

# Nationalism, Refugees and Territories: The Karen's Struggle for National Space<sup>1</sup>

## ชาตินิยม ผู้ลี้ภัย และดินแดน การต่อสู้ของชาวกะเหรี่ยงเพื่อพื้นที่ชาติ

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### บทคัดย่อ

ขบวนการชาตินิยมเป็นการเคลื่อนไหวทางการเมืองที่มีวัตถุประสงค์ในการทำให้ชาติเป็นเรื่องการเมืองเกิดขึ้นในดินแดนบ้านเกิด จึงทำให้เกิดการปะทะกันเชิงพื้นที่ หากแต่ว่าชุมชนทั้งสองแห่งแข่งขันกันอย่างพร้อมเพรียงด้วยวิธีการแบบเดียวกันเพื่อเรียกร้องต่อดินแดนที่อ้างว่าเป็นของตนเอง การเคลื่อนไหวส่วนใหญ่จะปรากฏในรูปแบบของปฏิบัติการทางทหารในฐานะเป็นการช่วงชิงพื้นที่ ชาวกะเหรี่ยงและชาวเบอร์มันต่างมีความเข้าใจต่อประวัติศาสตร์และคาดหวังต่อพื้นที่ความเป็นชาติของพวกเขาที่แตกต่างกันออกไป ครั้นเมื่อขบวนการชาตินิยมเผยแพร่ออกมา อุดมการณ์ชาตินิยมของชาวกะเหรี่ยงยังคงมีอยู่ในพื้นที่พักพิงชั่วคราว (ค่ายผู้ลี้ภัย) และเกี่ยวพันสถานการณ์ของการพลัดถิ่น การต่อสู้เชิงพื้นที่ภายในพื้นที่พักพิงชั่วคราวได้เปลี่ยนผ่านไปจากค่ายพักพิงไปสู่ดินแดนที่ไม่ใช่ดินแดน ซึ่งส่งผลต่อผู้ลี้ภัยชาวกะเหรี่ยงต่อจิตสำนึกที่ระลึกถึงชาติที่พลัดถิ่นมากกว่าการเป็นผู้ลี้ภัยที่ไร้ราก

**คำสำคัญ:** ขบวนการชาตินิยม, การต่อสู้เชิงพื้นที่, จันทามติโดยปริยาย, ดินแดนที่ไม่ได้ครอบครอง

## Abstract

Nationalism is a political movement that aims to politicize a nation's native land. It is a spatial contest. If two rival communities simultaneously claim the same plot of land as their own, the movement usually appears in the form of military operations as the spatial contest. The Karen and the Burman, due to different understandings of history and expectations of their national spaces, have each launched their respective nationalist movements. Karen people's nationalism also exists in refugee camps. The spatial contest inside refugee camps transforms the camps into a Karen non-territorial territory that turns the Karen people into a recognizable displaced nation as opposed to a group of rootless refugees.

**Keywords:** Nationalist Movement, Spatial Struggle, Tacit Consensus, Non-territorial Territory

Nationalism has been defined in very different ways. It can be a process of forming and maintaining a nation or a nation-state, a consciousness of belonging to a nation, or an ideology for the realization of national will (Smith, 1991: 72-73; 2001: 5-8). Among these definitions, a common theme long been held is that nationalism places the nation at the center of its concerns and seeks to pursue its well-being, unity, autonomy as well as survive by political movement in the name of self-determination (Miller, 1995; Hechter, 2000; Brown, 2000; Smith, 2001, 2008; Breuilly, 2001; Hutchinson, 2001).

Self-determination can be attained by either external self-determination, namely, seceding from a particular country, or internal self-determination, viz, constructing an autonomous region within a country (Anaya, 1996). Both types of self-termination aim to politicize a particular space where a national community lives. The space is an arena wherein all individual and collective activities take place, such as battles, rituals, ceremonies, and essential economic activities.<sup>2</sup> As Smith and White point out, with the evolution and maintenance of daily practices over several generations, an ordinary space slowly transforms into a landscape unique to the residing national community. This uniqueness fills the space with normative implications and leads the space to become an organized world of meanings that needs to be protected by the nationalist movement (Smith, 1999; White, 2004).

However, there are not enough “rooms” physically available for all national communities, and history has witnessed that rival communities simultaneously claim the same plot of land as theirs through nationalism

(Conner, 1994; Tully, 1995; Malkki, 1995, 1997; Guibernau, 1999). The case of the Karen nationalist movement is one of the recognizable examples. Consequently, as Decha argues, the national space has been a site of contestation for political controls (Decha, 2003: 145). If the contestation is launched in the form of armed struggle, it always results in human displacement (Hyndman, 2000; Hironaka, 2005; Salehyan, 2009). If human displacement crosses borders into the adjoining countries, the issue of spatial conflict will become more complicated.

First of all, with the refugee flow, the nationalist movement characteristic of the native land will extend to the host countries. Throughout history, defeated, armed nationalists tend to take flight with civilians to seek refuge in neighboring countries. For humanitarian reasons, the host countries and NGOs usually afford to provide the resources urgently needed by refugees. Humanitarian assistance, to a certain degree, reduces the burden of exiled nationalists in terms of looking after their fellow countrymen and allows them to pay more attention to planning counterattacks in their native land. In addition, according to Salehyan, refugees are the “prime candidates for recruitment involvement in rebel factions” since these people suffered violence and endured substantial losses, such as livelihoods and homelands, and hold “grievances or motives for opposition activities (Salehyan, 2009: 40). The probability of being involved in the nationalist movement can jeopardize the host countries by introducing them into a devastating international conflict with the refugees’ home State (Salehyan, 2009).<sup>3</sup>

Secondly, the dialectical relations between host countries' jurisdiction over refugee affairs and the international assistance regime create an opportunity for the defeated nationalists to continue their struggle while being displaced. A host country's jurisdiction is constrained by international conventions that protect the rights of refugees. Soguk thus argues that the jurisdiction anomaly implicates that the management of refugee affairs are inherently a contested matter (Soguk, 1999: 28). The contested feature gives the exiled nationalists a chance to work in refugee camps. In addition, not all countries are willing to or capable of coping with refugee affairs. The unwillingness and incapability of host countries to manage refugee affairs also give exiled nationalists the chance to mobilize their people under displacement.

