

Karen refugees in Thailand



(A young refugee in the village of Moh Ger Thai, Tak province, Thailand)

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1. INTRODUCTION

I/ Background of the Study

The Republic of the Union of Myanmar¹ shares a long 2,400km porous border with Thailand, a line steadily crossed by an ever growing flow of people. According to the latest figures, 146,563 people² are registered in the 10 border camps in the Thai side, the large majority being of Karen ethnicity³. The two genders are roughly equally represented. Another estimated 200,000 refugees live outside the sites and about 2 million Burmese reside in Thailand⁴, most of them illegally.

The flow of Burmese people crossing the border has been going on for decades – at least until 1949⁵ - and it appears to be growing in number⁶. Since long ago, Thailand had to accept the protracted refugee burden. Nevertheless, the Kingdom is clearly unenthusiastic in being an indefinite host and is actively exploring different solutions; among them repatriation and resettlement in third countries. Moreover, in the last years the growing economic relations between Bangkok and Naypyidaw⁷ had as a result a change in the approach of the Thai Royal Government (TRG) to the Myanmar refugees' issue: policies got stricter, and multi-ranged solutions have been explored. Since 2007, a "no-more-arrive" policy started. With this policy, the RTG made clear that no more refugees are accepted. Nevertheless, the flow obviously did not stop.

¹ Since the end of the 1980s, Myanmar is the official name for the country once called Burma. For many, the choice of which word to use carries a political meaning. Anyway, the United Nations accepted the new name, so this paper will use the official name Myanmar for the country, while for the nationality both Myanmar and Burmese, while the members of the main ethnicity will be called Burmans and their language Burmese.

² Ibid.

³ The TBBC report does not classify the persons by ethnicity but by the State or division of origin. 61% come from Karen State, 17% from Karenni, 7% from Tenasserim, 6% from Pegu, 5% from Mon, 1% from Irrawaddy, 1% from Rangoon, 2% from other States and divisions.

⁴ TBBC, *2010 Programme Report – January to June*, p. ix.

⁵ Interview with a Karen woman on January 30th, 2011 in Mae Sot, Tak Province, Thailand. The woman fled to Thailand "about 60 years ago" due to the conflict between the Burmese Army and the Karen insurgents.

⁶ "Myanmar's overflow", *The Economist*, March 19th 2009. Accessed at <http://www.economist.com/node/13334070> on January 10th, 2011.

⁷ Since 2005/2006, Naypyidaw is the capital of Myanmar. The former capital was Rangoon/Yangon. Indian journalist Siddharth Varadarajan, who visited Naypyidaw in January 2007, described the vastness of the new capital as "the ultimate insurance against regime change, a masterpiece of urban planning designed to defeat any putative "colour revolution" – not by tanks and water cannons, but by geometry and cartography". (*Himal Southasian*. February 2007)

II/ Objective of the Study

The objective of this study is to understand the current situation of the Karens, the largest ethnic group among the hundreds of thousands of Myanmar displaced persons in Thailand, with a focus on the town of Mae Sot and the shelter of Mae La. Specifically, the main objectives of this paper are:

1. To study the *theory* of refugees;
2. To study the case of the *Karen* refugees in Thailand;
3. to study the *reasons* who pushed and push Karens out of their home land;
4. to understand if, in the *Karen case*, it is possible to make a difference between economic migrants and refugees;

Research questions:

1. Who is a refugee?
2. What are the current refugee theories?
3. What are the reasons which pushed and push the Karen to leave their country and pulled and pull them to resettle in Thailand?
4. What is the difference between Karen economic migrants and Karen refugees?

III/ Scope, Limitation and Positive Aspects of the Study

The field research study has been carried on only among Karens who reside in Bangkok, Mae Sot and the nearby site of Mae La. A field research on Karen refugees and Karen communities in other areas might have led to different results.

A) Main limitations of this study:

1. Language – since the author does not speak Thai, Burmese or Karen and most refugees interviewed did not speak English, most of the information have been through a translator who may have unintentionally modified a part of the original meaning;

2. Culture - Karen culture was entirely new to the researcher, this may have caused misunderstandings during the interviews and effects on the researcher's understanding of the data;
3. Due to safety concerns, it may have been possible that the refugees and other interviewed did not want to share all their information or opinions.

B) Positive aspects of the Study:

1. MAE SOT - The choice of making a research trip to Mae Sot and the area around this town revealed itself to be a good decision. The area obviously constitutes a pivotal place for observing the issue of international migration and in particular of Karen cross-border migration. Moreover, in a few days the researcher was able to enter in the local Karen community and to visit Mae La camp, the official border cross point (closed since July 2010), the Immigration Office, a 1-day-old refugee shelter in the village of Moh Ger Tha where a few dozen persons sought refuge from the ongoing fighting between the *Tatmadaw* and the KNLA happening in their own village⁸, and to attend to a Karen Christian house-mass in Mae Sot. Moreover, the researcher met and interviewed migrants and refugees, very long-term refugees as a woman who fled Burma 60 years ago and 'temporary refugees' who just crossed the border one day before to seek refuge in the village of Moh Ger Tha. Also, precious interviews have been obtained from the Karen Refugee Committee (KRC) Vice-chairman Saw Wingate, and the Mae Sot camp leader Saw Tun Tun.
2. SNOWBALL - The pieces of information from the locals and the interviewees tended to a snowball sampling. People suggested person after person and were helpful and active in suggesting tips and providing other contacts. All the Karen, Burman and Thai persons interviewed in Bangkok, Mae Sot and Mae La camp have been kind and more than willing to tell their story, their opinions, their problems and aspirations and to answer to every question asked;

⁸ Shooting happened in the morning before the researcher visited the shelter, during which three Thai villagers were injured by a shell accidentally launched into Thai territory and had to be recovered in the local hospital. The day after our visit, fighting erupted again.

