



Myanmarese Refugees in Thailand:

No Freedom, No Choices

by Veronika Martin

The year 2004 marks the 20th anniversary of the first exodus of refugees from Myanmar (also known as Burma) to Thailand in search of a safe haven. At the end of 2003, close to 600,000 refugees were seeking protection in almost every neighboring country, including over 400,000 in Thailand (mostly ethnic Karen, Shan, and Karenni, along with some pro-democracy activists); 50,000 ethnic Chin in India; about 120,000 ethnic Rohingya in Bangladesh; 10,000 Rohingya in Malaysia; and an unknown number of ethnic Kachin in China. In addition, hundreds of thousands who have left for a variety of reasons, including fear of persecution, live in neighboring countries as unrecognized refugees, including a percentage of Thailand's estimated two million deemed "illegal migrants" by Thai authorities. Most have been living without the basic rights guaranteed in the UN Refugee Convention (see Rights sidebar, pp. 40–41) making them Southeast Asia's largest warehoused population.

History of the Exodus

Over 30 percent of Myanmar's people are ethnic minorities, with the Shan and Karen being the two largest groups. The government of Myanmar is dominated by ethnic Burmans and persecutes minorities with forced relocation, forced labor, extortion, arbitrary arrest, torture, rape, and summary executions. Ethnic Karen were the first to flee en masse when 10,000 sought refuge in Thailand in 1984. Hundreds of thousands of Karen had lived in areas in eastern Myanmar controlled by the Karen National Union (KNU) resistance army where, unlike in government-con-

trolled areas, they were able to practice their religion and culture and speak their own language. Many of Myanmar's ethnic groups are Christian whereas the government officially promotes Buddhism and suppresses other religions. The army destroys churches in ethnic minority areas and, at times, forces Christians to build Buddhist pagodas. In 1984, the governing State Law and Order Restoration Council (SLORC), as it was then known, began a military offensive, sending thousands of Karen families into Thailand, where they initially found little assistance. The refugees rented land from farmers and set up and managed make-shift camps. Eventually, nongovernmental organizations (NGOs) set up basic medical and sanitation services. The Karen organized schools from kindergarten through high school. Refugees, not the UN High Commissioner for Refugees (UNHCR), managed most of camp life. By 1994 the number of refugees grew to 80,000 in over ten camps along the border.

In 1995, Buddhist Karen soldiers under the predominantly Christian KNU defected to join the renamed junta, the State Peace and Development Council (SPDC). Their defection, caused in part by KNU discrimination against Buddhist Karen, marked the beginning of the end of the KNU's hold on its territory inside Karen State. Soldiers from the new Democratic Karen Buddhist Association (DKBA) helped the army attack and overrun the KNU headquarters. The army continued to overtake ethnic territories in Karen, Karenni, and Shan States, leaving ethnic groups with little control over territory inside Myanmar by the end of 1997.

In 1996, the SPDC began a massive forced relocation campaign in ethnic areas. The army destroyed over

2,500 villages and forced over 370,000 Karen, Karenni, and Shan into 180 relocation sites to deny the resistance armies information and assistance and to provide the SPDC with forced labor. Human rights violations, lack of medical services, and malnutrition are common in these internment-like centers. Forty percent of those uprooted live in hiding in the jungle rather than go to these relocation sites, having to move as many as a dozen times a year to avoid being found by the army. Thirty percent of their children have never seen a school. Neither Myanmar nor Thailand allows humanitarian assistance in these conflict areas despite indications that emergency aid is critically needed. Malnutrition is common and deaths occur from curable diseases such as malaria and diarrhea. Mortality for children under five is 30 percent, among the highest in the world. Daring backpack medics provide sporadic care through mobile teams, risking their lives to enter and help clandestinely. The SPDC has uprooted about one million people since 1996 in eastern Myanmar alone. Many refugees only come to Thailand as a last resort, having tried for years to survive on the run. At the end of 2003, there were 140,000 mostly Karen and Karenni refugees living in nine camps in Thailand. There were 200,000 Shan and an estimated 50,000 others living with no official assistance as illegal migrants despite having fled ethnic persecution.