In the case of Karen refugees, the Thai government forbids the Karen National Union (KNU) to organize any activities in refugee camps. However, because of the Thai authorities' unwillingness to involve themselves in refugee affairs, many Community Based Organizations (CBOs) utilize this absence of authority surveillance to carry out the policies of the KNU by organizing workshops with nationalist implications.

In this article, I will firstly examine how the KNU continue the nationalist movement inside Burma while being displaced. The second part of this piece will explore the paradoxical relationship between the Thai government, the international refugee protection regime, and the KNU, to illustrate the statecraft towards refugees. The third section will discuss the process of transforming refugee camps into the Karen space outside of Karen land. Finally, I will end this paper with a brief conclusion.

## Transnational Nationalist Movement

In the pre-colonial period, Burma was ruled by the Burman dynasties' feudal rule. All ethnic nations suffered from the Burman rule (Hayami, 2004; Gravers, 1996, 2007). Before Burma acquired independence from Britain, leaders and intellectuals of ethnic nations had believed that to rule themselves in their own states was not only their national aspiration but also vital for keeping Burman's despotism in check. In the case of the Karen, San C. Po went to London in 1928 to lobby the British to grant the Karen people a separate division, which could be an autonomous region under the Burmese federation (San C. Po, 1928). Christie argues that it was the first time that an ethnic nation petitioned to own a national space with modern political meaning. In 1945, they even asked for the creation of the "United Frontier Karen States" (Christie, 2000: 111).

In the end of the British colonial rule, knowing that Britain would hand the political future of Burma over to the Anti-Fascist Peoples Freedom League (AFPFL), the Burman-led nationalist group, almost all ethnic nations in droves stood up to spoke out to Britain that the best political arrangement for Burma was a federation composed of all ethnic states in order to not be enslaved by the Burman (Renard, 1990: 100; Smith, 1999: 72; Rogers, 2004: 82). On 4 January 1948, Burma acquired independence.

A native land is a repository of shared collective consciousness and a site where a memory is stored. While living in the space, "individuals learn the history and ideology of their nation when they are young; then,

the expressions of history and ideology in the landscape serve as constant reminders of specific histories and ideologies and even make historical events and figures and ideological figures and beliefs more concrete, thus more real” (White, 2004: 41).<sup>4</sup> It is an organized world of meanings. When a nation cannot express its values, institute its laws, and launch a movement in its own space, it means that the collective identity among the members of particular national community is repressed. Moreover, when such a space is occupied by the Other, it also implies that the Other has intruded into the collective consciousness of the community.

Due to the Karen people’s political aspiration never being satisfied, and in order to avoid Burman rule as well as to protect their land, they decided to take up arms against the AFPFL on 31 January 1949 to fight for their statehood (Smith, 1999, 2000; Fong, 2005; Lebard, 1964; Renard, 1988, 1990; Rolley, 1980; Roberts, 2010; Rajah, 1990).

The KNU divided its potential territory into seven districts and assigned the KNU leaders as district officers at the beginning of the revolution. The Karen National Liberation Army (KNLA) deployed one brigade in each district. District offices were responsible for civil services, such as education, taxation as well as forest affairs, while the KNLA brigades took charge of battles and other activities related to security. The territorial division allows the KNU to assess the fitting choice of men for managing civil affairs in the districts, while providing a way for the KNU to readily distinguish between parts of Karen land which were designated as “white areas” by the Junta, and those that remained under its control.<sup>5</sup> By spotting the exact location and occupier of a domain, the KNU then could more easily deploy its military strategy.

As a nationalist revolution, there is no doubt that the armed operations can be used to achieve the control of their national space. Before I left the field in 2008, news on battles between the KNU and the Burmese Junta and its ally could be heard every now and then. However, during the period that I was conducting fieldwork, the KNU seldom actively initiated direct armed activities while the indirect armed activities were mainly adopted by the KNU to protect their fellows and the “black” land, such as deploying landmines in the jungle or at the frontline on the battle areas.<sup>6</sup> The direct armed activities only occurred while the Junta invaded the land guarded by the KNLA troops. Therefore, one can see that the KNU adopted a defensive military strategy.

### **Struggle under Displacement**

The Karen’s spatial contestation had lasted over 60 years. After decades of struggle, the Karen suffered massively from internal and transnational displacement, as well as a heavy loss of indigenous population. The defection of the Democratic Karen Buddhist Army (DKBA) in 1995 led to the fall of Manerplaw, the KNU headquarters, and further resulted in the hugest flow of refugees since Karen struggle began in 1949 (South, 2008). These incidents are said to contribute to the decline of KNU’s force in launching direct military operations to struggle for the aspired state. Interestingly, it does not mean that the KNU did not have direct measures to fight for their national space. According to my observations, non-military organizational activities were more heavily relied on for the spatial contestation, which included the political alignment with other ethnic nations, the conduct of humanitarian assistance programs, and human right campaigns.



With regard to the political alignment, the Karen State Coordinating Body (KSCB) implemented programs with other ethnic nations to campaign for Burma's democracy. The formation of the KSCB was that the KNU came to believe the pursuit of ethnic nations is a political issue that should be resolved by political approaches. Due to the understandings, many KNU leaders were also the members of the KSCB. As for the humanitarian programs, with the funding and goods donated by missionary organizations and NGOs, the KNU and other K- organizations such as the KWO, the Karen Education Department (KED) and others had been able to reach remote IDP areas to supply displaced Karen with educational equipment, medicine, training workshops, and other forms of humanitarian assistance.

The human right campaigns consist of two parts: first, the KNU sent K-organizations to investigate the human right abuses in the IDP areas. After finishing every mission, they normally published newsletters or other publications, and also produced DVDs/VCDs, to broadcast what they saw inside IDP areas. Any form of human rights abuse is prohibited by international conventions. The legitimacy of any government committing human right abuse will undoubtedly be questioned (Buerghenthal et al, 2007; Lauren, 2008). I contend that publishing and producing the records of what the Junta committed are the attempts to draw the spotlight on Burma. They hope that after focusing the spotlight on Burma their national cause can be justified and will acquire the support of the international community.