3. Most of data collected are able to cover every angles planned to observe and understand. Interestingly, some data were unexpected, as for example the apparently utterly democratic organization of Mae La camp.

C)/ Research methodology:

1. In-depth interviews with Mae La camp leader; Karen Refugee Committee vice-chairman; Thai officials; Thai and Western NGO workers; local in Mae Sot including elders and youngsters; Thai, Karen and Burmans; Buddhists and Christians; educated and uneducated; refugees in Thailand for 60 years and refugees who just crossed the border;
2. Literature and articles;
3. Collection of data from NGOs;
4. Observation and pictures.

IV/ Structure of the Study

The study consists of four chapters as follows:

1. Chapter one focuses on the general background of the study and explains the study's objectives, scope and limitations;
2. Chapter two analyzes the current refugee theories;
3. Chapter three deals with the Karen refugees living in Thailand and describes the RTG policies towards 'displaced persons' from Myanmar and the current situation in Mae Sot and in the shelter of Mae La.
4. Chapter four contains the conclusion of the study and some recommendations, tries to indicate a possible way out from the current situation of conflict in Karen State, Myanmar, and from the 'limbo situation' which Karen refugees experience in Thailand.



(A child in the Mae La camp)

2. WHO IS A REFUGEE?

"[A refugee is someone] owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country"

- (1951 Convention relating to the Status of Refugees⁹)

"The refugee 'problem' is, first and foremost, one of categorizations, of making distinctions",¹⁰ so to understand the issue of the Karen flow into Thailand we have to understand first the general definitions of 'refugee' and 'economic migrant'. This semantic complexity, far from being just an academic pastime, in the real world for some persons can be a question of life or death.¹¹

As summarized in table 1 below, the theoretical 'pure' distinction between an asylum-seeker or refugee and job-seeker or economic migrant takes into account four main aspects: the situation in the departure place, the push factors, what the persons seek and the target destination. A refugee leaves a place where he experiences or has a well-founded fear of experiencing persecution and/or violence; is moved by that fear; seeks 'protection' and, lastly, has as a target destination a refugee camp or a safe area in general. On the contrary, an economic migrant leaves a situation of underdevelopment, generic poverty or relative poverty; so his or her push-out factors are poverty or relative poverty, food insecurity, livelihoods vulnerability or simply the belief to have the chance to gain a higher wage or a better life somewhere else. So, what economic migrants seek is employment and their target destinations are economic centers, big cities, and wealthier countries.

⁹ From now on, only 1951 Convention.

¹⁰ Haddad 2008: 23.

¹¹ Haddad 2008: 45.

	Refugees and IDPs	Economic Migrants
Situation	Persecution, violence	'under development', 'generic third world poverty'
Push Factors	Fear of persecution, harassment, physical insecurity, loss of home and land	Poverty, food insecurity, livelihoods vulnerability
Seek	Protection, refuge	Employment
Target destinations	Refugee camps, safe areas in general	Economic centers

(Chart 1 – Conventional understanding of refugees, IDPs and 'economic migrants'. Elaborated from KHRG 2009)

The 1951 Convention definition (cited above) gave a narrow definition, being an historical product of the specific circumstances of the post-WWII situation and of Cold War politics. Basically, the 1951 Convention has been tailored on the Central and Eastern Europeans who were leaving Communist countries for the Western 'free' world, "voting with their feet". The 1951 Convention protected those persons who were outside their country, had a well-founded fear of persecution and were prevented or unwilling to return to their country. The 1951 Convention was later complemented by the 1967 Protocol, which expanded protection to those leaving situations of seriously disturbed political order, generalized violence, civil war or war in their own country. A pivotal tool for refugee protection is the principle of *non-refoulement* (non-pushing back), which implies that no one should be returned to a country where he or she is at risk of being persecuted.

Anyway, also the 1967 Protocol presents serious shortcomings and leaves room to different interpretations. This is a reason why the 'refugee' definition has varied according to time and place. The term continues to be used erratically by governments, politicians, media or in everyday language, generating further misunderstandings. The main conceptual problem is that the term 'refugee' somehow defies a universally accepted definition. The political reasons which underpinned the very formation of UNHCR and the framing of the 1951

Convention disappeared twenty years ago, when the 'ideological' refugee flow from the 'Eastern Block' ceased due to the fall of those regimes between 1989 and 1991. Alongside with the evaporation of the 'ideological' reasons behind the 1951 Convention, new situations emerged with globalization, ever-increasing opportunity of world movements, climate change and other trends. In this changing and complex world - even if probably there cannot possible be a final understand of the 'refugee' label accepted by the UNHCR, the humanitarian community, academics and so forth - it is anyway important to sketch a more contemporary and comprehensive classification.

