

# STATES AND REFUGEES: REFLECTIONS ON THE KAREN REFUGEES FROM BURMA AND THEIR CAMPS IN THAILAND

**Luis S. David**

Ateneo de Manila University, Philippines

## **Abstract**

This essay presents the history of the Karen refugee situation on the Burmese border with Thailand. It goes on to discuss the implications of UNHCR - constituted refugee presences for the sovereignty of states such as Burma and Thailand. And finally, it asks from a philosophical perspective, the question: what is a refugee?

In the late nineteenth century the British invaded Burma from India, took it as a colony, and partitioned it according to priorities tied in straightforward fashion to the twin goals of security and profit. In Burma's south-central area, which was inhabited by a large, mostly ethnic Burmese population, they governed directly. Whereas in Burma's borderlands, they left to the minority peoples to run. As much as the initial lack of attention to the minority people's affairs paid by the British might have stirred in them the expectation of right to self-determination, that quickly turned to disappointment in face of British policy partitioning Burma in such a manner as to spread them out across five distinct political regions. Their political dismemberment made it difficult for them to run their own affairs, let alone take part as a group in the broader business of the nation. What is more, it engendered an uneven pattern of development that has continued well into our time.<sup>1</sup>

Burma gained its independence from Britain in the aftermath of the Second World War. What proved to be far more elusive was hammering down internal peace and stability. With great reluctance, the borderland peoples joined the Federation of Burma, although on the under-

standing that the Federation would respect their autonomy, and that, if following a wait period of ten years they felt their interests would be better served by striking out on their own, they would be at liberty to leave the Federation. Such agreements notwithstanding, the country soon descended into civil war. Following the assassination of Aung San, the principal figure of Burmese independence (father of Aung San Suu Kyi), a number of Christian Karens were murdered by the Burmese Buddhist majority, which sparked a Karen revolt. Before long, other borderland communities, such as the Mon, Karenni, Shan, Kachin, Naga, Arakenese, and the communists, were fighting the government as well. With a mandate from the government to deal with the multiple rebellions, General Ne Win not only squared off with them through many a fierce battle, but also, quite shrewdly, husbanded the growth of the government's armed forces, collectively known as the *tatmadaw*. This gained for General Ne Win the *tatmadaw*'s loyalty, so much so that, in 1962, when he staged a successful coup against Burma's civilian government, and took over the government of his country, he had the *tatmadaw*'s full backing.

But instead of husbanning the country's development on the original idea of a federation that might have enabled its heterogeneous peoples to coexist peaceably in a single state, General Ne Win and his small band of hand-picked associates (and successors), instituted a program of ethnic, cultural, religious, and linguistic assimilation — “Burmanization” as they called it — which they sustained well into the 1990s.<sup>2</sup> Among “Burmanization's” unstated assumptions was that the minority peoples were “backward,” that by impeding access to the mineral and other resources found in the lands they occupied they were placing obstacles to national development, that their belligerence posed a subversive danger to the nation's frontiers — the solution to all of which was their “assimilation.” Predictably, the pursuit of “Burmanization” provoked even deeper conflict and additional secessionist demands, under the impact of which the country's economy, fragile to begin with, deteriorated to the point of near collapse, earning for Burma (Myanmar, as it is officially called), the dubious distinction of being a country that not only is among the world's poorest, but one racked as well by endless violence. To finance their hostilities, which never seem to end, the government and its rebel opponents trade in resources found in the regions effectively under their control.