The second part of the campaign is in relation to Junta's development projects. The Asian Development Bank (ADB) in 1992 launched the Greater Mekong Sub-region Program (GMS Program) whose aim was to eliminate poverty in the Mekong region. Burma is also included in this program (E.I., 2009; BRN, 2009). Since then, with financial and technical supports from the ADB and the neighboring countries, particularly from China, the Burmese Junta had been able to undertake large-scale infrastructure projects throughout Burma, which included building dams, roads, and military barracks.

However, Burmese troops appeared to have other interests in mind in terms of infrastructure construction. By building new roads and barracks, they wished to gain easier access to the remote regions and to improve their ability of transporting troops in and out of the ethnic territories. Furthermore, dam construction is also not for benign purposes. It is in fact a strategy to remove indigenous population from their homeland, who are the staunchest supporters of the KNU. Therefore, in essence, these development projects are actually part of the Junta's strategy to assist and strengthen the Four Cuts operation.

In response, with the assistance of some NGOs and CBOs, the KNU and other K-organizations had organized campaigns to fight against the Junta's construction plans. For example, the Upper Salween Dam and Lower Salween Dam were to be built in the northern Karen state, and the Junta, in order to construct these two dams, evacuated the villages surrounding the construction areas. The Karen Rivers Watch (KRW) organized campaigns to demonstrate against the evacuation. In

January 2007, the KRW organized a press conference in Mae Ba, a Thai village close to Mae Sot, to expose to the international community of the atrocities committed by the Junta in Karen territories. The previous chairperson of the Karen Youth Organization (KYO) hosted the conference and the KNU secretary-general was present to announce the campaign. They defined their campaign as a just movement based on self-determination and the defense of their homeland: “it is our land, our territory. We decide how to develop it”

Conceptually, I argue, the activities on which the KNU rely heavily can be defined as a soft struggle while the Junta’s battles, wars and other strategic atrocities can be argued as a hard contest. The difference lies in the forces and resources available to each side and the distinct consequences resulting from their acts. A hard contest involves movements aiming to completely control a particular space through military strength, or so-called “hard power.” This struggle aims to directly control and reclaim sovereignty over a particular space. As sovereignty is intrinsically exclusive, I believe it is a primary reason as to why all Karen people inside Burma are either under KNU protection or the Junta and its ally’s control. A hard contest usually results in casualties and displacement, which further ignites emotional reactions such as sadness and fear. By way of exploiting these emotions, contesters can force the people in the hostile camp to accept their control or jurisdiction. Karen refugees are fenced in the refugee camps in Thailand and are usually not permitted to leave the camps. When some of these refugees visited their relatives remaining in Burma, very few chose to stay there for long. When I asked their reason for not wanting to remain there, one refugee

told me “I do not dare to go back because SPDC burned my village, they kill anyone they see.” Many others whom I interviewed gave similar responses.

Indeed, the contesteer can exploit emotions resulting from a hard contest and force the hostile community to accept its power or jurisdiction. However, as Appadurai states, a full attachment produced by death and fear is the impetus to propel national members to sacrifice for their nationalist movement (Appadurai, 2000: 132-133). Worrying about the subsistence of their nation and of their own lives, individuals tend to become actively involved in a nationalist movement. Therefore, those individuals in even more dire situations with similar fears and emotions may join forces with other groups such as the KNU to protect their homeland.

Refugees living in the camps need not worry about security. Indeed, the older generations have experience in escaping from the Junta’s atrocities. However, after arriving at the camps, “escaping” is no longer the situation they must undergo anymore. Contrary to this, the people in IDP areas are still haunted by such situations. They have to face the possibility of abuse, killing, and rape every day. People in refugee camps have free education and medical care while those in IDP areas have nothing. Escape and death are just like the life homework that the people in IDP areas have to complete. The living situation in IDP areas is horrible and dangerous while refugee camps are safe and, more or less, comfortable. The horrible experiences that refugees once underwent have become stories of the past, but these horrible experiences are remaining to be the current reality of their IDP fellows (Chao, 2009: 218-219).

The KNU published newsletters and DVDs after the groups finished the mission of investigating human right abuses in IDP areas. The newsletters and DVDs are distributed to the international community as well as refugees in the camps. They always distributed the records to the refugees or organized film nights in the camps. As Saw E once told me: “I remember, one time, we had them see video about the IDPs, many people cried, they asked, ‘Is it true?’” For the older generation, the horrible and dangerous lives of the fellows in IDP areas led them to recall the experiences that they once endured, and symbolically put them back in the past. For the younger generations who do not have such experiences, the horrible and dangerous living situation in IDP areas is proof of what the older generations have told them and what they have learned in school.

Through the use of emotions, an “our memory” within which both the people in camps and IDP areas are embraced can be constructed (Chao, *ibid*). A collective memory is the bedrocks for the solidarity within a nation (Smith, 1991, 1999; Miller, 1995). With the “our memory” formed, the KNU can more easily mobilize its people to support and take part in the struggle.

## **Statecraft and Reluctant Concessions**

### **State’s insistence on Sovereignty**

Much of the world’s contemporary refugee population is found clustered along international borders (Donnan & Wilson, 2001; Malkki, 1995; Salehyan, 2009; Soguk, 1999). In the case of Karen, 10 refugee

camps with approximately 140,000 displaced people are scattered along the Thai-Burma border. Because influence of the KNU has extended from Burma into Thailand, competition for control of and management of refugee affairs had been a critical issue of the jurisdiction inside the camps.

The first Karen refugee camp sprang up in February 1984. In the same month, Thailand's Ministry of Interior (MOI) invited the Coordinating Committee for Services to Displaced Persons in Thailand (CCSDPT), an umbrella group of voluntary agencies involved in humanitarian assistance. Specifically, this group supplies refugees with resources necessary for daily subsistence (Lee, 2001: 36-37; Lang, 2002: 84). However, from 1984 to the mid-1990s, the United Nations High Commissioner for Refugees (UNHCR) was not invited to participate in the management of refugee affairs. One argument for the absence of UNHCR's involvement was that Thailand was not a signatory country to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees—two international conventions providing a legal definition of and juridical fabrics for refugees. Therefore, Thailand was not obliged to require the involvement of the UNHCR in refugee issues. This argument, however, is only a partial explanation. There are other reasons for Thai government to discourage UNHCR's involvement.