Protection Failure

Thai authorities stopped screening and registering refugees to allow them into camps three years ago, but 20,000 live there without registration, rendering their presence illegal under Thai law, but allowing them access to humanitarian assistance. The Burma Border Consortium (BBC) is the lead agency responsible for the care and maintenance of the refugees. UNHCR has a limited protection role, with field offices in some border towns—only one of which conducts refugee status determinations and provides documentation that should protect refugees from deportation or forced return. Thai authorities, however, halted this process in January 2004 and announced they would conduct their own refugee status determinations in March 2004, narrowly defining a *refugee* as a person “fleeing (active) fighting” and excluding not only ac-

tivists but many others with a well-founded fear of persecution in Myanmar. As a result, many legitimate refugees cannot officially enter the camps, nor can they live and work legally in Thailand. Until 2004, resettlement countries like the United States accepted only a small number. Most Myanmar refugees, recognized or unrecognized, must



The first Myanmar refugees arrived in Thailand 20 years ago. Many, like this Karen woman, thought they would stay for a few months, only to find themselves in camps for decades. Photo: N. Dunlop



FRIENDS REVISITED

In 1992, I lived in a Karen refugee camp as a guest of a refugee family. In exchange for room and board, I taught English summer school. My eager students (see photo) showed up early, hoping to learn a little more if I, too, happened to show up early. They read old newspapers, hoping to improve their mastery of the international language. English, they would tell me, is the language of the UN and the world beyond the confines of their camp. It was the language they needed to tell the world of their plight and open doors beyond the camp. Their motivation to learn was evident when they complained if I did not assign homework. They had great hopes for the future as doctors, engineers, pilots, and nurses. They studied hard and did their best to learn despite the lack of materials. They hoped that the atmosphere of achievement and purpose their parents and teachers fostered would lead to something: to a better life in the form of a job or an advanced education. As I continued to visit these students over a period of 12 years, it became clear that this hope had numbed, if it had not already died a slow and painful death.

A review of some of my student's lives after more than a decade in the camp gives an overview of the consequences of being warehoused. The Myanmar army killed two shy sisters in an attack on the camp in 1997. Another girl and her mother have been in jail for four years. Thai authorities arrested them on dubious charges of drug smuggling; they are expected to languish in prison indefinitely. One outgoing young woman's husband beat her so badly on her head, she had to be hospitalized; lacking alternatives, she is still with him. Another student nearly died from a botched abortion, done by inexperienced midwives rather than in a Thai hospital. Finally, amid the displacement following an attack on the refugee camp by the Myanmar army, a fellow refugee raped one of my brightest students.

There are a few successes: one of my students is studying at a U.S. university. She is an avid advocate for her

Karen people, testifying before Congress and attending international conferences to publicize SPDC violations against women. Other students work for NGOs and have been trained as medics, teachers, trainers, or refugee activists. Some have created their own NGOs and work to collect information to highlight human rights violations or to support humanitarian efforts for internally displaced persons. Yet, on the whole, 20 years in a camp has brought more tragedies than successes. Twelve years after I taught these bright-eyed, hopeful students, many are still in the camps, while others live illegally in fear of arrest and deportation outside the camp.

Their mothers witness the slow deaths of their hopes and dreams—the very dreams that they promised their children would come true if they studied and worked hard.

Even in death, a refugee has no freedom. When one young student in a more remote camp died in a Thai hospital, his family could not afford to have his body returned to the camp. The enforced idleness of camp life had reduced them to penury. The son died alone and his mother never saw his body again. They held a funeral with only his clothes. Officials told the boy's mother that his body would be donated to the Thai hospital for research. To a Karen this simply means that strangers would treat her son's body disrespectfully.