In Haddad's definition, a refugee is "an individual who has been forced, in significant degree, outside the domestic political community indefinitely"¹². Therefore, we have the elements of compulsion, indefinite time and politics. Haddad's (and Zolberg's¹³) theory stresses the political element, with the concept that without national borders, refugees would not exist. Therefore, with this definition, 'refugees' are essentially a political product of post-Mandala state-nations, a creation of failed states and a result of political communities unable to give protection to their citizens. Interestingly enough, in Haddad's definition of the refugee issue in contemporary international society there are all the elements of the specific Karen case. This is evident when Haddad argue that "forced migration is induced today by exactly the same factors as those which prevailed during the inter-war period: [...] breakdown of states, the formation of new states and persecution based on ethnic, national and religious grounds. All these elements produce violent, often internal, conflict. Indeed, by far the main causes of refugee flows today are intra-state violence and civil war. Forced migration has become not just a consequence of war but a tool and an objective, such that mass population displacement may act as a political strategy in claiming control over a particular territory."¹⁴

Nevertheless, the majority of Karens who enter in Thailand are not recognized as refugees but labeled as economic migrants. This problem of classification, not exclusive of the Myanmar or Karen refugee issue, reflects a broader 'crisis' of

¹² Haddad 2008: 42.

¹³ Zolberg 1989.

¹⁴ Haddad 2008: 166.

refugee definition which became progressively evident in the last couple of decades. Since the 1970s, the pull-in demand of labor in the developed countries started to decrease, while at the same time South-North migration increased in size. Developed nations designed policies to contain the inflows, while 'political refugees' and 'economic migrants' begun to converge on the 'asylum seeking' route. Refugees and other migrants alike increasingly migrate and cross international borders alongside each other, often irregularly (breaking the laws of some country), and use the same routes, the same means of transportation and the services of the same human smugglers. For these reasons, academics and policymakers are concerned about the progressively blurring of forced migration with economic migration. Castles and Miller already in 1993, in the first edition of their *The Age of Migration*, proposed the idea of "mixed flows", a potent theoretical approach which argues that "underdevelopment, impoverishment, poor governance, endemic conflict and human rights abuse are closely linked. These conditions lead both to economically motivated migration and to politically motivated flight".¹⁵ This view of "mixed flows" of migrants who also have multiple and intermingled motivations contests the classic distinction between voluntary or economic migration and involuntary or forced migration, because it acknowledges that the distinction is not as clear as before. This mutated approach to the refugee issue has been promptly accepted by the main refugee theorists. For example, Jeff Crisp, head of the Policy Development and Evaluation Service of the UNHCR Executive Committee, wrote that "Today, more than ever, refugees are part of a complex migratory phenomenon, in which political, ethnic, environmental and human rights factors combine and lead to population movements".¹⁶

Together with the concept of "mixed flows", theorists proposed the term 'migration-asylum' nexus in order to express the closely related causes of forced and economic migration, and so the growing difficulty in separating between forced and economic migration. The migratory process for both categories is showing increasing similarities. Governments' common responses to the phenomenon have been the lack of differentiation between asylum seekers and irregular migrants, the regularization as workers (often, if workers are needed,

¹⁵ Castles and Miller 2004: 34.

¹⁶ Crisp 1999: 3.

employers and governments don't care to investigate if they are refugees or not), or the refoulement as irregular immigrants (often, when foreigners are considered to be too many, governments don't care to investigate if they are refugees or not). So the problem of this contemporary trend of refugees who move together with economic migrants is that are often at risk of refoulement and human rights violations.

In the very last years the UNHCR, after having given consideration to those new theories, has framed the definition of 'refugee protection and durable solutions in the context of international migration'. The High Commissioner acknowledged the fact that "human mobility is growing in scale, scope and complexity" and "new patterns of movement are emerging, including forms of displacement and forced migration that are not addressed by international refugee law"¹⁷. Governments increasingly see economic migrants and forced migrants as belonging to the same unwanted phenomenon. Denouncing this short-sightedness, the Commissioner stressed that "in the current and very dynamic phase of the globalization process, migration is inevitable. It is an illusion to believe" that it can be stopped.¹⁸ Trying to effectively manage this trend only with border controls or migration policies is illusory. Instead, the High Commissioner instructed the governments that "a more coherent, comprehensive and integrated approach is required, incorporating appropriate initiatives in a wide range of other policy areas."¹⁹

For its part, the UNHCR has recognized that there are protection gaps, especially for those migrants who are labeled 'irregular' by the authorities, fall outside the current refugee protection network but, nevertheless, need some kind of protection. Of course, the UNHCR is not a 'migration agency', it's primary concern is to ensure that refugees have access to the territory of other countries, are provided with international protection and can access to asylum procedures. But the UNHCR is anyway concerned on human rights. To facilitate these multiple objectives, the UNHCR has framed a '*10 Point Plan of Action on*

¹⁷ Cited in Crisp 2008.