Firstly, Thailand is the only non-communist country that is not engulfed by civil war in Southeast Asia, making the country a paradise for displaced persons since the first wave of refugees from Indochina arrived in the 1970s. By the 1980s, Thailand had received “too many”

refugees and did not want to be highlighted as a refugee hot spot by the international community. If the Thai government had the UNHCR involved in the issue on Karen refugees, the international community would pay attention to the refugee situation. For this reason, since the first Karen refugee camp appeared in 1984 and lasted until the mid-1990s, Lang argues that the humanitarian relief for Karen refugees has been a relatively low-key, low-publicity affair, managed only by local authorities and their NGO partners (Lang, 2002: 91).

Secondly, The Thai authorities perceive refugees as a potential threat to their sovereignty. The threat is not derived from refugees themselves but from the international protection regime following them to the country. From Decha's findings, according to the protection regime, the Executive Committee of the Programme of the UNHCR, rather than the host countries, is responsible for advising the UNHCR on how to exercise its functions and approving the latter's assistance programs. In addition, the two aforementioned conventions requested sovereign States to follow three principles when dealing with refugee issues: non-refoulement, asylum, and international protection. The non-refoulement principle requires that the host countries shall not repatriate refugees to their countries of origin if their lives will be endangered. Next, Article 14 (1) of the 1948 Universal Declaration of Human Rights gives every person the right to seek asylum in another country and the right to be free from persecution. Finally, international protection means that the host countries must respect the rights of refugees, and host country's laws such as criminal law and civil law cannot be implemented in refugee camps (Decha, 2003: 188-189).<sup>8</sup>

The international protection regime seemed to suggest that the host countries do not have the full jurisdiction over refugee affairs. Such a suggestion led the Thai government to believe that its sovereignty would be eroded by the protection regime; therefore, it did not welcome the involvement of the UNHCR in the Karen refugee affairs.

As a matter of fact, the protection regime is to ensure rather than violating the sovereign integrity of the State (Soguk, 1999; Agier, 2011; Abuya, 2010). As Malkki argues, a world system consisting of sovereign States has been a globally accepted “national order of things” (Malkki, 1995: 5). Within the system, all people are presumed not only the member of a nation but also a citizen of particular States. Nevertheless, being a refugee means that s/he is no longer entitled to citizenship of their country of origin. Refugees are an aberration of categories that need to be dealt with urgently. As Edwards and Ferstman argue, national security is actually the core of the conventions of refugee affairs (Edwards & Ferstman, 2010: 13-20). Therefore, the aim of the protection regime should not be to erode a host country’s sovereignty. Rather, it should try to solve the crisis resulting from the incongruity of the citizen/nation/State ensemble.

For example, Crisp proposes that the 1951 UN Refugee Convention envisages the local integration of refugees. The Convention assumes that refugees will eventually attain self-sufficiency, enabling their settlements to be “handed over” from the UNHCR to the authorities of the host countries and to be naturalized as members of the host countries. According to Article 34 of the 1951 Convention: “the contracting states



shall as far as possible facilitate the assimilation and naturalization of refugees” (Crisp, 2004: 2-3). Soguk thus argues that the international protection regime is not a tertiary order, it rather functions as a practice of regimentation to produce, stabilize and empower specific territory and territorially activate the citizen/nation/State ensemble (Soguk, 1999: 188).

In spite of the characteristics of the protection regime, as Decha points out, the Thai government still preferred to deal with Karen refugees with its own administrative ordinances based on its interpretation of the regime (Decha, 2003: 181-182). It issued the Regulations Concerning Displaced Persons from Neighboring Countries on 8 April 1954 and the 1979 Immigration Act to exercise jurisdiction over refugees and the places they settle (Lang, 2002: 92). From the Thai authorities’ perspective, refugees do not exist in Thailand but are displaced persons “who escape from dangers due to an uprising, fighting, or war, and enter in breach of the Immigration Act” (Lang, *ibid*). Based on this definition, refugees are *prima facie* illegal immigrants (HRW, 2003: 21; Decha, 2003: 198). While refugees are defined as illegal immigrants, they are no longer the subjects who are supposed to be dealt by the international protection regime, but become a domestic affair that have to be checked by national laws. The Thai authorities thus seem to have complete jurisdiction over the refugee matter.

### **Concessions to International “Intrusions”**

The Thai government allows “displaced persons” to take shelter in its land in accordance with humanitarian principles. However, they have to stay in certain places and have no right to leave. If they leave

these designated places, displaced persons will be jailed or repatriated to Burma immediately. When the situation in Burma improves, Thai law requires them to return to their own countries immediately.

Interestingly, before the mid-1990s, Karen refugees did not face such rigorous treatment. At that time, the refugee camps were in fact temporary shelters. As most of my interviewees inhabiting in Karen territories along the border illustrated, when Burmese troops came close to their villages, they fled to Thailand by crossing the border river. Once the situation improved, many simply went back to their villages. Saw C even expressed that it was seldom for a family to stay in Thailand for over a month. Due to the temporary status of their stay, Thailand rarely had to forcibly expel Karen refugees and to risk condemnation from the international community that the Thai authorities turned a blind eye to humanitarianism. Secondly, the economy in Mae Sot flourished owing to the influx of refugees. This seems counterintuitive as refugees are presumed to take flight without many personal belongings. This puzzling phenomenon merits further discussions below.

After Ne Win walked onto the stage of power in the 1962 coup, he launched the Burmese Way to Socialism to nationalize all private enterprises, particularly the businesses run by Westerners, since, in Fong's opinion, Ne Win believed that those enterprises were used by foreigners as a medium to finance the insurgents in order to divide Burma (Fong, 2005: 172). However, Ne Win and his regime were not capable of running and managing these businesses. As a matter of fact, in the mindsets of the warlords, the real goal of nationalizing the private business

sectors was to eradicate the insurgencies rather than to run these businesses. The programme eventually ruined the economy and led to a long period of financial depression in Burma. Yet, during this time, there was a growth of exports of teak and other lumber as well as commodity imports.