I was reminded of this story when I visited with an older member of my host family in February. In 1997, Myanmar and DKBA soldiers destroyed most of the camp and killed five people. The family moved into town illegally to seek protection. She was very sick with chronic asthma, could not sleep or eat, and was consumed by coughing fits. While medical services for refugees with chronic illnesses are limited, those who live illegally have even fewer options. They are afraid to go to a hospital since they have no Thai identification papers, don't speak the language, and fear being discovered as illegal. Most cannot afford to pay for medical care, though a few public hospitals provide free care to those who cannot pay. "Rather than die in the town it is more convenient to die in the remote village," she explained sadly, knowing in the village she would be far away from most of her family. The cost of burying a body in the country is much cheaper than in the city. She was also comforted knowing that "my body won't be given to the Thai hospital for the period of study, it should be returned to my family." Myanmar and DKBA forces later burned the camp twice. The two sisters pictured center-right, wearing white shirts, were killed in the 1997 attack. (The others are not identified to protect their privacy.) Credit: Micki

work illegally—subject to exploitation, arrest, detention, and deportation.

The Thai government generally bars all ethnic Shan from the camps or from international assistance and protection. In one exception, Thailand allowed 400 Shan fleeing fighting at the end of 2003 to live in a makeshift settlement near the border. The U.S. Committee for Refugees (USCR) considers most Shan in Thailand to be *prima facie* refugees as they fled areas of ethnic forced relocation and persecution. Between 1996 and 2002, the SLORC/SPDC displaced 200,000 people in Shan state and relocated or destroyed close to 1,500 of their villages. With the exception of those who have been registered as official migrants by their employers, the Thai government considers most of the 200,000 Shan and Myanmarese of other ethnicities to be illegal migrants who have no right to work and who are subject to arrest and deportation. According to Thai law, aliens who have entered or are living in Thailand without proper documentation are in breach of Thailand's immigration laws and are subject to arrest, prosecution, detention, and deportation.

Despite the ongoing violence in Myanmar, the camps can also be dangerous. Even when the Thai authorities recognize the refugees under their stringent criteria and let them stay in camps, protection is limited. In 1997, when Huay Kaloke refugee camp was attacked and burned by Myanmarese troops and the DKBA, Thai guards abandoned the camp shortly before the attack began. Numerous camps have been attacked and burned by Myanmarese troops and the DKBA, resulting in the destruction of thousands of homes and the deaths and injuries of dozens.

Since the mid-1990s, Thai authorities have ordered the destruction, moving, rebuilding, and consolidation of camps, forcing tens of thousands of refugees to uproot their village-like camps again and rebuild them in a new, more crowded locations, often closer to the border. The destruction and rebuilding of refugee camps also destabilizes the refugees psychologically and reinforces their powerlessness. As many as 30 percent of relocated refugees return to Myanmar rather than rebuild near the border and risk SPDC attacks. In July 2003, the forced relocation of Mae Kong Kah camp to a location a few miles from the border and in close range of the SPDC caused the premature and unsafe return of over 1,000 refugees to Myanmar. Most eventually return to Thailand, but the combination of the Thai failure to protect and the proximity of SPDC troops on the border amounts to constructive *refoulement*.



For decades, the Thai government tacitly supported the Karen resistance, which acted as a buffer between Thailand and its historical enemy, the Burmese. In the mid-1990s, however, Myanmar offered economic partnerships, inducing Thailand to cease supporting the Karen cause and to restrict refugees, in favor of Myanmarese policies.

Warehousing

Thailand has not signed the UN Refugee Convention, which outlines the internationally recognized standard of rights and freedoms due refugees pending durable solutions (see Rights sidebar p. 40–41). By denying these rights, as detailed below, Thailand is warehousing over 400,000 human beings.

Freedom of Movement and Travel Documents Thailand does not permit Myanmarese refugees to reside permanently anywhere in Thailand but in the camps. Thai authorities



have also restricted refugee movement sporadically over the years and increasingly since the mid-1990s. In previous years, refugees could catch a truck into town, buy supplies, medicines, make phone calls, and even work, albeit illegally. Although refugees risked arrest for not having Thai identification papers, they usually got away with these trips. It was a little freedom, purchased with a small bribe to the Thai guards.

“What I wanted was to have a real job, to work outside the camp, to go out and get life experiences. I feel bad depending on international help. I would prefer to work for myself if I were allowed... we would feel better, we would have power—but we dare not speak out.”