What “Burmanization” has also brought to the minority peoples situated in remote areas, especially to those who, quite the reverse of submitting, as non-ethnic Burmese, to second class citizenship, work very hard to retain an understanding and a practice of their respective cultures, is persistently brutal treatment from the Burmese army, which despises them even as it remains unable to defeat them. They are subjected to recurrent patterns of beatings, torture, sexual abuse, compulsory labor, and forced relocations. The forced relocations occur at the point where large swathes of the territories occupied by the minority peoples are designated “fire-free” zones by the *tatmadaw*, which then issues expulsion orders from these zones, amidst stern warnings that those who insist on remaining in their homes would be shot on sight. The minority communities that have been forced out of their homes by means of such scare tactics, known as the “four cuts,” are then crowded into completely fenced in and militarily supervised “strategic hamlets” — virtual concentration camps. In the course of over 40 years, thousands of communities have been in this fashion either destroyed or removed. In cities, the “four cuts” — euphemistically termed, “urban development” — involve the dismemberment of ethnic minority communities by means of their forcible relocation to “resettlement towns,” as they are called.

Out of the political chaos spawned by such tactics as “the four cuts,” and the social discontent produced by a devastated economy, a democracy movement mobilized, involving a broad array of students, workers, and Buddhist monks. This widespread social unrest came to a boil in 1988, in the form of a series of fierce demonstrations, the cumulative effect of which plunged Burma’s center into even greater upheaval. When normal crowd control tactics deployed by the police to suppress the increasingly violent demonstrations proved to be of little avail, the military junta, that had styled itself, the State Law and Order Council (SLORC), directly assumed, in September of that same year, the governance of the country, ostensibly to save the country from the effects of widespread anarchy and to prevent the disintegration of the Burmese Union. It is that continuing military rule that, to this day, Burma’s citizens have to contend with, even as grassroots support for the democracy movement remains strong, and notwithstanding the *tatmadaw* general’s protestations pertaining to the strictly interim nature of their State Law and Or-

der Council/State Peace and Development Council (SLORC-SPDC). Central to the apologetics of the SLORC-SPDC is its claim that conditions of “law and order” need to be established throughout the country (by none other than itself, of course) before power can be handed over to a new civilian administration in a democratic system that, ominously, they insist needs to be compatible with Burma’s “culture and traditions” to qualify it for their *imprimatur*. In the meantime, the *tatmadaw* senior officers have lost no time in refashioning the political landscape to cement their grip on power. To justify their intervention upon, and administration of, the politics of the nation, they operate a lexicon of socio-political obligation — to national security, to national defense, to national unity — unabashedly claiming credit for holding the nation together. That they may actually have begun to believe in the veracity of their own rhetoric accounts in part for the ruthlessness with which they wage their campaigns against political dissidents in the cities, and against armed opposition groups wherever in the countryside a ceasefire has yet to be achieved.

Nowhere else than in its war against the Karen does the ruthless violence of the SLORC-SPDC’s pursuit of its policies, come through. Many Karens, under pressure from the “Four Cuts” operations described above, have been forced out of their home villages by the *tatmadaw*. Instead of proceeding to the heavily guarded settlements, since they fear the forced labor the *tatmadaw* is expected to exact from them, and the wholesale looting of their food and other supplies (already meager to begin with), and the extrajudicial killings they could at any point be subjected to in the course of the *tatmadaw*’s counterinsurgency activities against the Karen National Union (KNU), the Karens’ armed resistance group — one of the last remaining armed ethnic minority opposition groups still fighting the SLORC-SPDC, many instead hide in the forests that are lush along the Burma-Thailand border. Conditions in the forests, however, which are poor, make it virtually impossible for the Karens, comprised mostly of farmers accustomed to growing small plots of rice on a semi-subsistence level, to do any farming there. Besides, the forest areas they occupy have been classified by the *tatmadaw* as “black areas,” that is, as places that harbor insurgents, and so they have to contend with the additional fear of being mistaken for insurgents who must be shot on sight. From the standpoint of the Burmese military, *all* Karens, even those not active members

