

# STATES AND REFUGEES: INSPIRED BY A MONTH- LONG EXPOSURE TO THE KAREN REFUGEES FROM BURMA IN CAMPS IN THAILAND

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## ABSTRACT

Pengalaman hidup singkat bersama pengungsi Karen, mendorong penulis berbicara tentang persoalan hubungan Negara dan pengungsi. Kaum minoritas di Burma tidak seluruhnya dapat dikuasai baik pada masa pemerintahan kolonial Inggris maupun pemerintahan modern. Maka rezim pemerintah pusat mengembangkan ide militerisasi yang memaksakan ide federasi lewat Burmanisasi, yaitu penyeragaman demi keamanan. Hal ini tidak dapat diterima oleh suku-suku kecil, yang dianggap bodoh, terbelakang, dan karena itu ditindas. Muncul konflik yang luas dan mendalam yang bermuara pada tuntutan seksesi dan kemerdekaan. Yang

diperkarakan ialah identitas, batas tanah, dan lintas batas. Negara modern menghendaki batas *fixed*. Sedangkan kaum minoritas di pinggiran batas Negara modern menghendaki fleksibilitas batas. Penulis menawarkan jalan keluar dari tegangan ini dengan mengajukan hipotesis mengenai Negara sebagai konsep dinamis, mengikuti filsafat Michel Foucault.

**Key Words:**

• *States* • *Refugees* • *Federation* • *Burmanization* • *Identity*  
• *Secessionist* • *Tatmadaw* • *Border* • *Borderless* • *Human Rights*  
• *Displacement* • *Uprooted-ness* • *Status ante*.

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. Whereas Burma's south-central area, which was inhabited by a large, mostly ethnic Burmese population, they governed directly, Burma's borderlands, they left to the minority peoples and communities that occupied them to run. But if the seeming lack of British attention to their affairs had stirred up in the latter the hope that they would soon enjoy right to self-determination, that hope was dashed by the fact that British policy partitioning Burma had fanned them out across five distinct political regions, effectively ossifying an uneven pattern of development that has continued well into our time, and dismembering them politically which made it difficult for them to run their own affairs, let alone take part as a group in the broader business of the nation.<sup>1</sup>

In the aftermath of the Second World War, Burma gained its independence from Britain. Hammering down internal peace and stability, however, proved far more elusive. The borderland peoples had joined the Federation of Burma with great reluctance and, even so, on the understanding that their autonomy would be respected and that, following a wait period of ten years, if they felt they had not served well by the Federation, they could opt out of it. Such agreements notwithstanding, it was not long before the country descended into civil war. Aung San, the principal figure of Burmese independence (father of Aung San Suu Kyi), was assassinated by his political rivals. In addition, a number of Christian Karens were murdered by the Burmese Buddhist majority, sparking a Karen revolt. Other borderland communities such as the Mon, Karenni, Shan, Kachin, Naga, Arakenese, and communists, ended up fighting the

government as well. Given the mandate to deal with the multiple rebellions, General Ne Win saw to the expansion of the Burmese Army (*tatmadaw*). Banking on the *tatmadaw's* personal loyalty to him, in 1962, he staged a coup against Burma's civilian government and took over the government of his country.

Quite the reverse of husbanding the country's development on the model of a federation that would have enabled the heterogeneous peoples of the country to coexist peaceably in a single state, General Ne Win and his 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> "Burmanization's" unstated assumptions were that the minority peoples were "backward," that insofar as they impeded access to mineral and other resources found in the lands they occupied they were an obstacle to national development, that in their belligerence they posed a subversive danger to the nation's frontiers all of which called for their "assimilation." Predictably, the pursuit of "Burmanization" provoked even deeper conflict and additional secessionist demands, which has caused the country's economy, fragile to begin with, to deteriorate so badly as to give Burma (or Myanmar as it is presently officially called), the dubious distinction of being one of the world's poorest countries where, to finance their hostilities, the government and its rebel opponents trade in resources found in the regions they control.

