions and the Prospect of Returns

Displaced people interviewed by RI in NGCAs expressed a near universal desire to return to their homes. As Bawm Lwi, a woman in Woi Chyai IDP camp told RI, “This is not our home. We are staying here very patiently...We don’t have the choice to go any other place.” One humanitarian official told RI, “Most families have a deep longing to return.” Another told RI, “The longer they stay in the IDP camps the difficulties will intensify. All the IDPs just want to go back to their homes with dignity.”

This sentiment is borne out by a survey of displaced people in GCAs and NGCAs by the Durable Peace Programme (DPP) Consortium (a group of local and international NGOs working in Kachin State) in mid-2016, the most comprehensive recent survey of its kind. The DPP survey found that 97.4 percent of IDPs in NGCAs and 92.3

percent in GCAs wanted to return to their homes rather than resettle, whether internationally or to other locations in Myanmar or Kachin State.¹⁶

But a series of barriers continue to prevent returns. As Lu Nu, a 41-year-old in a camp near Mai Ja Yang, told RI, “We want to return, but it would require Myanmar troops to pull back, landmines to be removed, and the KIO telling us it is safe.”

This is consistent with what an earlier RI mission found among displaced people in GCAs in 2014, with most IDPs citing three conditions for return: the de-mining of their villages and their surroundings, no forced recruitment, and no fighting in and around their villages.¹⁷ Along similar lines, the DPP 2016 survey found that the three main cited barriers to IDPs returning to their villages are presence of Tatmadaw soldiers, fear of fighting, and landmines.

RI spoke with a man in a camp outside Laiza who had lost his leg to a landmine when trying to return to his village in 2011. He said that the landmine was set by Tatmadaw soldiers after his village had been abandoned, but noted that ethnic armed groups had also used landmines. “Even if there were negotiations and peace, we could not go back right away,” he told RI. “Landmines have been set up by both sides so demining is needed.” As RI noted in its 2014 report, landmines have long been used by both the Tatmadaw and ethnic armed groups.¹⁸

As Amnesty International noted in its report from earlier this year, the Mine Risk Working Group (MRWG) in Myanmar reported 65 civilian casualties from landmines or explosive remnants of war between January and May 2017, including 27 children. Twelve people were reported killed, including three children.¹⁹ Local NGOs have reported more recent additional casualties due to landmines in northern Shan State, including three civilians severely hurt and two killed in October 2017 and two civilians severely hurt and one killed in November 2017.²⁰

Adding to the challenge of returns is the fact that the homes and land of many IDPs have been completely destroyed or reclaimed. Many IDPs share a fear of not being able to regain their land and told RI that new banana plantations are doing long-term damage to the soil around their former

Lu Nu, a 41-year-old in a camp near Mai Ja Yang, told RI, “We want to return, but it would require Myanmar troops to pull back, landmines to be removed, and the KIO telling us it is safe.”



Nhkawng Pa IDP camp near Mai Ja Yang in Kachin State

villages. An *Irrawaddy* report in August 2017 cited thousands of acres being cultivated in areas abandoned by IDPs in 2011 and 2012.²¹ Much of the land was reclaimed by the government under the Management of Vacant, Fallow, or Virgin Land Law of 2012 and resold to an array of former ministers, armed groups, and local businessmen. Even when concerns over troop presence, fighting, and landmines can be overcome, return to previously owned land will be a major challenge for any returns process.

Given the livelihood and food security challenges faced by IDPs and the overwhelming expressed desires of IDPs to return to their home villages, some form of an agreement on returns will have to be a part of any durable solutions for displaced individuals. It is somewhat encouraging that KIO and humanitarian officials told RI that talks have been taking place with the Government of Myanmar on beginning a pilot returns program, possibly for displaced persons in both GCAs and NGCAs. A similar initiative was agreed to in 2013 when a Joint Monitoring Committee was formed to oversee pilot returns to four villages, but the effort never got off the ground.

More recent cases of successful negotiations between the Tatmadaw and local NGOs for troop withdrawal and returns of people displaced for a few days provide at least a smaller blueprint for a pilot program. In August 2017, fighting between the Tatmadaw and KIA near Kasung and Zap Mai villages in Moegaung Township in central Kachin State displaced more than 1,000 people. But negotiations involving the Tatmadaw, state level government in GCAs, and local village and church leaders allowed for returns within two weeks.