of the KNU, are suspected of at least providing the rebels with one or another form of support. They must, therefore, be routinely killed, if found hiding in the forests, if demonstratively remiss or slack in their performance as porters to the *tatmadaw*, if suspected of being sympathetic to the KNU. Tragically, it is Karen civilians, not Karen insurgents, who are the principal victims in the armed conflict between the SLORC-SPDC and the KNU. As one Karen plaintively refugee put it, “Even though we are civilians, the military treats us like their enemy.”<sup>3</sup> The Burmese Army’s war on the Karen has driven hundreds of thousands of them into the mountains along the Thai border, with some 400,000 of them actually fleeing across the border into Thailand, where they inhabit camps in two principal clusters: one in the north outside of Mae Sot, with the camp known as Mae La being the largest, the other in the south, in the area of Ratchaburi. Each camp is under the control of a different division of the Thai Army.

In 1998, the government of Thailand invited the United Nations High Commission for Refugees (UNHCR) to administer the camps as co-partner. It arranged as well for a consortium of charities to provide the refugees with basic necessities, such as food, blankets, and mosquito nets, and brought in the Doctors Without Borders (MSF) to attend to the refugees’ most basic medical needs.

To facilitate its regulation of refugee movements in and out of the camps, the UNHCR, in particular, has pushed for, and organized, a program of mass registration for the refugees. Prior to the UNHCR’s registration of refugees, Karen refugees in the aforementioned camps routinely returned to Myanmar to farm their plots of land. Upon registration with the UNHCR, they mostly found that they would no longer be able to do so. Or else they used to be able to sneak in and out, say, of Camp Mae La, to find informal employment with Thai farmers in the town of Mae Sot (that the Karens constitute an inexpensive labor pool, is one of the principal reasons they are tolerated on Thai soil); but since their registration they can do so only with much difficulty. Previously, Thai authorities had turned a blind eye on Karen rebels reentering Burma and crossing over back to Thailand in such a manner as to avoid pursuit by Burmese government forces; they no longer may do so easily.

What is more, Thailand has displayed an eagerness to repatriate the Karens to Burma, and to shutter down the refugee camps. More re-

cently arrived refugees are therefore not permitted to build the previously standard bamboo houses on stilts, or any other semi-permanent facilities, but are provided instead with plastic sheeting to create a makeshift tent upon a framework of bamboo poles over a tarp or on a bamboo platform. The outcome is an open structure that alternately exposes its occupants to cold breezes and to extreme heat (especially when the sun beats down on the plastic sheeting). No furniture is provided as the refugees are expected to sleep on mats, and to sit on the floor or in makeshift hammocks. These structures are crowded closely together, with only trenches separating them. There is, for their occupants, little privacy.

The question I wish to pose at this juncture is: What are the implications, for the sovereignty of states such as Burma and Thailand, of UNHCR-constituted refugee presences.<sup>4</sup> Or put more simply: What is a refugee?

According to the *UN Convention Relating to the Status of Refugees*, a refugee is:

[A]ny person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion, *is outside the country of his nationality* and is unable or unwilling to avail himself *of the protection of that country*; or who not having a nationality and being outside of the country of his former habitual residence, *is unable or unwilling to return to it.*<sup>5</sup>

Because the refugee is “outside of the country of his former habitual residence,” asserts Sadako Ogata, the 8<sup>th</sup> U.N. High Commissioner for Refugees, he or she *ipso facto* is subject to “displacement or uprootedness.” But that, she reasons, is because the material conditions of the refugee constitute “an aberration of the normal, in which the state accepts responsibility for its own citizens.” The UNHCR, therefore, must work to bring about “a return to the *status ante*.”<sup>6</sup>