"Burmanization" has also meant that, for working to retain their respective cultures instead of submitting, as non-ethnic Burmese, to second class citizenship, the minority peoples, particularly those living in remote areas, are treated by the Burmese army which despises them even as it remains unable to defeat them with a persistent brutality. They are regularly made to submit to a pattern of beatings, torture, sexual abuse, compulsory labor, and forced relocations. Large swathes of the territories occupied by the minority peoples are designated "fire-free" zones, and then expulsion orders from these zones issued, with warnings that those who insist on remaining in their homes would be shot on sight. By these methods, called the "four cuts," minority communities have been forced out of their homes, and crowded into "strategic hamlets" that have been fenced in and placed under tight military control virtual concentration camps. Tens of thousands of communities, in the span of over 40 years, have thus been either destroyed or removed. In urban areas, these operations are carried out under the rubric of "urban development," but a form really of breaking up the ethnic minority communities through their forcible relocation to

“resettlement towns,” as they are called.

Against the backdrop of political chaos and a devastated economy, a democracy movement mobilized, involving a broad array of students, workers, and Buddhist monks. The widespread social unrest of which the democracy movement was a symptom came to a head in 1988, in the form of a series of intense demonstrations, which plunged Burma's center into even greater upheaval. Efforts to suppress the demonstrations proved to be of little avail, which instigated the military junta, known as the State Law and Order Council (SLORC), to directly assume the governance of the country in September of that year, ostensibly to save the country from the effects of widespread anarchy and prevent the disintegration of the Burmese Union. It is that continuing military rule that the citizens of Burma have to contend with to this day, even if grassroots support for the democracy movement remains strong, and even if the *tatmadaw* generals keep sanctimoniously intoning that their State Law and Order Council/State Peace and Development Council (SLORC-SPDC) is strictly interim, in place merely to establish “law and order” before power is handed over to a new civilian administration in a democratic system they ominously insist must be compatible with Burma's “culture and traditions.” In the meantime, of course, the *tatmadaw* generals lose no time re-fashioning the political landscape to cement themselves in power. The SLORC-SPDC's principal argument is that the country would not hold together were it not for them and the *tatmadaw*. Thus in speeches and commentaries in the state media designed disseminate this view, the senior officers have developed a lexicon of socio-political obligation justifying their obligation, for the sake of national security, national defense, and national unity, to intervene upon and administer the politics of the nation. This accounts in part for the ruthlessness with which the military wages its campaigns against political dissidents in the cities, and against armed opposition groups in the countryside where ceasefires have 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*, but instead of proceeding to the heavily guarded settlements, have gone instead to 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. What is more, they fear being shot on sight by the *tatmadaw*, mistaken

for insurgents in the forest areas that they occupy “black areas” that according to Burmese Army definition are supposed to harbor insurgents. Many others have fled in face of the *tatmadaw*'s constant demands of forced labor, its looting of their food and other supplies (always already meager to begin with), and its extrajudicial killings, carried out under the rubric of counterinsurgency activities against the Karen National Union (KNU), which is the Karens' armed resistance group, one of the last remaining armed ethnic minority opposition groups still fighting the SLORC-SPDC. The tragedy of the matter is that in the armed conflict between the SLORC-SPDC and the KNU, it is Karen civilians who are its primary victims, because the Burmese military appears automatically to assume of all Karens that, even if they are not active members of the KNU, they must at least provide it with one or another kind of support. Thus, Karen civilians are routinely killed if they are found hiding in the forests, if they cannot perform their duties as porters, or if the least unsupported suspicions arise that they are sympathetic to insurgent groups such as the KNU. As one Karen 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 in general 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 an area called 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, arranging in addition for a consortium of charities to provide the refugees with basic necessities, such as food, blankets, and mosquito nets. It brought Doctors Without Borders (MSF) in to provide for their basic medical needs. The UNHCR, significantly, has pushed for, and organized, the refugees' mass registration, to more greatly facilitate its regulation of refugee movements in and out of the camps. Whereas the Karen refugees in the camps described above used to be able to go back to Myanmar to farm their plots, they are no longer allowed to do so. Whereas 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, they do so now with much greater difficulty. Whereas, previously, even Karen rebels had frequently been allowed to cross over to Thailand and then to re-enter Burma at other points to avoid Burmese government forces, more recently, they no longer may do so easily. Instead, Thailand has

displayed an eagerness to repatriate the Karens to Burma, and close the refugee camps. More recently 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 bamboo platform. The outcome is an open structure that alternately exposes its occupants to 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 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.