¹⁸ Ibid.

¹⁹ Ibid.

*Refugee Protection and Mixed Migration*²⁰, a difficult effort of balancing between refugee protection and needs of extending its mandate to broader migration issues that probably lie beyond its legitimate concern.



(Karen priest with traditional clothing during a Christian mass in Mae Sot, Thailand)

²⁰ UN High Commissioner for Refugees 2007.

3. REFUGEES: THE KAREN CASE

"A displaced person [is someone] who escapes from dangers due to uprising, fighting, or war, and enters in breach of the Immigration Act".

- Ministry of Interior of RTG, MOI

"Many [Myanmar nationals] have been displaced by the intersecting factors of fear and impoverishment"

- Hazel Lang 2002: 79

"Many of my relatives and friends left my village because they were afraid of forced labor and they were afraid to be killed by government's soldiers"

- Karen man²¹

The Karen is a very diverse people which too often has been seen by foreigners mainly through the KNU prism. The KNU is a mainly Sgaw Christian organization which came to dominate the Karen discourse regarding Karen national identity. The KNU and its armed wing, the KNLA, are waging a 62-year-old guerrilla against the Army of Burma/Myanmar. Critics say that the war is self-sustaining and that KNU elites are war chiefs and get rich with border black trade. Sympathizers say the KNU is carrying on an honorable self-defense struggle against a terrible enemy. In the last three decades, this struggle suffered several setbacks and some forecast a possible imminent final defeat. For the rest, there is little hope that recent elections and political developments in Myanmar will result in positive changes in the border situation.

²¹ Author's interview with a 26 year-old Karen male, a former farmer from Karen State currently living in Bangkok. 11st January 2011.

In the last decades, millions of persons have left Burma/Myanmar for Thailand in search of refuge, security, safety or jobs. This exodus is inextricably linked to the political situation in their country of origin, characterized by authoritarianism, militarization of the society, ethnic insurgencies, rough counterinsurgency, popular revolts, political and ethnic persecutions, abuses and violence. These realities, apart from being primarily causes of displacement and push-out factors, are also at the roots of the disastrous socio-economic situation and widespread poverty which characterize Myanmar, the poorest Asian country apart from Afghanistan.²²

Many studies on Burmese migrant's motivations reach similar conclusions. As argued by Martin Smith,²³ in the frame of the *Four Cuts* counterinsurgency campaign there is no middle position – when requested, every village is forced to give a number of persons to the *Tatmadaw* to work as porters, guides and so forth. The same thing applies when the *Tatmadaw* notifies to the village head that the whole village has to relocate in a few days. No decline is possible without being considered a member or a sympathizer of the insurgents, a crime punished with death. In the frame of this situation of civil conflict, it does not come as a surprise that many displaced persons tell similar stories of violence, persecution, forced displacement, forced labor, rapes, land and crops destruction, land confiscation, unsustainable practices of extortion and arbitrary taxation, looting, movement restrictions and other forms of human rights abuses.

From a very first analyzes of the Karens in Thailand, we could differentiate at least six different groups of migrants. First, there are generations-old "minorities" who obtained Thai citizenship. On the contrary, there are also generations-old "minorities" who still have restricted or no status at all. A third group is made by recent refugees²⁴ who live in "temporary shelters" (refugee camps). A fourth group of Karens is formed by recent "irregular economic migrants": persons who live in Thailand and work in the black economy, often in a situation of exploitation, and always in constant fear of being arrested by the police and deported out of Thailand. A fifth group is made by post-1984

²² CIA Factbook rank 2010.

²³ Smith (1990).

²⁴ For 'recent refugees' here we mean those arrived since 1984.

“economic migrants” who have been regularized, obtained a work permit or a temporarily passport. Lastly, a sixth group can be individuated in those very ‘short-term’ refugees who enter Thai territory for a few days or weeks to avoid clashes happening in or nearby their village, they wait for the situation home to get better and then they cross back the border into Myanmar. The author saw a group of ‘short-term’ refugees in Moh Ger Thai village, Tak province. A refugee said that “the Government soldiers came because Karen soldiers are hiding near our village. Government soldiers started shooting so yesterday we crossed the stream and left our village. This morning UN people come and gave us food. Karen fighters have been always good to us, they helped us. Government soldiers just shoot, kill. We have never had help from them.”²⁵

The dispute about the appropriate definitions for classifying the Myanmar persons entering Thailand has been going on for long time, the point being weather and how to make a distinction between ‘real’ refugees, plain economic migrants and everything that can be found between. Thailand is not a 1951 Convention party and has different definition of refugees. Actually, the word “refugee” does not officially exist in the Kingdom. So, who in another country would be called refugee, in Thailand is defined as *prima facie* “illegal immigrant”, having entered Thai territory “in breach of the Immigration Act”. Anyway, in practice Thailand has been a long time generous host of displaced persons from Myanmar.²⁶ Moreover, accepting the role of the UNHCR in Bangkok and along the Thai-Myanmar border, the RTG *de facto* accepted the existence of the refugee exodus spilling out from Myanmar.