One person familiar with the current talks said the project is looking at returns of as many as 7,000 to 8,000 people, possibly from both GCAs and NGCAs, to 27 to 30 villages. Such a program raises numerous protection concerns and will be dependent on troop withdrawals, landmine clearance, availability of land, reconstruction of villages, and general guarantees of safety sufficient to convince IDPs to voluntarily return. But such talks have potential not only to begin to address more than six years of displacement but also could be an important confidence building measure toward broader progress in peace negotiations.

Broader Human Rights Violations

A final barrier to the prospect of durable solutions that is important to mention is the broader persistence of human rights abuses against civilians across northern Myanmar. While varying levels of abuse and persecution have taken place for decades, such abuses have been increasingly documented in recent years. Since fighting between the Tatmadaw and KIA resumed in 2011, UN Special Rapporteurs for Human Rights in Myanmar and various international and local human rights groups have documented forced labor, disappearances, torture, extrajudicial killings, sexual violence, laying of landmines, and use of child soldiers by both the Tatmadaw and ethnic armed groups.²²

Over the past year, abuses have been particularly acute in areas of northern Shan State. Earlier this year, Amnesty International documented extensive serious violations of international human rights law, including arbitrary arrest, torture, extrajudicial execution, and use of civilians as human shields.²³

In more recent months, fighting has been concentrated around Tanai Township in western Kachin State. In June 2017, local aid groups reported that the Tatmadaw dropped leaflets from helicopters in Tanai Township in western Kachin State warning civilians to flee the area or they would be “considered as cooperating with the terrorist group KIA.” As Human Rights Watch pointed out at the time, “It is a violation of the laws of war to presume that anyone who remains in an area following warnings to flee is a legitimate military target.”²⁴

Accountability for abuses has been extremely limited.

Increased fighting and abuses have coincided, not incidentally, with a marked crackdown on access for media and human rights monitors. An Unlawful Association Law has been used to intimidate journalists and discourage them from covering non-government controlled areas.



In June 2017, three journalists and three people guiding them were arrested in northern Shan State after traveling to rebel-held territory to cover the burning of opium by the Ta'ang National Liberation Army (TNLA) on World Drug Day. They were held until September when the Tatmadaw withdrew charges against them.

The same law was used to arrest two Kachin Baptist pastors in December 2016 after they assisted journalists in visiting a Catholic church that had reportedly been bombed by a Tatmadaw fighter jet. The Tatmadaw charged them with assisting rebel groups and defaming the military. In October 2017, the two pastors were sentenced to two years and three months and four years and three months respectively and remained in prison at the time of the writing of this report.²⁵

At the same time, accountability for abuses has been extremely limited. There have been only a few isolated cases where the Tatmadaw has acknowledged abuses and followed through with prosecution of individual Tatmadaw soldiers. In August 2016, for example, seven

soldiers confessed to killing five people. Otherwise, as the current Special Rapporteur for Human Rights in Myanmar, Yanghee Lee, described, Tatmadaw soldiers continue to enjoy a “climate of impunity”.²⁶

In recognition of the need for accountability for severe abuses, the UN Human Rights Council, with strong support from the United States, has established an independent fact-finding mission. Initially mandated in March 2017, largely in response to increased abuses against the Rohingya, the fact-finding mission’s mandate was not limited to investigating abuses against the Rohingya. As the Chairperson of the fact-finding mission stated in an oral update in September 2017, “Serious allegations of human rights violations and abuses continue to emerge from Kachin and northern Shan, which will be examined by the fact-finding mission.”²⁷ The Government of Myanmar has repeatedly stated that it will not grant visas to any members of the mission.²⁸

Prospects for peace negotiations and durable solutions involving safe and voluntary returns will depend, in part, on addressing ongoing impunity and persistent valid safety concerns around human rights abuses.



This Kachin woman stands in an IDP camp with the six-year-old daughter she was pregnant with when she first fled her home and became a displaced person.

CONCLUSION

The policies of the Government of Myanmar to restrict aid to IDPs in Kachin and northern Shan States are unnecessarily exacerbating the challenges that protracted displacement has brought upon them. The enduring influence of the Tatmadaw in government decisions, including around humanitarian access, and the persistent gross human rights abuses committed with impunity by the Tatmadaw are serious roadblocks to durable solutions and continue to bring further misery to IDPs and civilians throughout northern Myanmar.