When restrictions increased and more check points were set up, anyone outside the camp without a Thai identification card could be arrested at any time. In a first sign of change, in the mid-1990s, three refugees were arrested for collecting bamboo outside the camp without documents and sentenced to three years in jail. Currently, police arrest and deport as many as 10,000 Myanmarers each month in government crackdowns on migrants and activists.

Thai jails are particularly dangerous for Myanmarers. Authorities may withhold medicine even for life-threatening illnesses like malaria, compel Myanmarers to do the dirtiest jobs, sexually abuse Myanmarers, and sometimes traffic them out of jails. Some refugees linger for decades in detention centers, unable to pay bail or awaiting deportation. Going out in public now risks one's freedom, if not one's life.

Before 2002, Thai authorities issued travel documents for refugees to attend trainings and educational events or to visit families in other camps. Such documents protected refugees from arrest and deportation. Since then, however, Thai authorities more routinely bar travel—even of local NGO leaders—undermining their ability to organize their activities, inform the international community of human rights violations, and organize emergency aid inside Myanmar.

Thai authorities informally deport most of those they arrest on the Thai side of the border where most find

their way back without experiencing harm from the SPDC. Thai authorities hand others over to the SPDC, including some carrying UNHCR refugee documents likely identifying them as Karen sympathizers or political activists. UNHCR does not screen informal deportations but has some access to review names of individuals to be handed over to the SPDC. Nonetheless, Thai authorities arrested 120 refugees with UNHCR documents and handed them over to an SPDC detention center in March 2003, without the knowledge of UNHCR. One of them was Naw Htoo whom they caught foraging in the forest outside the camp. Because relatives of KNU members often live in camps, Naw Htoo (not her real name) knew the SPDC could identify her as a resistance sympathizer, so she lied to Myanmarers authorities and said she was an illegal migrant. The SPDC did not discover her relation to the resistance, but tested her blood for reasons she did not understand. They later put her on a truck to the capital of Karen State. After a three-week journey begging funds from strangers in Myanmar, she was able to return to the camp in Thailand.

The Right to Earn a Livelihood Refugees are not allowed to work in Thailand. Many refugee families earn a little cash by weaving or foraging for food and building materials to sell to other camp residents. Others seek work in construction or for local farmers if they can leave the camp and return without being caught. Thai camp guards may beat those they catch and the police can arrest and deport them. Since 2000, Thailand has allowed over 500,000 Myanmarers that they consider “migrants” permission to work, but not the refugees who must stay in the camps.

Refugees who work illegally suffer from below-market wages and working conditions and employer abuse, including the sexual exploitation of domestic helpers or waitresses. Some end up as commercial sex workers in karaoke bars for lack of legal alternatives. Traffickers take advantage of women seeking employment by selling them to shops and brothels where they are forced to work for years in a modern form of slavery. Refugees have no rights under Thai labor law and no legal redress to vindicate them. According to a 1996 cabinet resolution, migrants with work permits are protected under the 1997 Constitution of the Kingdom of Thailand and the Labor Protection Act of 1998, but few Myanmarers know their rights and tolerate their violation instead. Furthermore, the majority of migrants without work permits enjoy only limited protection under Thai law.

Access to Courts Until recently refugees have had little access to courts in Thailand. All foreigners, including refugees and the undocumented, are guaranteed the right to humane treatment during arrest and detention under Thai law. The Thai constitution mandates that in criminal pro-



PAW PAW'S STORY

Paw Paw (not her real name), a young Karen refugee woman, was born in Myanmar 23 years ago. Her family lived near the border, in sight of Thailand so they could flee should the army attack. "For the first ten years, where I lived depended totally on the battles," Paw Paw explained. "Finally we could not manage inside Karen State anymore. We moved to a refugee camp in Thailand. Sometimes my parents went back to try to stay on a few more years. I can't count how many times I moved back and forth—over 10." Paw Paw stayed in Thailand to find security and attend school in the refugee camp. In 1995 however, Myanmar soldiers attacked her settlement near the border. Paw Paw grabbed her belongings and ran with her family over the mountains so the Myanmar soldiers would not discover them. Paw Paw described a night of terror to USCR: one where she did not know if the shadows she saw were those of other fleeing Karen or those of her would-be killers.