Apart from the general conceptual problems in the definition of who is a refugee and who is not, analyzed in the previous chapter, there are also difficulties specific to the Myanmar-Thai situation. In the case of the Karens, alas, more often than not the distinction between refugee and economic migrant is not that clear. On the contrary, most of the times it is indeed tricky to try to pick up a single push-out reason and a single pull-in motivation. The Karen cross-border migration is than better portrayed for its complexity.

²⁵ Author’s interview with a Myanmar refugee in the village of Moh Ger Thai, Tak province, Thailand.

²⁶ Almost every Karen interviewed by the author did not miss the occasion to express his or her gratitude towards the Thai people, who gave to the Karens a refuge in Thai land.

Summarizing, Karens leave their homeland due to three general causes: economic problems, fear of persecution and forced displacement. Yet, there is often a very thin line between 'pure' refugees and 'pure' economic migrants: almost every Karen experienced each of the three causes, although with a different intensity. Push-out factors are intermingled and many migrants have multiple motivations. The six-decades long Myanmar conflicts prevented development, causing economic migration. Internal displacement caused impoverishment, leading to further migration. In the Karen case, the links between conflict, weak or failed state, human rights abuses and poverty is pretty much clear.

I/ RTG's policies towards Myanmar displaced persons

"Thailand's basic approach to the Burmese refugees has been to grant prima facie asylum so long as it is low-key and the humanitarian gesture does not endanger national security or politically interfere with good relations between Bangkok and Rangoon".

- Hazel J. Lang²⁷

"Refugees and asylum-seekers from Myanmar and Laos were forcibly returned to their countries of origin where they risked serious human rights abuses."

- Amnesty International Report 2010 on Thailand

"Thai authorities are cajoling and threatening Karen refugees to head back into harm's way, while maintaining Thailand is not breaching international refugee law. The Thai government should reverse course before these refugees are harmed by mines or pressed into forced labor by the Burmese army."

- Brad Adams, Human Rights Watch Asia director²⁸

²⁷ Lang 2002: 95.

The Karens in Thailand live in a “border limbo-land”.²⁹ The RTG, member of the UNHRC but not a 1951 Convention party, did not usually grant to refugees the right to move freely, practice professions, obtain wage-earning employment, and access social services such as education and health care. In this, Thailand is not an exception. These rights, although theoretically granted by the 1951 Convention, in practice have been often restricted by many countries.

Anyway, RTG’s policy towards the refugees from Myanmar changed during the years. Before the 1980s, the policy was not framed in details but in practice it was relatively liberal: many people were permitted to stay temporarily in Thailand. In those years displaced persons leaving Burma for Thailand were in more modest numbers than the Indochinese ones. Moreover, until 1984 the Burmese were often displaced by seasonal fighting and they were typically entering the Kingdom’s territory with the intention of staying temporarily, often setting up very simple shelters along the borderland and then going back home at the first given chance.³⁰ The Thai-Burmese border was quite uncontrolled, and for Thai businessmen trading Burmese wood for cash and weapons with the KNLA leaders the situation was a lucrative business.³¹

Although the *Tatmadaw* inaugurated the counterinsurgency campaign known as ‘Four Cuts’ in the late 1960s, in the first years the strategy was carried on in the Delta region and then moved to central Burma. It was only in 1972/3 that the *Tatmadaw* started to carry on the “Four Cuts” in Eastern Burma.³² In the following years operations in Eastern Burma’s Karen and Karenni states intensified. The Karen strongholds along the river were sieged by the *Tatmadaw* and started to fell. This was the time when an important number of Karen refugees was forced to flee and seek refuge in Thailand.³³ Unofficial camps were

²⁸ “Thailand: Cease Intimidation of Karen Refugees”, HRW, February 5th, 2010. Accessed at <http://www.hrw.org/en/news/2010/02/05/thailand-cease-intimidation-karen-refugees> on January 20th, 2011.

³⁰ Author’s interview with Saw Wingate, KRC vice-chairman, January 31st, 2011, Mae Sot, Thailand.

³¹ Author’s interview with a businessman in Tak province. February 1st, 2011.

³² Author’s interview with Saw Wingate, KRC vice-chairman, January 31st, 2010, Mae Sot, Thailand.

³³ Among them, Saw Wingate, today’s KRC vice-chairman, who fled Burma in 1976.

created in Thailand, not far from the border.³⁴ The first one was Pa Le, which at the time was supported mostly by the Karen Christian Relief Committee (KCRC), which in 1985 would be renamed Karen Relief Committee (KRC)³⁵. At the end of the 1970s, the *Tatmadaw* intensified the offensive year after year, so more and more Karen crossed the border and sought refuge in Thailand.

Until 1983-84 the border was predominately under the control of the ethnic nationalities, leaving the Burmese Government only few main crossing points. The year 1984 was a great turning point. A major *Tatmadaw* offensive broke through the KNLA front lines opposite Tak province, captured the KNU headquarter, Mannerplaw, and other important places, generating a flow of about 10,000 refugees into Thailand. Moreover, this time the *Tatmadaw* was strong enough to maintain its front-line positions even with the change of the season, so for the first time an important number of refugees had to remain in Thailand indefinitely. The first official refugee camps were set up and the RTG had to deal seriously with the Burmese refugee issue.