Mrs. Ogata’s view echoes, of course, the 1986 U.N. General Assembly resolution underscoring the twin obligation of governments to account for those actions of theirs that force their own nationals to seek sanctuary in other countries, and “*to create the conditions which will allow refugees to return to their homelands.*” Short of the return of

refugees to their homeland, there is only a preponderance of what Jacques Vernant calls the curse of “instability” afflicting those who, because their homeland is nowhere, have no access to the legal guarantees that every state accords to its own nationals.<sup>7</sup> They are forced by circumstance to earn their daily bread in places to which no one had invited them, but which they cannot depart at will.<sup>8</sup> One-time refugee, Hannah Arendt, writes, “Once they leave their homeland, they remain homeless. Once they leave their state, they become stateless. Once they have been deprived of their human rights, they are rightless, the scum of the earth.”<sup>9</sup> In other words, individuals and groups that do not come under the authority or protection of a given state are nomads without an identity. In a world in which global citizenship is tied to citizenship in one or another sovereign state, refugees are an unconscionable anomaly. They are unrecognizable under customary international law; they lack the travel documents that would enable them to move freely between countries; they have no embassies to represent them when they do; they have no government from which they can demand security protection.

Allow me to quote at length the introduction to a 1993 UNHCR study on refugee protection entitled, *Note on International Protection*:

The international response to the plight of refugees – culminating in a virtually universal consensus that people forced by violence or persecution to flee their countries should receive international protection – is one of the most remarkable humanitarian achievements of this century. Building on foundations laid by the first High Commissioner for Refugees, Fridtjof Nansen, beginning in 1921, the international community has progressively developed the structure and practice of international protection, elaborating and consolidating a system of legal principles and norms and, most importantly, providing asylum to millions of refugees.

The international legal framework for the protection of refugees now has the explicit support of 121 State parties to the 1951 Convention Relating to the Status of Refugees, its 1967 Protocol, or both. Many of these states are also parties to the 1969 OAU [Organization of African Unity] Convention governing the specific aspects of refugee problems in Africa, or adhere to the 1984 Cartagena Declaration on Refugees. The vast majority of States

confronted with refugee situations observe the fundamental principles of refugee protection in granting asylum to persons in need of protection. Having entrusted to the High Commissioner, under the auspices of the United Nations, the task of ensuring the international protection of refugees, States regularly extend to the office the cooperation and support that are essential to the discharge of its functions. The human solidarity thus manifested by governments is inspired and reinforced by that of the people they represent. Despite the economic and social problems involved, action to protect and assist refugees still enjoys widespread popular support throughout the world, support that is also expressed through vigorous and effective action by non-governmental organizations working alongside UNHCR in every region of the world.

The international community's responses to the problems of refugees must at the same time be viewed against the somber background of armed conflict and human rights abuses which force people to flee in ever-increasing numbers. Refugee flows are a symptom of failure to prevent, respond to or resolve crises at home, and the presence of well over eighteen million refugees in the world today is an indication of social disruption and personal tragedy on a massive scale. International protection as provided by countries of asylum in cooperation with the UNHCR is an effort to compensate for the protection that refugees should have received in their own countries, and its objective is not fulfilled until refugees once again enjoy protection as full-fledged members of a national community. (UN General Assembly, 1993: 2.1-2.3)

Embroidered into the substance of such refugee discourse is the idea that in our world, such as it is, the sovereign state possesses a centrality and distinctive coherence that presupposes fixed and stable borders, inviolate territorial spaces, and a defensible center. Everything, including the figure of the Karen refugee from Burma sitting in a UNHCR-administered camp in Thailand, is positioned in and around the state. There is no "outside" to the state. Yet, were we to scratch beneath the surface of the facile assumption that the Karen refugee takes as his or her point of reference an always already existing state called Burma (or Myanmar), that in its state-liness embodies his or her will and desires, we might perhaps see how the state is awarded its centrality, and how its borders and boundaries are constituted.