The same military responsible for the ethnic cleansing of the Rohingya Muslim minority in western Myanmar is also responsible for abuses, blocking of aid, and increased suffering of civilians of ethnic minorities on the other

side of the country. Such actions require strong responses from concerned governments around the world, including targeted sanctions on those responsible for planning and directing such abuses.

At the same time, human rights abuses and laying of landmines by ethnic armed groups, including the KIA, must be addressed and those responsible held accountable.

Reduction in international assistance, restrictions on access, and continued human rights abuses all create a growing danger of rapid deterioration of conditions. The results are already being seen in the increased dropout rates among IDP students, deteriorating health conditions, and a sense of unfairness felt by IDPs, which only add to



Nhkawng Pa IDP camp near Mai Ja Yang in Kachin State

their sense of hopelessness. Under these circumstances, international donors must maintain and seek ways to augment aid levels. Concerned governments and international organizations must also increase their efforts to promote unhindered access for not only humanitarian aid providers but also the UN fact-finding mission and the media. The displaced in Kachin and northern Shan States must not suffer in shadows: their plight merits attention, scrutiny, and serious and sustained efforts at assistance and protection.

The same military responsible for the ethnic cleansing of the Rohingya Muslim minority in western Myanmar is also responsible for abuses, blocking of aid, and increased suffering of civilians of ethnic minorities on the other side of the country.

ENDNOTES

- 1 OCHA, Map of Myanmar: IDP sites in Kachin and northern Shan states (UNHCR and other humanitarian organizations' figures), September 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/KachinShan_Snap_shot_IDPS_A4_Sep17.pdf
- 2 David Scott Mathieson, "Burma's Northern Shan State and Prospects for Peace," United States Institute of Peace, September 29 2017, <https://www.usip.org/publications/2017/09/burmas-northern-shan-state-and-prospects-peace>
- 3 Nyein Nyein, "KIA Reports Frequent Clashes with Tatmadaw Throughout November," *The Irrawaddy*, November 30 2017, <https://www.irrawaddy.com/news/burma/kia-reports-frequent-clashes-tatmadaw-throughout-november.html>
- 4 Amnesty International, "All the Civilians Suffer: Conflict, Displacement, and Abuse in Northern Myanmar," 2017, <https://www.amnestyusa.org/wp-content/uploads/2017/06/Myanmar-report-FINAL-VERSION.pdf>
- 5 Refugees International, "Bearing Witness to Crimes against Humanity: The Forced Expulsion of the Rohingya from Myanmar," October 2017, <https://www.refugeesinternational.org/reports/2017/10/bangladesh>
- 6 Michel Gabaudan and Melanie Tef, "Myanmar: Act Immediately to Protect Displaced People's Rights," Refugees International, March 17 2014, <https://www.refugeesinternational.org/reports/2015/10/14/myanmar-act-immediately-to-protect-displaced-peoples-rights>
- 7 RI interviews with IDPs; Fortify Rights, "China: Protect Ethnic Kachin Refugees Fleeing War in Northern Myanmar," January 13 2017, <http://www.fortifyrights.org/publication-20170113.html>; Amnesty International, "All the Civilians Suffer: Conflict, Displacement, and Abuse in Northern Myanmar," 2017, <https://www.amnestyusa.org/wp-content/uploads/2017/06/Myanmar-report-FINAL-VERSION.pdf>
- 8 OCHA, "Humanitarian Bulletin: Myanmar," Issue 3 2017, 23 September-13 November, https://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar%20Humanitarian%20Bulletin_16Nov2017_FINAL%20%281%29_o.pdf
- 9 RI interviews with several local and international NGO representatives, October and November 2017. Danish Refugee Council, BRIDGE, Danish Demining Group, Trócaire, Solidarités International, Oxfam, and Plan International, "Humanitarian and Development NGOs and INGOs call for the protection and access of services to people affected by conflict in Kachin and Northern Shan States, Myanmar," December 1 2016, <https://reliefweb.int/report/myanmar/humanitarian-and-development-ngos-and-ingos-call-protection-and-access-services>
- 10 Joint Strategy Team, "World Humanitarian Day: Key Message from Joint Strategy Team (JST), for Solidarity with IDPs in Kachin and Northern Shan States, Myanmar," August 19, 2017, <https://progressivevoicemyanmar.org/2017/08/19/world-humanitarian-day-keys-message-from-joint-strategy-team-jst-for-solidarity-with-idps-in-kachin-and-northern-shan-states-myanmar/>
- 11 Michel Gabaudan and Melanie Tef, "Myanmar: Act Immediately to Protect Displaced People's Rights," Refugees International, March 17 2014, <https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/561e5d5ee4b0383208baaeao/1444830558936/Myanmar+Act+Immediately+letterhead.pdf>
- 12 Durable Peace Programme Consortium, "Durable Peace Programme Baseline Report," Oxfam, June 2016, https://myanmar.oxfam.org/policy_paper/durable-peace-programme-baseline-report
- 13 Amnesty International, "All the Civilians Suffer: Conflict, Displacement, and Abuse in Northern Myanmar," 2017, <https://www.amnestyusa.org/wp-content/uploads/2017/06/Myanmar-report-FINAL-VERSION.pdf>
- 14 RI interview with aid worker in Laiza, October 2017.
- 15 Durable Peace Programme Consortium, "Durable Peace Programme Baseline Report," Oxfam, June 2016, https://myanmar.oxfam.org/policy_paper/durable-peace-programme-baseline-report
- 16 Durable Peace Programme Consortium, "Durable Peace Programme Baseline Report," Oxfam, June 2016, https://myanmar.oxfam.org/policy_paper/durable-peace-programme-baseline-report