As many commodities needed inside Burma were imported from Mae Sot of Thailand and through Karen land before they could reach other Burmese territories, black-market trade mushroomed in the Karen land and, in response to these developments, the KNU established border gates to levy taxes. Due to the increase of commercial activities, the economy in the KNU controlled-areas along the border improved substantially, especially at areas where the KNU officers were living (Fong, 2005; Kwanchewan, 2007; Rogers, 2004).

The KNU would then cross the border river to Mae Sot to purchase goods and weapons they needed. When refugees started to move into Thailand, this kind of economic exchange prospered further. Many KNU officers settled their families in Thailand and some of their soldiers even crossed the border pretending to be refugees, but in fact, they were there to purchase goods and weapons. Saw G told me that, before Manerplaw was captured by the Burmese Junta, “you can see a lot of *Song Teao* go and come. At that time, drivers would transport refugees in-and-out Mae Sot more than 100 times everyday. Those drivers make a lot of money.”

For all the reasons above, the Thai authorities want to protect its sovereignty, but still have to deal with refugee affairs flexibly in order to

safeguard its economic interests. But the relationship between the Thai and the Karen has changed dramatically since the mid-1990s.

The fall of Manerplaw on 27 January 1995 resulted in the exodus of 100,000 people seeking refuge in Thailand. The Thai authorities were unwilling and unable to shoulder the duty of receiving refugees, even though it had an obligation to provide refugees with asylum based on humanitarian principles. The scale of the humanitarian crisis was simply too great for the Thai economy to handle. In order to lessen the demographic pressure, the Thai government invited NGOs to offer humanitarian assistance to the Karen refugees, yet at the same time, it did not desire intervention by the international protection regime. However, the issue of repeated intrusion of the Democratic Karen Buddhist Army (DKBA) into Thai territories propelled Thailand to compromise with the international protection regime.

Before the mid-1990s, many small camps were located extremely close to the border without the jurisdiction and protection of Thai authorities. Since Manerplaw was captured by the DKBA, the group had always crossed the border during dry season to attack these camps in order to force Karen refugees returning to Burma. For example, Mae Sot is a town lies 4 kilometers from the Moei River on which the Friendship Border Bridge crosses. Up until the mid-1990s, at least three small camps were located in the rural areas of Mae Sot, which can be reached from downtown Mae Sot in about 10 minutes. Easy access facilitates the DKBA to traverse the border river to attack these small camps.

Thailand did not want to be involved in the nationalist conflict between the KNU and the Burmese Junta, but DKBA's operations directly intruded on its sovereignty. In order to protect its people and sovereignty, the government of Thailand decided to bring the intrusion to international attention by involving the UNHCR in refugee affairs.<sup>9</sup> With the assistance of the UNHCR in 1998, the small camps at risk of attack were relocated to places further from the border.

As a result of the large number of refugees, the intrusion of sovereignty by the DKBA, and the involvement of the UNHCR, the Karen refugee issue once again drew the attention of the international community. Although Thailand made a compromise with the international protection regime, it does not mean that the former had succumbed to the demands of the protection regime. On the contrary, owing to the DKBA intrusion, Thailand began to assert its sovereignty over Karen refugees more adamantly than ever before. The international protection regime became a means by which the Thai authorities could uphold their territorial integrity while also legitimating their control over refugees. This will be explored in the following discussions.

## **Conflicting yet Coexisting Jurisdictions**

### **Reclaiming Sovereignty**

Based on the writings of S. A. Jones, Anthony Giddens argues that four functions exerted by a State can transform a boundary of a traditional State into a border of a modern nation-state: allocation, delimitation, demarcation and administration. Allocation means that

contiguous States cooperate with each other to manage the physical space existing among them; delimitation represents the confirmation of the boundaries of a border; demarcation delineates the border through a physical space; and administration is the combination of direct and indirect monitoring over the border and relevant affairs (Giddens, 1998: 145). While his definition is concerned with the transformation of the traditional State into a modern nation-state, it is still useful for understanding the assertion of sovereignty by a modern State, as illustrated in Thailand's policy towards Karen refugees.

*Allocation.* From the 1950s to the 1980s, Karen territories bordering with Thailand had functioned as a buffer zone between the Communist Party of Burma (CPB) and the Communist Party of Thailand (CPT) (Lang, 2002: 138). Nevertheless, the communist force occupying Thailand's northern mountainous areas was eradicated by one of the Kuomintang (KMT) troops by mid-1983 (Lang, *ibid*:142). At the time, the economy in Thailand was gradually booming (Kwanchewan, 2007: 89). Aspiring for natural resources in the eastern mountainous areas of Burma, the Chatichai Choonhavan government (1988-1991) even initiated a new policy towards Burma, known as "constructive engagement" (Arnold and Hweison, 2005). The decline of communist power coupled with Thailand's renewed vigor for normalization with Burma meant that the Karen land's status as a buffer zone was no longer as important as before (South, 2011).

Nevertheless, the Thai government remained concerned about whether the Burmese Junta would invade its territory by attacking the

KNU when opportunities arose, for Burma had been the enemy of Thailand in history. In addition, Thailand was invested in the economic benefits of Karen settlements in the border towns after the Burmese Way to Socialism bankrupted the Burmese economy. For these reasons, when the first refugee camp appeared on the Thai soil, refugees' activities were not restricted and the Karen territory bordering with Thailand was still unofficially acknowledged as a buffer zone, according to Saw E, one of the leaders of the KSCB.

With the approval of the Thai authorities, the Karen Refugee Committee (KRC) was set up to cooperate with the CCSDPT to deal with refugee affairs when the first Karen refugee camp was established in Thailand. Thailand's Ministry of Interior (MOI) became charged with overseeing the security and administration of the refugee camps. At the beginning, however, according to Saw E, the MOI neither established branch offices in refugee camps nor did it increase the Thai military force to patrol the areas settled by refugees.

*Delimitation.* On 27 January 1995, the DKBA captured the KNU headquarters. Since then, the DKBA had always crossed the border to attack refugees in the dry season. The many attacks led Thailand to realize that the weakened KNU could not even protect its territory and people. If the KNU could not effectively control its territory, the buffer zone would never function as hoped for. Now, the Thai government had to delimit its border to shout out its sovereign claim. The government of Thailand did not physically delimit a particular space since the physical border between Thailand and Burma had already been defined in the

19th century. Instead, Thailand embarked on a kind of symbolic delimitation, by relocating the small camps from the sites very close to the border to farther places and by restricting Karen refugees' freedom of activity and mobility.