The sovereign state, you see, is not simply an entity “out there,” an always already given *status ante*, but is the convergent effect of protean, multiple, historically contingent activities that relentlessly establish and inhabit its presumed realities as the sovereign state. The state, in other words, is not a self-sufficient, pure, and objective presence, but is, rather, the always provisional coalescence of multiple cohabiting fields and struggles, practices, relations, and domains of reference, constituting what Michel Foucault has termed a “polyhedron of intelligibilities.”<sup>10</sup> As much as the most central of these practices revolve around the claim that the sovereign state is the artifice of the territorially-bound community of citizens presumed already to be in place who have constituted it to be their agent of protection and representation, the fact of the matter is, this community of citizens never simply exists in itself; it is never simply organic in its self-manifestation but must tirelessly and repeatedly produce itself in and around everyday practices of governance. It must already be working tirelessly to effect and to privilege, by means of *problematizations* effected in various fields of activity, a statist imagination of the world.

Viewed this way, the modern international refugee regime is not a matter of the powers of already historically fixed states meeting already manifest dangers and difficulties. The powers of states across borders need actively to be produced, at those moments, precisely, at which inter-governmental problems receive elaboration, and states receive recognition as the proper agents for solving them. Governmental and inter-governmental conduct in face of perceived (manufactured) practical difficulties induces a whole set of effects “in the real,” effects that “crystallize into institutions . . . inform individual behavior, and . . . act as grids for perception and evaluation of things.”<sup>11</sup> These include, among other things, nationality laws, formal extradition laws and treaties, resolutions on asylum and the expulsion of aliens, laws identifying and regulating the various manifestations of alien-ness, foreignness, refugee-ness. Refugee discourse presents the refugee as an object of statist problematization, that is, of intervention and regimentation by the state, upon the borders precisely between states, so as to enable those borders to become powerful points of reference with respect to the presumed realities of a territorially bound citizenry and an operational statehood.

Take the seemingly small yet portentous matter of the UNHCR

identity certificate. The first and most important thing that could be said about it is that it is not a passport. It does not guarantee efficient passage across territorial borders. Its avowed objective is to afford the refugee to whom it is issued some degree of freedom of movement within his or her host state, some measure of protection approximating that enjoyed by its nationals. From a genealogical perspective, however, the identity certificate for refugees functions to satisfy objectives other than simply humanitarian ones. The state is a continuing project that plays itself out by generating official documents that combine complex underlying cultural significations with classificatory practices. From the cartographer's maps to presentations of columns and graphs in daily reports, the state creates and recreates a vision, or visions, of its own existence. The UNHCR identity certificate's emergence as an *official document* underscores the position of the territorial state as an agent of governance.

By inscribing the refugee upon the intergovernmental field of conduct and policy, the identity certificate "normalizes" the refugee in statist terms. As one among an array of practices that gives temporal and spatial shape to the contingent powers and identities of the modern territorial state, it provides the refugee with much needed assistance, at the same time that it subjects the otherwise dangerous nomad to a tighter control. It negatively positions the refugee, vis-à-vis the citizen-subject, as someone who, because he or she lacks the citizen's ties to the state, must assume, as the only practically viable salvation open to him or her, his or her reintegration into the system, *but on the very terms that the system itself sets*.

What, in the practical order, are those terms? The refugee is somehow incorporated into the discourse of national life, but only to be distanced, in both legal practice and in the popular imagination, from most of the possibilities contained in that life. However much the refugee might be bannered to be an object of compassion or pity, he or she is, in the final analysis, simply unwanted, insofar as he or she represents, no differently than the plagues of old, a disruption in the conditions of normality in life. As an aberrance of the citizen-subject, the refugee is in no position to participate in, or contribute to, the forces and structures of everyday citizenly affairs. Paradoxically, the activities organized, the institutions established, in the name of the refugee, affirm and secure the sovereign state's technologies of governance; they allow the sovereign state to stay in the