I wish in what follows to explore the implications, for the sovereignty of states, of officially constituted refugee presences such as the UNHCR-brokered refugee identity. An unparalleled source of perspectives on this matter is Nevzat Soguk's book, *States and Strangers: Refugees and Displacements of Statecraft*, published in 1999.<sup>4</sup> I will persistently be drawing ideas from his presentation.

So 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,” explains 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 is because the material conditions of the refugee constitute “an aberration of the normal, in which the state accepts responsibility for its own citizens.” In Mrs. Ogata view, then, the UNHCR must work to bring about “a return to the *status ante*.”<sup>6</sup> This view echoes, of course, the 1986 U.N. General Assembly resolution underscoring the importance of getting governments not only to account for actions of theirs that force their own nationals to seek sanctuary in other countries, but also “*to create the conditions which will allow refugees to return to their homelands*.” Only a solution that

culminates in the refugee's return to his or her homeland removes from them the “curse” of “instability” which, as Jacques Vernant has observed, weighs heavily down upon those whose homeland is nowhere and who, therefore, do not enjoy the legal guarantees accorded by every state to its own nationals, but are forced instead by circumstance to earn their daily bread in places to which no one had invited them, but which they cannot depart at will.<sup>7</sup> Apropos to this, 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>8</sup>

The large assumption being made in all this is that the international system is not equipped to deal with individuals or groups that, because they are not under the authority or protection of a state, are not recognized under customary international law, lack travel documents that would enable them to move freely between countries, have no embassies to represent them, and no government from which they can demand security protection. Truly, in a world in which global citizenship must be tied to citizenship in one or another sovereign state, refugees are an anomaly. They are like nomads without an identity.

What such a refugee discourse (present in the formal and informal pronouncements of the United Nations and its subsidiaries), is really saying is that the sovereign state possesses in our world a centrality and distinctive coherence that presupposes fixed and stable borders, inviolate territorial spaces, and a defensible center. Everything 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 an entity such as, say, the Karen refugee from Burma, takes as its point of reference an always already existing state called Burma (or Myanmar) that embodies his or her will and desires, we might begin to see how exactly it is that the state is awarded its centrality, and its borders and boundaries constituted. The sovereign state, you see, is not simply “out there,” a *status ante*, but is established and inhabited by multiple cohabiting currents and forces; it is the convergent effect of protean historically contingent activities that relentlessly institute 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 story of multiple fields and struggles, or, as Michel Foucault has put it, of an endless number of practices, relations, and domains of reference constituting a “polyhedron of intelligibilities.”<sup>9</sup> While the most central among these practices revolves around the claim that the sovereign state is an agent of representation and protection, authored by

the territorially bounded community of citizens who may be presumed already to be in place, the fact of the matter is, this organic community of citizens never simply exists in itself 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.

Seen in this light, 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 intergovernmental problems receive elaboration and states, recognition as the proper agents for solving them. Governmental and inter-governmental conduct in face of perceived 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>10</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 alienness, foreignness, refugee-ness. Refugee discourse and politics is another of these effects that are installed in the field of statecraft or, if you will, of statist problematization. In addition to turning the refugee into an object of intervention and regimentation by the state, it constructs a field of activity around the border that constitutes it into a powerful point of reference in regard 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. It is intended, rather, to afford the refugee who bears it some degree of freedom of movement within his or her host country, and some measure of protection approximating that enjoyed by the nationals of the state. From a genealogical perspective, however, the identity certificate for refugees functions to satisfy objectives other than simply humanitarianism ones. The state is a continuing project that plays itself out by generating official documents that combine complex underlying cultural significations with classificatory practices. The UNHCR identity certificate's emergence as an *official document* underscores the position of the territorial state as an agent of governance. 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.