For instance, according to Naw J, the Thai government relocated Shaw Klaw, La Kaw Bono, and Huay Bong camps to Mae La camp. Un Piem Mai camp is a combination of some small camps located in Pho Phra, a township near another part of the border river. The MOI also set up branch offices in the new camps, while the Royal Thai Army and Thahan Phra (paramilitary rangers) established checkpoints on the main roads leading to the camps. From the main gate of Mae La, on the main road, there are two checkpoints located on both sides of the road, where every passenger, car, and motorcycle has to pass through when approaching the camp. The Thai government even stations army contingents and security guards by the main gates of each camp.

As Giddens maintains, a nation-state as a power holder expresses its sovereign claim by monopolizing the instruments of violence, because by doing so it stabilizes the internal order of the State, wards off any intrusion on its sovereignty, and protects its citizens from external threat (Giddens, 1998: 145). With the military as a coercive instrument stationed around the camps, it exemplifies by far Thailand's strongest sovereign claim. The MOI's branch offices inside the settlements further signify Thailand's assertion of sovereignty. If the DKBA attacks the camps, it would be the most obvious violation of Thailand's sovereignty.



*Demarcation.* In order to protect its sovereignty, the Thai authorities moved the small camps away from the borderline to avoid potential DKBA attacks. I contend that two criteria were used to determine the sites for relocation: *distance* and *isolation*. For example, Mae La camp is now the largest camp along the Thai-Burma border, and is actually a combination of Mae La and other three smaller camps: Shaw Klaw, La Kaw Bono, and Huay Bong. These three camps were initially located in the rural areas of Mae Sot. Before they were moved, the distance from Shaw Klaw camps to the border was merely 1 km. It is hence relatively easy to cross the border river to attack these small camps.

Departing from Mae Sot by car, and driving at roughly 100 km/h, it takes 45 minutes to arrive at Mae La, which is further away from the border bridge. Un Piem Mai camp is located in Un Phang district. The MOI moved the refugees settling in Pho Phra township to a hill in Un Phang district and set up a new camp, called the Um Piem Mai camp. Only through a two-lane road can one reach this camp. Departing from Pho Phra and driving at roughly 80 km/h, it takes around one and a half hours to arrive at Um Piem Mai. From Mae Sot, the journey will take around 2.5 hours.

Therefore, through the demarcation for relocating the camps, I argue that the Thai government was firmly declaring that “we decided where the refugees could stay, and the places where refugees stayed are under our sovereignty.”

*Administration.* Refugee camps are, in principle, under the jurisdiction of the MOI, under which the Provincial Office and the District Office have direct responsibility for daily matters in the camps (Decha, 2003; Lang, 2002). According to its regulations, the MOI undertakes its jurisdiction by intervening in camp activities. For instance, refugees cannot leave the camps, the Karen national flag cannot be raised in public spaces while the Thai national flag must be raised in each facility in the camps, and the KNU cannot have any branch office and/or organize any activity in the camps. The NGOs implementing humanitarian assistance are allowed to take pictures of their assistance programs, yet they cannot shoot pictures of refugees' daily lives. Everyone who would like to visit the camps needs to apply for a camp-pass. Finally, NGO workers and other visitors have to leave the camps before 5pm.

The exercise of these four functions of a modern state by the Thai government clearly demonstrates to the world, especially to the Burmese Junta and its allies, that it possesses not only *de jure* but also *de facto* sovereignty over the refugee camps. However, the MOI has not been heavily involved in the routine management of the camps since it has been unwilling to directly take charge over refugee affairs. The reason that Thailand stood up to speak out the sovereign claim was a direct response to DKBA's intrusion on its sovereignty. After expressing its ability to exercise sovereign power and after knowing that the DKBA would not provoke it, the Thai authorities dropped the burden of camp administration to the KRC, which, in principle, needed to follow the fundamental regulations and instructions set by the MOI.

Interestingly, with the MOI's dropping of administration burden to the KRC, and the termination of the previous role of Karen land as a buffer zone, a tacit consensus existing between the MOI and the KNU gradually emerged, and, because of this consensus, refugee camps were transformed into "Karen space" outside of Karen land or Karen's "non-territorial territory."

### **Emergence of Non-territorial Territory**

The KRC, the UNHCR, and other NGOs cooperate with each other under the regulations of the MOI. They hold a MOI meeting each month in one of the camps. The MOI, the KRC, and all NGOs send one or two representatives to attend the meeting. In the meeting, NGOs and the KRC share the difficulties they face in terms of maintaining order inside refugee camps. The MOI would also sometimes express its opinions or place restrictions on refugee affairs such as reminding NGOs not to allow people who do not have a camp-pass to enter the camps.

The NGOs only take charge of humanitarian assistance, while the security, actual administration, legislation, law enforcement and judiciary decisions are on the shoulders of the KRC. In Kengkunchorn's findings, the KRC takes charge of the arrangement of the transportation of supplies to camps, assisting the UNHCR in registering new arrivals, the total population, births, and deaths as well as in the distribution of rice supplied by the Thai-Burmese Border Consortium (TBBC). It is also responsible for resolving disputes, maintaining harmony among refugees, organizing the referral of refugees, and ensuring that refugees follow camp regulations, as well as imposing penalties on those who violate the regulations (Kengkunchorn, 2006: 43).

The KNU was supposed to bear the responsibility for looking after refugees. Nevertheless, according to MOI's regulations, the KNU is forbidden to set up branch offices or become involved in camp affairs since the Thai authorities would not like the Burmese Junta to misinterpret that they support the "insurgent group escaping from Burma." The KRC hence replaces the KNU as the organization in charge of camp administration under the regulation of the MOI. However, there is an intimacy existing between the KRC and the KNU, so that the camps to some degrees can be perceived as an extension of Karen territory or a Karen space exiting outside of Burma. We can examine it through a broader and a narrower perspective.