business of governance.<sup>12</sup> This accounts in part for why, notwithstanding a given state's breach of its contractual duty to represent and protect its domestic community, notwithstanding its predatory actions against a part of its own people exceeding the bounds of legitimate violence (e.g. Burma's actions against the Karen), unless such a state fails or disintegrates on its own (e.g. the former Yugoslavia), it is not usually the entity that is called aberrant, but those of its citizens who, upon fleeing it, officially become known as refugees. As much as the state might violate the compact, still, it is the state, always already empowered to speak and to be heard. The refugee's condition comes down, then, to his or her voicelessness, to his or her lack of agency, as the UNHCR documents quoted above so vigorously assert. To have "work," "home," decisions to take, the refugee must return "home," that is, he must have his territorial ties reestablished with the community of citizens represented and protected by the state. Without such ties to the state, the refugee stands outside, is at a loss. So while in a true sense the problem of refugees, as in the case of the Burmese Karens in Thailand, is directly the consequence of the actions of an illiberal and autocratic government, to tyranny, to intolerant nationalisms, to the violence of dictatorial regimes, and to the abuse of fundamental human rights, placing the figure of the refugee, and refugee discourse itself, squarely within the institution of state sovereignty, enables the international community to avoid having to address the root causes of the refugee situation (admittedly a tricky business since doing something about it would inevitably involve facilitating some type of political change within that country), and to focus instead upon its enforcement of international borders in face of the throngs of moving people worldwide to whom, suddenly, the rules of the world around them, the rules of the state system, have ceased to apply. The world of states must ensure that their proliferative presence does not create a "beyond" or an "outside" to the otherwise presumably all-encompassing hierarchy of citizen/nation/state. This explains the UNHCR's insistence on the refugees' "need of the state." Statecraft, in face of massive displacements, must seek to "rearticulate" the sovereign state into the shifting sociopolitical terrain, although especially upon the displaced people who, by virtue of their sheer numbers, constitute a powerful transversal, deterritorializing force. It must reinscribe the sovereign territorial state into the very events of displacement in order to convert

them into a useful fund, technique, force, knowledge in a sea of changes.

In another sense, however, refugee knows better. They fall back on their ability to make new homes out of any place. Against all kinds of conditions of adversity, they move on with the task of creating homes wherever and whenever they can. What the maps cut up, refugee stories cut across. Even when they submit to the “system,” they negotiate new openings within the politico-administrative and cultural spaces of their host community, causing their activities to become intensely deterritorializing. But that is another story.

## ENDNOTES

<sup>1</sup> Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (London: Zed Books, 1989).

<sup>2</sup> *Ibid.*

<sup>3</sup> “Myanmar: The Kayin (Karen) State Militarization and Human Rights,” Amnesty International (June, 1999).

<sup>4</sup> An unparalleled source of sound perspectives on the matter is the book by Nevzat Soguk: *States and Strangers: Refugees and Displacements of Statecraft* (U.S.A.: University of Minnesota Press, 1999).

<sup>5</sup> *United Nations, Human Rights: A Compilation of International Instruments* (New York: Center for Human Rights in Geneva, 1988), p. 296.

<sup>6</sup> Soguk, p. 32.

<sup>7</sup> Jacques Vernant, *The Refugee in the Post-War World* (New Haven: Yale University Press, 1953), pp. 13-14.

<sup>8</sup> Jacques Vernant, *The Refugee in the Post-War World* (New Haven: Yale University Press, 1953), pp. 13-14.

<sup>9</sup> *The Origins of Totalitarianism*, p. 267.

<sup>10</sup> Michel Foucault, “Why the Prison?” in *The Foucault Effect: Studies in Governmentality*, Graham Burchell et al eds. (London: Harvester Wheatsheaf, 1981), p. 77.

<sup>11</sup> *Ibid.*

<sup>12</sup> All this is consistent, of course, with the constitution and mapping of particular forms of otherness, or marginalized subjectivity, in the field of work, criminality, and health, to assure the construction of the “average citizen,” a figure central to the ongoing project of the state. Just as vagrants, beggars, etc. are constituted too represent forms of otherness and marginality that will buttress the fields of normality, so also refugees and immigrants, and now, the global terrorist, are added to this list of otherness to serve the same function.