Eventually she made it to one of the larger refugee camps some 16 miles (25 km) from the border. Despite the distance, the SPDC and their Karen counterparts came into Thailand and burned much of the camp. "We thought we were safe there, but we realize we are safe nowhere," Paw Paw explained. Paw Paw recalled lying in her bed at night, afraid to sleep, wait-

ing to hear the three bamboo knocks that the camp leader instructed them would be their sign to run. "We could not study, we were so worried about being attacked. Even though we don't suffer physically, mentally we are always afraid. Even the little children are affected. My little brother would not speak after one of the raids."

In another incident, the SPDC attacked a Thai camp that Paw Paw and her family had left the day before. Survivors of the attack told Paw Paw that soldiers shot one mother in the head, killing her. No one could retrieve her body during the night. Paw Paw recalled how the woman's baby continued nursing on the body of the dead mother.

To this day, Paw Paw tries to avoid sleeping in the camp. "I am still afraid," she explains. "I just sit and listen for the bamboo knocks, afraid if I fall asleep I will be attacked." Paw Paw works for an NGO and can sleep in a house that the organization rents near town. Most are not so lucky.

Photo: One of the refugee camps in Thailand, hours after Myanmar soldiers attacked, killing 5 and destroying the homes of almost 10,000 refugees.

Credit: B. McCartan



cedures the rights of all people, regardless of nationality, should be protected. Nonetheless, enforcement of these rights is extremely limited.

Some Myanmarese fleeing persecution manage to register themselves as migrants, who are granted additional rights under Thai Labor Laws. As soon as registered migrant workers are fired, however, they lose their legal status and can be arrested and deported: so factory owners prevent workers from organizing by threatening to dismiss them. In a precedent-setting case, 34 Myanmarese migrant workers sued their employers under Thai labor law when they were fired before payment of \$120,000 (4.6 million Baht) in wages. The employers offered 50 percent compensation, but the migrants refused to accept it. In an effort to stop the case, Thai authorities arrested and deported the plaintiffs. Although all managed to return unharmed to continue the case, employer harassment and intimidation prevents most victims from filing cases.

In refugee camps, Thai authorities recently began prosecuting serious crimes such as rape and murder in Thai courts, instead of allowing local refugee courts to adjudicate them as before. Refugees may also use Thai courts to bring actions against Thai authorities or other refugees for crimes. The first such case occurred in March 2002, when three Thai soldiers raped two Karen women, one a minor, while they were foraging outside the camp. The women refused to settle for monetary damages and took the case to the military court. Two years later, the court found the soldiers guilty and sentenced them to three, six, and nine years in prison.

The Right to Own Property Thai law prohibits non-citizens from fully owning property: 51 percent of ownership must be in the name of a Thai citizen. Any ownership by non-Thais is contingent on a legal extended presence in Thailand. Karen refugees may only rent the land on which they set up some of the refugee camps. Title to vehicles and other assets also requires documented legal status other than refugee status, which only entitles the bearer to reside within the confines of the refugee camps.

Right to Education Refugees manage camp schools with some support from NGOs. Education for refugees is sepa-



Before and after photos of the home where the author lived as a teacher and Huay Ka Lowke refugee camp. In 1997, Myanmarese troops crossed the border and burned the camp. *Photo: G. Martin*

rate from local Thai schools. Most camps offer primary education while a few others have high school and post-high-school classes. As one camp leader explained,

There are more than 10,000 students in the [Karen] camp schools. Over the last ten years, about 2,000 people in the camps have completed high school. We have a teacher-training program for high school graduates but that only accepts 40 students, so most graduates have no opportunity to further their education. Students are idle and get disappointed. Some leave the camps and look for a job to get some income, but it is illegal and...they may be arrested.

Several NGOs offer college-level courses and one

Australian University set up a distance education program, allowing for specialized training and degrees.

Psychological Impact of Warehousing Seventy percent of Myanmar people seeking assistance in one border town clinic show signs of psychological or psychosocial distress as a result of the effects of war. Life in the refugee camps poses new problems. Men have virtually no traditional roles in the camps, while women continue theirs as caregivers. Symptomatic of extended time in the camps, domestic violence is pervasive. In addition, despite strict rules against alcohol and drugs, substance abuse occurs among both young and old refugees, especially men.