From a broader perspective, the KRC to some degrees can be considered as an agent of the KNU in the camps. In order not to provoke the Burmese Junta, the KNU is neither allowed by the Thai government to establish offices nor permitted to organize any activity in the camps. Nevertheless, the KRC leaders are usually members of the KNU.<sup>10</sup> As a result, they have an obligation to obey the KNU policies. In addition, some K-organizations work in the camps, assisting the KNU in some administrative work. They are actually the proxy governments of the KNU, but serve the camps in the name of CBOs. Therefore, in reality, the KNU is influential in the camps.

For example, according to KRC's regulations, the residents elect the camp leaders. However, the military wing of the KNU sometimes can determine who can fill what position. According to the Burma Lawyer's Council's investigation, in No Poe camp, an elected KRC chairperson

was dismissed before he took office and was replaced by another person because of pressure from the local military personnel (BLC, 2007: 4). In addition to the administrative roles, the KRC also holds legislative and judicial power inside the camps. The BLC's investigation finds that the KRC uses rules and regulations as they see fit or in line with order it receives from internal or external sources. Due to a lack of formal legislative process, the KRC sometimes directly uses the KNU laws to maintain the consistency of law enforcement between the camps and the Karen territory (BLC, *ibid*: 7-8).

Refugee camps are in Thailand, but the Thai authorities do not take charge of the security inside the camps. The Thai force indeed sets up military encampment outside the camps, but that measure is actually to guard Thailand's sovereignty rather than the security inside the camps. According to my interviewees, the Karen themselves maintain the safety and security inside the camps. It is unclear whether the Karen National Liberation Army (KNLA), the military wing of the KNU, was responsible for the security of the camps. Yet, at least two departments of the KNU were involved in the camp affairs. First, the Karen Health and Wealth Department (KHWD) provided health, food, and medical aides. Next, education affairs were coordinated by NGOs and by the KED.<sup>11</sup> The KHWD and the KED existed in the camps in the name of CBO. As CBOs, they could to the most degrees carry out the policies decided by the KNU without worrying about the intervention of the Thai government. As for youth and women's affairs, they were coordinated by the KYO, the KWO and NGOs. These two K-organizations also existed and worked in the name of CBO. However, they were actually the original member organizations combined to form the KNU.

From a narrower perspective, this tacit consensus can be understood from various instances. For example, the KNLA is not allowed to station in the camps in order to deny Junta the chance to accuse Thailand of supporting an insurgent group. The KNLA has never stationed in the camps for sure. However, not stationing in the camps does not mean that the KNLA does not have a presence in the camps. The 7<sup>th</sup> brigade of the KNLA is stationed close to Mae La. Therefore, many KNLA soldiers settled their families in Mae La. On off-duty days or on vacation, they usually go to Mae La to visit their families. For them, the Mae La camp is just like their “hometown.” After a vacation, they would return to their barracks.

There are more than five gates in Mae La. Only the main gate is guarded by the Thai army while the other gates are guarded by the Karen themselves. The KNU has its cars to transport its staffs, goods and refugees in-and-out of the camps. Because any car or people entering and leaving Mae La have to register their names and purpose of the trip on a list, most of them choose to enter and leave through the gates guarded by the Karen. According to Naw E, it was for the purpose of bypassing the Thai army to avoid any potential conflicts, because they did not want to seek for permission to enter or leave the camp. What is interesting is that, when they drove the cars passing the checkpoints guarded by the Thai army on the main road, these individuals were not required to show any documents to the guards.

In addition to the KNU, the KED, the KWO and the KYO all have their own vehicles. Furthermore, their cars often transported their staff

and necessary goods entering and leaving the camps. The most notable example was Saw 9, one of KED's leaders. He met with the KED staffs in Mae La and in Mae Sot on a regular basis. He drove a KED car back and forth between Mae Sot and Mae La, and almost always entered Mae La through the Karen-controlled gates. What is more interesting is that no matter what K-organizations the Karen people work for, they all possess K-IDs such as KNU, KED, KWO or other K-cards. Sometimes, when Thai soldiers or police checked these individuals, they just showed their K-cards and they could pass the checkpoints.

The Karen are not allowed to raise their flag in the camps. Even during the Karen New Year festival. In this regard, the Karen refugees indeed did not violate the regulations. Nonetheless, the Karen national flags were often painted on the walls of each house. Furthermore, on the days of the festivals, Karen flags were also hung on the walls in the places where the activities were taking place.

Following these observations, we can see that the camps are not exclusively under the jurisdiction of the MOI. Rather, a two-layered jurisdiction exists in the camps. The first-layer jurisdiction is based on the sovereignty of Thailand. The legitimacy of managing the camps is derived from the 1954 Regulations and the 1979 Thai Immigration Act. Because the Thai government does not want to be deeply involved in refugee affairs, it merely published a handbook to regulate the camps. Due to this stance, the KRC is able to exercise a second-layer of jurisdiction. On the one hand, the two-layered jurisdiction is based on the tacit consensus between the KNU and the MOI. Because of the

existence of this consensus, the KNLA soldiers can appear in the camps, the boundary between the KRC and the KNU is acknowledged but not challenged, and all the K-organizations can enter in-and-out of the camps freely.

Thanks to this tacit consensus and its ensuing implications, the camps can be regarded as an extension of the Karen territory, or a non-territorial territory outside of Karen land. However, this consensus does not exist in writing. In other words, the consensus is not legitimate. The real sovereignty over the camps is at the hands of the Thai authorities. Thai government can thus tear up the consensus unilaterally, and unilateral destruction in fact often happens. We can find the destruction at institutional and individual levels.

On the institutional level, the BLC serves as an example. According to their investigation, all camps had a judiciary whose main role was to ensure that the camp rules and regulations were adhered to. The judiciaries heard criminal cases and sanctioned the criminals. The felonious crimes, such as murder, rape, drug and human trafficking, and misdemeanor crimes, such as timber and weapon smuggling, were supposed to be reported to and trialed by the MOI.<sup>12</sup> However, this was not always the case, especially when the convicted were members of the Thai authorities. For example, following the rape of a 14-year-old girl in Mae La by a Thai soldier, the victim was transported to the Mae Sot general hospital for medical care and examination. However, when the MOI learned of the news, it intervened and the girl was removed before the examinations were completed. The Thai authorities refused to launch



a judicial investigation into the case, so the girl had no chance to seek justice (BLC, 2007: 11-14).