- 17 Michel Gabaudan and Melanie Tef, “Myanmar: Act Immediately to Protect Displaced People’s Rights,” *Refugees International*, March 17 2014, <https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/561e5d5ee4b0383208baaea0/1444830558936/Myanmar+Act+Immediately+letterhead.pdf>
- 18 Michel Gabaudan and Melanie Tef, “Myanmar: Act Immediately to Protect Displaced People’s Rights,” *Refugees International*, March 17 2014, <https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/561e5d5ee4b0383208baaea0/1444830558936/Myanmar+Act+Immediately+letterhead.pdf>
- 19 Amnesty International, “All the Civilians Suffer: Conflict, Displacement, and Abuse in Northern Myanmar,” 2017, <https://www.amnestyusa.org/wp-content/uploads/2017/06/Myanmar-report-FINAL-VERSION.pdf>
- 20 Private update from local NGOs shared with RI in November 2017.
- 21 Moe Myint, “Ex-Ministers, Armed Groups Operate Farms in Kachin’s Conflict Areas,” *The Irrawaddy*, October 3 2017, <https://www.irrawaddy.com/features/ex-ministers-armed-groups-operate-farms-kachins-conflict-areas.html>
- 22 Fortify Rights, “Myanmar: End Wartime Torture in Kachin State and northern Shan State,” June 9 2017, <http://www.fortifyrights.org/publication-20140609.html>; Amnesty International, “All the Civilians Suffer: Conflict, Displacement, and Abuse in Northern Myanmar,” 2017, <https://www.amnestyusa.org/wp-content/uploads/2017/06/Myanmar-report-FINAL-VERSION.pdf>
- 23 Amnesty International, “All the Civilians Suffer: Conflict, Displacement, and Abuse in Northern Myanmar,” 2017, <https://www.amnestyusa.org/wp-content/uploads/2017/06/Myanmar-report-FINAL-VERSION.pdf>
- 24 Human Rights Watch, “Burma: Warnings Not a Free Pass to Harm Civilians All Parties Should Provide Protection, Safe Evacuation,” June 14 2017, <https://www.hrw.org/news/2017/06/14/burma-warnings-not-free-pass-harm-civilians>
- 25 Joe Freeman, “Myanmar Court Convicts Ethnic Kachin Religious Leaders,” VOA, October 27 2017, <https://www.voanews.com/a/myanmar-court-convicts-ethnic-kachin-religious-leaders-in-war-torn-north/4088681.html>
- 26 United Nations Human Rights Office of the High Commissioner, “UN Human Rights Expert Concerned about Reprisals during Recent Visit to Myanmar,” January 24, 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21109&LangID=E>
- 27 Statement by Mr. Marzuki Darusman, Chairperson of the Independent International Fact-Finding Mission on Myanmar, UNHCR, September 19 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22099&LangID=E>
- 28 Press Release: Ambassador Nikki Haley’s Statement on Burma Blocking United Nations Human Rights Fact-Finding Mission, *United States Mission to the United Nations*, July 10 2017, <https://usun.state.gov/remarks/7895>

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