In the end of the 1980s, to a certain extent as a consequence of the political changes in Rangoon that resulted in a change from the isolationist "Burmese Way to Socialism" to the more economically open military rule, Bangkok declared its goodwill of transforming its borders from "battlefields" to "markets". Better relations with Rangoon have been established and, as a consequence, the past covert operations in favor of the anti-Rangoon ethnic fighting groups had to be stopped.

Since the 1990s, when the flow of Burmese persons into Thailand, the RTG policy became more restrictive: "displaced persons" from Burma begun to be seen and candidly defined as "problems". In 1998 the RTG invited the UNHCR to advice the RTG in establishing criteria for "refugee status determination procedures", a partial recognition of the existence of "refugees". The principles followed by Bangkok to deal with displaced persons from Burma/Myanmar have been: encampment, responsibility sharing and durable solutions.

³⁴ Author's interview with Saw Wingate, KRC vice-chairman, January 31st, 2010, Mae Sot, Thailand.

³⁵ In the 1970s the KCRC enjoyed economic help by various religious groups in Thailand and abroad and by individuals.

In the beginning of the 3rd millennium, Thailand's PM Thaksin Shinawatra forged more intense political and economic ties with the Myanmar Government. As the Thai-Myanmar relations intensified and the economic relations grew, the RTG Government view of its neighbor's government became more conciliatory and the Thai approach towards refugees, exiles and migrants moved to a hard-line³⁶ and authoritarian³⁷ position. According to a 2004 Human Rights Watch report, "[a]t its best, Thailand has pursued a humanitarian policy in which refugees fleeing conflict zones in Burma have been provided with temporary asylum in refugee camps along the Thai-Burma border."³⁸

Until 2003, individual asylum seekers from Myanmar could apply directly to UNHCR offices in Mae Sot or Bangkok. Then UNHCR would determine whether she was a 'real' refugee or a mere migrant. But due to "intense pressure" from TRG, in January 1st, 2004, UNHCR had to suspend its screening of new asylum seekers from Myanmar.³⁹ In February 2004 UNHCR was allowed to start to "register" new asylum seekers in order to admit them in the refugee camps located near the Thai-Myanmar border. On the other hand, in the same years the RTG begun to support the "resettlement" policy of refugees in third countries. From 2006 to June 2010 almost 50.000 refugees have been resettled in third countries⁴⁰.

Since 2007, an even stricter policy development took place, when the RTG's "no more arrivals" policy started. According to Mr. Saw Wingate, KRC vice-chairman, 'no more arrivals' policy basically means that Thai military blocks refugees when they cross the border and after a few days they send them back.⁴¹ With this policy, Bangkok made clear enough that no more refugees are accepted.

³⁶ The Thai-Myanmar rapprochement brought to a rising number of "arrests and intimidations of Burmese political activists living in Bangkok or along the border, harassment of Burmese human rights and humanitarian non-governmental organizations (NGOs), deportation of Burmese asylum seekers, migrants and refugees to Burma, and the government's suspension of screening of new applicants for asylum from Burma by the United Nations High Commissioner for Refugees (UNHCR)". (Human Right Watch 2004: 1-10).

³⁷ Ibid. In 2003, Thaksin was displeased when Burmese protestors demonstrated in front of the Myanmar embassy in Bangkok and police arrested dozens of them, including minors. (Ibid. p.9) The same happened during other demonstrations in Bangkok in the following months. (Ibid.) Also, "[h]uman rights activists, both Burmese and Thai, have repeatedly been warned by police and intelligence to do not speak out against the SPDC or the Thai government".(Ibid. p.9)

³⁸ Human Rights Watch 2004: 10.

³⁹ Ibid., pag. 2. The screening process was known as Refugee Status Determination, RSD.

⁴⁰ TBBC 2010b: 9.

⁴¹ Author's interview with Saw Wingate, KRC vice-chairman, January 31st, 2010, Mae Sot, Thailand.

Nevertheless, the flow obviously did not stop. The Myanmar nationals who are not spotted cross-bordering usually try to reach relatives or friends who can give them a safe haven and, when they succeed, they become irregular migrants. Still others try to reach some refugee camp. When they succeed in reaching a camp without being captured by Thai authorities, they are automatically safe from deportation, they are usually hosted by a relative or a fellow villager in a hut and they become 'undocumented refugees', living in the camp without being able of enjoying all the rights.⁴²

People living in the camps are usually confined in the camp or in the district. Few of them obtain a permit to travel to nearby towns, villages or farms. There are three kinds of "security threats" usually raised by the media, the military or the TRG to justify the just described Thai policy towards "displaced persons" from Myanmar. The first is the threat of Myanmar Army or ethnic fighters' cross-border attacks, as happened in the past. The second threat regards the possible spread of diseases and concerns for the environment degradation. The third belongs to the particular way in which displaced persons from Myanmar are regarded, as "transmitters of anarchy, chaos, crime and disorder".