Thai regulations governing the camps, even if only sporadically enforced, demoralize refugees and limit their control over their lives and futures. For some years, Thai authorities attempted to ban refugees from planting kitchen gardens, receiving vocational training, running high schools, or collecting supplies and food in the jungle outside the camp. Over time, these rules were not enforced, allowing NGOs to conduct vocational training and high schools to function.

The refugees have little to look forward to or hope for, and this deters them from making long-term plans and setting life goals. When she was in her twenties, Paw Ghe (not her real name), a teacher in the camp told the author, “I couldn’t marry, I don’t know if I will stay here or go back.” Paw Ghe arrived in a refugee camp in the mid-1980s. Now she is 37-years-old and still single. This year, Paw Ghe finally decided to study Thai. “I better know how to function here, if I am going to live here,” she explained. It took 20 years for Paw Ghe to admit that she may not go home; for 20 years she put choices on hold.

2004: Final Chapter?

After more than 50 years of armed struggle, the KNU has decided once again to engage the SPDC in peace talks. The KNU have lost most of their territory in SPDC offensives. Their weapons caches are almost empty, their army is dwindling and their people continue to suffer. Though their past experience indicates that the SPDC will not actually honor a cease-fire, should such an agreement be made, the Karen refugees and internally displaced may decide, for better or worse, to finally return home. Given the worsening conditions for Myanmar people in Thailand, they may feel they have little choice.

SPDC troops continue to subject ethnic minorities in eastern Myanmar to human rights violations. Based on the SPDC’s poor record, the prospect of a just and fair cease-fire is dubious. The Mon, who agreed to a cease-fire in 1995, were only given a verbal agreement. Since the cease-fire, the SPDC dramatically militarized areas around the cease-fire zones and confiscated Mon lands. Politically motivated rape, torture, forced reloca-

tion, extortion, arbitrary arrest, and summary execution continue in Mon State. During the cease-fire talks from the end of December 2003 to February 2004, the SPDC moved 15 battalions of soldiers into Karen and Karenni States displacing at least 5,000 additional people and forcing an unknown number into relocation sites. The U.S. State Department noted in its annual Human Rights Report, that Myanmar’s “extremely poor human rights record worsened in 2003.” Such persecution, however, does not count in Thailand’s unique definition of a refugee; meanwhile, 2,500 Myanmar people per month continue to enter Thailand.

Despite such compelling evidence of human rights violations in ethnic areas, the UNHCR has negotiated a presence in eastern Myanmar to “create conditions conducive to voluntary return.” For many refugees, choosing to return to Myanmar may only be the lesser of two evils; repatriation without protection and time to prepare areas of origin or simply to remove landmines, will be dangerous and premature.

The United States is finally, after two decades, considering resettling urban and camp-based refugees. When USCR asked one refugee leader about his family’s options he reported,

I cannot go back because of the oppressive measures in Burma, I mean to say the government atrocities. If the situation there changes and a proper situation occurs, we have to go back. If on the other hand, there is no change and there is opportunity of going abroad, we will go. All the family will go together. Staying here we don’t find peace, peace of mind. So maybe in the other country, we can have peace.

In previous years, Thailand has allowed many refugees from the region a safe haven, but it appears this tradition is eroding. Furthermore, Thailand’s failure to honor the Refugee Convention denies Myanmar people the chance to live a decent and normal life while in exile. By warehousing them Thailand has dehumanized the victims of persecution—in effect persecuting them a second time. To the extent that the international community tolerates this rather than pressing Thailand to honor refugee rights and shouldering its mutual obligation to support them, it too is complicit in this second-hand persecution.

Paw Paw (see “Paw Paw’s Story” sidebar) has been a refugee all her life. At age 23 she states:

What I wanted was to have a real job, to work outside of the camp, to go out and get life experiences. I feel bad depending on international help. I would prefer to work for myself, if it were allowed. Most of the refugees want to work. If we could work, be allowed to travel and have the opportunity for higher education, we would feel better, we would have power—but we dare not speak out.