In this light, the identity certificate, which “documents” the refugee as a distinct form of “citizen,” is a practice of statecraft, one among an array of practices that give temporal and spatial shape to the contingent powers and identities of the modern territorial state. It “normalizes” the refugee in statist terms. Its intention might be to help the poor refugee, although it could just as well be to control the dangerous nomad whatever it is, the inscription of the refugee upon the intergovernmental field of conduct and policy, restores a specific “normal” relation between the refugee and the citizen, albeit hierarchical. Through such inscription, the refugee is negatively positioned vis-à-vis the citizen-subject, as someone who lacks the citizen's ties to the state, but who nevertheless is defined. Precisely because the refugee lacks the citizen's ties to the state, the only practically viable salvation open to him or her consists in his or her reintegration into the system on the very terms that the system itself sets.

What, in the practical order, are these terms? As much as the refugee might be figured as an object of compassion or pity, he or she is, in the final analysis, simply unwanted, insofar as he or she represents, like the plagues of old, a disruption in the conditions of normality in life. So if the refugee is incorporated somehow into the discourse of national life, it is only so her or she can be distanced from most of the possibilities contained in that life. The refugee's inclusion, in that sense, is at the same time a form of legal as well as popular marginalization. The refugee is an aberrance of the citizen-subject, in no position to participate in or contribute to the forces and structures of everyday citizenly affairs. If the refugee is given a name, it is in order to be deprived of his or her ability to participate fully in the polity in which he or she newly finds himself. The activities organized, and the institutions established, in the name of the refugee, paradoxically help secure or affirm the sovereign state's technologies of governance; they allow the sovereign state to stay in the business of governance.<sup>11</sup> This accounts in part for why, notwithstanding this or that given state's breach of its contractual duty to represent and protect its domestic community, by engaging in predatory actions against a part of it that exceed the bounds of legitimate violence (as in the case of Burma's actions against the Karen), unless it fails or disintegrates on its own (e.g. the former Yugoslavia), is usually not the entity that is signaled aberrant, but rather its citizens, who on fleeing it, become officially refugees. It is the state that violates the compact. Still, it is the state, which as such is always already empowered to speak and be heard. The refugee's condition comes down, then, to his or her

voicelessness, to his or her lack of agency, as UNHCR documents quoted above so directly 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 these ties to the state, the refugee cannot properly enjoy the rights and privileges of citizen-subjects properly rooted in the territory of the state. The refugee stands at a loss outside the state.

So while in a true sense the problem of refugees, as in the case of the Burmese Karens in Thailand, is directly related to 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, to place the figure of the refugee, and refugee discourse itself, squarely within the institution of state sovereignty, makes it possible for the international community to avoid addressing the root causes of the refugee situation (admittedly a tricky business since this would inevitably involve facilitating some type of political change within that country), and to focus instead upon enforcing international borders against the presence of throngs of moving people 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 this presence does not create a “beyond” or an “outside” to the otherwise presumably all-encompassing hierarchy of citizen/nation/state. This accounts for 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 in which the displaced people (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 for the purpose of converting them into a useful fund, technique, force, knowledge in the midst of 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,” as they negotiate new openings within the politico-administrative and cultural spaces of their host community, their activities become intensely deterritorializing. But that is another story.

**End Notes:**

1. Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (London: Zed Books, 1989).
2. *Ibid.*
3. "Myanmar: The Kayin (Karen) State Militarization and Human Rights," Amnesty International (June, 1999).
4. Nevzat Soguk, *States and Strangers: Refugees and Displacements of Statecraft* (U.S.A.: University of Minnesota Press, 1999).
5. *United Nations, Human Rights: A Compilation of International Instruments* (New York: Center for Human Rights in Geneva, 1988), p. 296.
6. Soguk, p. 32.
7. Jacques Vernant, *The Refugee in the Post-War World* (New Haven: Yale University Press, 1953), pp. 13-14.
8. *The Origins of Totalitarianism*, p. 267.
9. Michel Foucault, "Why the Prison?" in *The Foucault Effect: Studies in Governmentality*, Graham Burchell et al eds. (London: Harvester Wheatsheaf, 1981), p. 77.
10. *Ibid.*
11. 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.