These threats, real or perceived, are used as a rationale for the occasional *refoulement* of Myanmar nationals. Human Rights Watch has reported the expulsion of as much as 10,000 Myanmar citizens a month in "informal deportations".⁴³ Brad Adams, Human Rights Watch Asia director, spoke out clearly: Thai authorities are not respecting the principle of *non-refoulement*⁴⁴. The same critique to the Thai authorities has been made by several authoritative international newspapers in several occasions. According to these reports, sometimes the Myanmar citizens are dropped at unofficial border crossing points controlled by the Democratic Karen Buddhist Army, meaning that some of the deported persons may be "at risk of persecution or other ill-treatment by DKBA

⁴² Interview with Mr. Saw Tun Tun, Mae La camp leader. Mae La camp, February 1st, 2011.

⁴³ HRW 2004: 12.

⁴⁴ "Thailand: Cease Intimidation of Karen Refugees", HRW, February 5th, 2010. Accessed at <http://www.hrw.org/en/news/2010/02/05/thailand-cease-intimidation-karen-refugees> on January 20th, 2011.

soldiers or Burma's military".⁴⁵ These operations are clearly against the principle of *non-refoulement*.

II/Current situation in Mae Sot and Mae La camp

Mae Sot

Traveling from Tak to Mae Sot across the green hills gives the impression of leaving 'Thailand proper' for an island floating between Thailand and Myanmar, which is not Thailand anymore but it is obviously not Myanmar yet. The city of Mae Sot is a pivotal trafficking center across the Thai-Myanmar border. An outright colorful and multicultural city, this town hosts visible Muslim, Christian, Chinese, Indian, Bangladeshi, Karen and Westerner minorities. A 'wild West' frontier town and trade hub, Mae Sot has an important textile industry, dozens of Thai and international NGOs, SPDC agents, DKBA and KNLA former or plain cloth soldiers, an estimated fifteen or twenty brothels and an unknown number of undocumented persons from Myanmar who live and work under the constant threat of being deported back to the country they fled. As an island floating between different worlds, Mae Sot is a perfect location to observe how migrants, refugees, exiles and displaced persons can be "sources of change and transformation for the places they affect".⁴⁶

Mae La

I, John Smith and three Thai locals arrived to Mae La by car following the highway which from Mae Sot heads to North. The about 50 km from Mae Sot to Mae La are a lovely journey accompanied by the forest on either side. After a Thai Army checkpoint, whose main purpose appears to be the interception of Myanmar nationals who move around without proper papers, the camp appeared on the left side. Driving past the camp by car took about 5-10 minutes. At the

⁴⁵ HRW 2004: 12.

⁴⁶ Soguk 1999: p.207.

main camp's gate we stopped again and thanks to our Thai companions and translators we were able to enter after a few minutes of formalities.

Mae La has a size and a population comparable to a town – about 50,000 - but it does not look like a town. All buildings are of wood, bamboo and leaves, officially not built of permanent materials. Nevertheless, the camp has a gloomy air of permanence. Mae La is the largest among the chain of ten refugee camps that stretches along much of the length of the Thai border with Myanmar, from the East of Bangkok to the extreme North in Chiang Mai province.

After passing the main access gate, we immediately went to the office of the camp leader, Mr. Saw Tun Tun, a Karen man in his early forties who has been living in Mae La camp since the official formation in 1990. He started to answer our question and to explain further in details about the history, population, problems and organization of the camp. The main ethnicity present in Mae La camp is the Karen, which counts for almost 80% of the camp population. Among the rest, 10% are Karenni and 4% Burmans. More than 53% of refugees are Christians, 35% are Buddhists, 7% Muslims and 4% Animists. About 3,000 refugees have been in refugee camps in Thai territory since 1984 up to now. Tens of thousands have been resettled in third countries in the last five years but a similar number of newcomers arrived, leaving the total population in the camp always around the 50,000 units. Interestingly enough, Mr. Saw Tun Tun never applied for resettlement and other 15,000 refugees did the same: they are not interested in starting a new life in a third country because their hope is to go back to their country one day.

Mae La camp has nursery schools, elementary, middle and high schools, Bible schools and continuing education programs. All the schools are run by the refugees themselves and all education is given in Sgaw Karen language, which means that students of different mother-tongues have to take Sgaw Karen language special classes to learn the *de facto* official Mae La language. Karen history books have been written by Karen intellectual elites and are being thought to the young camp population.

Apart from the comprehensive education system, Mr. Saw Tun Tun explained and showed us that Mae La camp has electricity, solar panels, fresh water from

standpipes, crop and animal farms, small shops, small restaurants, clinics, churches, pagodas and one mosque. NGO workers bring in food daily and medical supplies when needed. The camp is formally divided into three "sections" and each section is further divided into a series of smaller administrative units. Each level has its elected administrators, all of them democratically elected on a 3-year base. The right of vote belongs to each registered camp resident of 18 years of age. A legal system is being framed. Every registered refugee is provided with a minimum "ration" of food, a supplement can be grown, since there is little space for fields, or purchased. Because of declining in founding, Mr. Saw Tun Tun complained, food rations are maintained only with difficulty and the 2011 economic plan had to make several cuts in almost every sector. A nutritionist is going to be asked to give advice on how to reduce the food rations without creating health problems.