On the individual level, unilateral destruction was somewhat more striking. In the camps, mobile phone was a daily necessity for the refugees. Almost all adults owned mobile phones. Mobile phones were so prevalent for a variety of reasons. Some refugees were granted Thai IDs and worked in the border towns or other cities while their relatives were still back in the camps. In order to keep in contact with their relatives, they bought mobile phones for their relatives. Or, some volunteers or NGO staffs left their phones to their friends in the camps before returning to their countries. Therefore, some refugees held quite up-to-date mobile phones. But, if Thai soldiers saw that the phones of refugees were more stylish than theirs, they confiscated refugees' phones for the reason that they felt refugees could not have such modern equipment.

## **Concluding Remarks**

The above observations illustrate the meanings of the spatial contests by the Karen and the Burmese Junta, as well as the transformation of Karen refugee camps into the Karen space through a tacit consensus among the KNU, the Burmese government and the Thai authorities.

Nationalism, concerned with nation's well-being, autonomy and survival, is a political movement with the explication of spatial struggle. Since a nation is a territorial community, the spatial struggle is usually initiated and continued in the nation's native land in order to politicize

the land into its national space. Nevertheless, if the movement happens in the form of armed operations, with the indigenous population taking flight to the adjoining countries, the movement also extends to the countries that receive refugees. The above discussions illustrate the Karen people's attempts to continue the movement by non-direct armed operations and non-armed organizational activities under displacement.

Interestingly, the spatial struggle also exists in refugee camps due to the extension of KNU's influence into the Thai soil. But, the contest within the camps is not to politicize refugee camps since the sovereignty over the camps is at the hands of host countries. It is the contest of managing the camp affairs. Because of a tacit consensus between the KNU and the Thai authorities, such a contest to some degrees transforms refugee camps into the Karen space outside Karen land, or called non-territorial territory.

Nation is supposed to inhabit in a particular land while refugees are rootless people because they are displaced from their native land. In this regard, refugees can never be a nation. However, in the case of Karen refugees, we can suggest that as long as refugee camps continue to exist and function as the "Karen space," the displaced Karen people are no longer "true refugees. Rather, they are a displaced nation, a nation that can manage the self-related affairs within "its space", but which is not rooted on "its own national space."

## Endnotes

- 1 This article is mainly the result of fieldwork carried out at three separate times: 15 January to 31 March 2007, 15 August 2007 to 31 October 2007, and 5 January 2008 to 5 April. However, the observations acquired during my term of volunteering with the Taipei Overseas Peace Service (TOPS) from 5 February 2004 to 3 February 2005 also serve as materials for analysis. Thanks to reviewers' comments, however, I shall be fully responsible for all mistakes here. Special thanks to my refugee friends, without your assistance, this paper would not be possible. To all the sweat and blood you have shed.
- 2 Here, space and territory are interchangeably used because there exist two types of contest. The struggle for a Karen state is certainly a contest for Karen territory. Yet, the contest over the management and administration of refugee camps is not a territorial struggle. If the term "territory" usually implies the control of sovereignty, it will be difficult to spot the contest among the refugees.
- 3 The tem "state" itself can refer to an independent country, autonomous or semi-autonomous region inside a sovereign country, or to a sub-political unit with powers granted by central government. In order to avoid confusion, here, I use the capitalized word "State" to refer to an independent country while the lowercase "state" indicates other political designs. But, I follow common usage when it comes to specific terms such as "nation-state," which also refers to a sovereign country.

- 4 As Smith argues, a physical space that can separate the “homeland” from other land is a defining characteristic of nationhood. Owning a physical space means that the national culture is not rootless; that national members have a physical base to pursue essential economic goals, and that one can recognize clearly an area of self-governing. The most important feature, however, is a sense of owning a natural right to one’s homeland. This notion may stem from myths, legends or even imaginations, yet it implies the normative aspirations of any nation as a rooted community. Therefore, for a nationalist movement, the pursuit of a natural homeland has been one of the most important political projects. Please see Smith, 2008: 35.
- 5 The Junta divided Burma into three areas, each represented by a different color in order to know which area was under its control. The color black was used for insurgent-controlled areas, brown for disputed areas claimed by both sides; and white for free areas fully controlled by the government. According to Martin Smith, the Junta’s objective is to clear out “each insurgent-coloured area one by one until the whole map of Burma becomes white” (Smith, 1999: 259).
- 6 The landmines placed by the KNLA also seriously harmed rebels’ fellow countrymen. Saw C suggested that the KNLA soldiers sometimes were the only ones who knew the places where the landmines were buried. It was thus not uncommon to hear that Karen villagers were injured by landmines. In fact, in February 2007, when I went to a village near the border to follow up on the development of an educational program implemented by an educational NGO, many children I saw were injured by KNLA’s landmines.
- 7 It was not until 1998 that the UNHCR was permitted to establish three permanent field offices in Mae Sot, Mae Hong Son and Kanchanaburi, the provinces along the border areas. Please see HRW, 2003: 24.

- 8 Decha points out that the Department of International Organizations of the Ministry of Foreign Affairs published a handout outlining eight issues that can intervene in Thailand's sovereignty. Please see Decha, 2003: 198.
- 9 According to Lang and Decha, the Thai government allows the UNHCR to be involved in Karen refugee affairs in five aspects: witnessing the process of admission; assisting the Thai authorities in registration; collaborating with the Thai authorities on relocating the camps at risk of incursion; providing complementary assistance in shelter areas; and giving a hand to the refugees for safe return. Please see Lang, 2002: 94; Decha, 2003: 186.
- 10 I do not have exact numbers, but, since I began to contact with Karen refugees, all the camp leaders I approached were the members of the KNU.
- 11 The KED role in educational affairs inside refugee camps was replaced by the Karen Refugee Committee Education Entity (KRCEE). Presently, the KED is responsible for the education in Karen state. The details of the role and mission of the KRCEE can be seen in Jennisa, 2010.
- 12 The report of International Rescue Committee (IRC) also dresses the issue. Please refer the details to <http://www.rescue.org/sites/default/files/resource-file/28-30.pdf>

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