Apart from the budget problems, if we compare Mae La to refugee camps in other parts of the world conditions may appear not too bad but, yet, Mae La is almost a prison for the about 50,000 persons enclosed into it. In fact, according to Mr. Saw Tun Tun, basically every refugee would like to have a wage-earning job out of the camp, but only a few thousands are allowed to leave daily the camp for work. This prohibition means that most of the refugees are entirely dependent on the aid organizations and donors.

In conclusion, Mae La refugee camp is a site where Karen history, culture and worldview are transmitted to younger generations. Mae La camp appears to be the cultural centre of the Karen nation, the factory of Karen identity and 'imagined' community. Moreover, having its elected leaders and administrators, legal system, economy, police, education and social and religious organizations, Mae La is basically an autonomous polity which works as a sort of Karen city-state or microstate.



(A view of Mae La camp)



(A child in front of a tent. Temporary refugee shelter in the village of Moh Ger Thai, Tak province, Thailand. January 31st, 2011)

4. CONCLUSION

In this paper we analyzed the complex issue of the Karen displaced persons in Thailand using the theories of refugee migration.

I/ Karen Refugees

For the question of the determination of the real causes and motivations behind the Karen flow into Thailand, and so to answer to the question of 'who is a refugee?' in the Karen case, we concluded that in most of the cases Karens leave Myanmar not for a single reason but for multiple intermingling factors. Because of a state of latent civil war, in their homeland the social, economic and political environment is extremely unsafe. Push factors are the soldiers' abuses and crimes, poverty, food insecurity and forced displacements. All those push-out causes are closely linked, intermingled and experienced by many. Therefore in the Myanmar scenario the political cannot be possibly separated from the economical. Moreover, all these persons usually take the same routes to escape Myanmar. So it is not always easy to identify if a certain person deserves to be considered a refugee or he or she is only an economic migrant. With this prospective, the traditional approach on refugees based on the '51 Convention and '67 Protocol seems to be outdated and in serious need of reform. New theories should be elaborated and new protection networks implemented. "Mixed flows", mixed motivations, category jumpers are all realities to be analyzed and tackled.

II/ Refugee Theory

This theoretical evolution should question traditional divisions between voluntary/forced, asylum-seeker/job-seeker, regular/irregular and internal/international migration. The Karen case is paradigmatic and shows how it is needed to overcome those traditional strict divisions and to frame new expanded forms of protection. Migration and refugee theories have their roots in social studies developed in the epoch of twentieth century nation-states, nationalism, borders and ideologies. But in the last decades the ideological division of the world drastically mutated, while the world of nation-states is giving the way to a world of supranational organizations and free borderless flow

of capitals, goods and, unwillingly for many, persons. Migration and refugee theories should overcome the old concepts and design frames applicable to the current situation, evolving together with the rapidly changing contemporary world.

III/ Thai authorities

Although Thailand did not sign the 1951 Convention, it has generously hosted tens of thousands of refugees over the past 30 years, maintaining a broad, flexible and multi-faced policy that usually accommodated DPs safely. Anyway, the RTG policy is further complicated by the large powers in the hands of the Army, the paramilitary border police and local authorities. For these and other reasons, policy and applications have been mutating and occasionally contradictory, in the way that they ranged from relative toleration to vain efforts at curbing the flow and even forced repatriation of 'illegal workers'. Moreover, occasional "clump-downs" on 'irregular migrant workers' have been highly publicized but the flow has not been blocked and it cannot possibly be. In the last years, HRW reported cases of Thai Army men forcing Karen groups of persons back into Myanmar against their will, obviously with the risk of putting their lives in danger. In spite of the protracted situation of Karen refugees in Thailand, many continue to live in a "legal-political limbo", which leaves them at the mercy of RTG's policy changes or Thai authorities' moods. Refugees should not be treated as criminals or subject to unreasonable restrictions of movement. Thai authorities should immediately cease any intimidation of Karen refugees and should respect the international law's principle of *non-refoulement*. Moreover, in Thailand as everywhere else, the refugee phenomenon is too often treated as a political one, so a shifting political context may put refugee protection in danger. It is advisable a de-politicization of the issue. This objective could be obtained leaving the UNHCR more room of maneuver in the issue.

IV/ Myanmar

Myanmar has been clearly unable to solve its problems. Even without commenting the HR violations committed by the Myanmar authorities and soldiers, the large number of displaced persons testimony beyond doubts the failure of the regime to restore peace and order, and to relief poverty. Given this

background, it is obvious that the Karen refugees' issue cannot be understood without a detailed consideration of the social, political and military context which generates it. As the roots of the Karen refugee problem are military and socio-political in nature and stem from Myanmar, a definitive solution will be probably seen only when a government in Myanmar will decide to address the socio-political problems. In the words of the KRC vice-chairman: *"We will have a real solution when the attitude of the [Myanmar] government will change, when they will really want peace and progress then there will be safety for everybody."*⁴⁷ So Myanmar is both the source of the problem and the location of a possible solution. In this sense, a new Panglong is advisable.



(Children in Mae La camp)

⁴⁷ Author's interview. January 30th, 2011, Mae Sot, Thailand.