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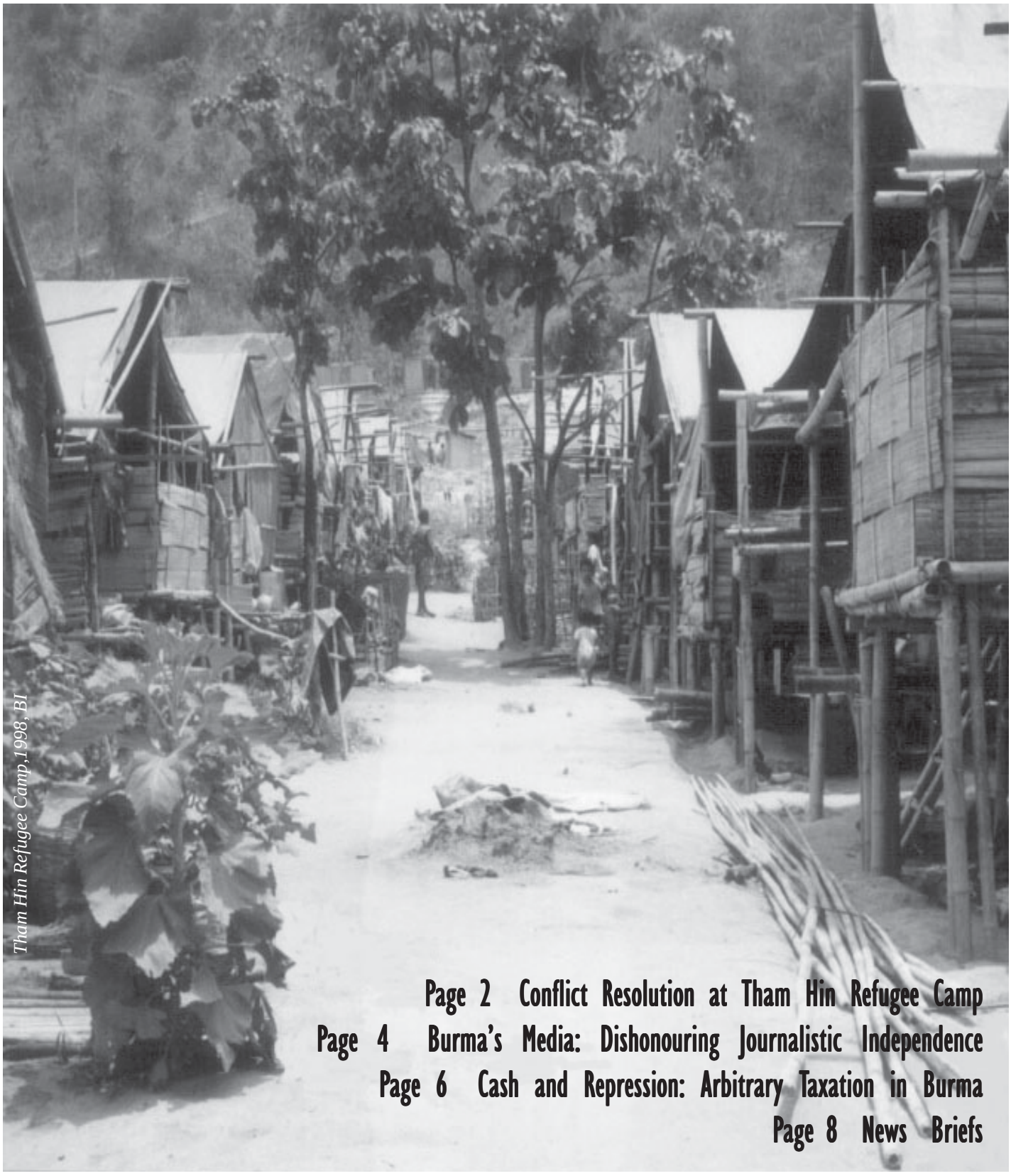

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Time to Face Facts:
A Study of Conflict Resolution at Tham Hin

by N. Ruttanasatian and S. Doherty

Living in a refugee camp brings a variety of challenges. Ethnic Karen who have fled to Thailand from Burma find themselves in a situation far removed from their traditional way of life. Aside from the obvious economic and spatial restrictions, the strained atmosphere in the camps leads to increased tension and, as a consequence, interpersonal and social conflict is common. Traditional approaches to conflict resolution are not appropriate for the more complex disputes that take place in the camps.

There are currently over 75,000 ethnic Karen based in refugee camps inside Thailand[1]. The Tham Hin Camp, from which most of the information used in this article was obtained, is located in Ratchaburi Province in Western Thailand. There are over 9000 residents in the camp, the majority of which are Sgaw Karen who have migrated from Mergui-Tavoy District in Burma, living in an area of some 6,400 square meters.

As is the case in other camps in Thailand, the refugees in Tham Hin face considerable difficulties in their day-to-day lives. Camp regulations mean that refugees cannot work to earn their living, and are therefore entirely dependent on NGOs operating in the camp for food, shelter and medicine. There is limited access to education and healthcare. Space restrictions are a major problem at Tham Hin. Following a visit to the camp in October 2000, UN High Commissioner for Refugees, Sadako Odaka, said she was “shocked” by overcrowding at the camp. Such conditions, which have since worsened, have adverse consequences for the general well-being of camp residents. The degrading treatment of refugees looks set to continue with the refusal of Thai authorities to extend the perimeters of the camp, or to revise housing restrictions inside the camp.

A prime example of an area in which camp residents can no longer regulate their own lives is that of the resolution of disputes within their own communities. The ways in which conflicts are traditionally resolved in Karen villages are no longer appropriate for the Karen who have relocated to Tham Hin.

Traditional methods of conflict resolution emphasise the importance of maintaining the status quo. Avoidance of confrontation is the general rule. The necessity of such an approach is understandable in small rural communities, particularly those where animist beliefs predominate. Problems within the group anger the spirits, who show their disapproval by punishing the entire village. Therefore open fighting is rare, and is frowned upon. Instead, parties to a dispute will seek to maintain silence, physically keeping away from one another. Such an approach ensures that the spirits and the general community are not aggravated. Ongoing disputes can be referred to the Council of Elders, whose decisions are binding upon the parties. A villager who is unhappy with a ruling of the elders has the option of separating from the group, quietly moving elsewhere at the time of the annual migration of the village.

It is clear that such traditional methods of resolving disputes are not appropriate for Karen communities currently based in refugee camps. Severe space restrictions mean that the previous practice of the avoidance of confrontation is considerably more difficult, as constant interaction between community members is unavoidable. In addition, overcrowding in the camps means that disputes are more likely to occur in the first place, as tension and frustrations run high. This is a natural consequence of human nature. Karen people do not generally have a lot of experience of living in close proximity to large numbers of people, so problems within the group are inevitable. Economic concerns within the camps and increased use of alcohol further intensify the situation.

Conflict resolution is further complicated by the variety of actors involved in decision-making in the camp. Whereas Karen villages are traditionally self-regulating, at Tham Hin this is no longer the case. The elected Camp Committee[2] has replaced the Council of Elders as final arbiter in cases of disputes, and in the imposition of sanctions. However, the power of the Committee is subject to that of the Thai authorities, and as the camp is located in Thailand, Thai law applies. International NGOs also play an important role as the only source of food, clothing and medical assistance. As a result, camp residents are reluctant to confront them. The net effect is more complex disputes, and a reduced capacity to deal with them on the part of the residents of the camp.

Separation from the group by an aggrieved party is still practiced, although a party leaving the camp runs the risk of being captured by the Thai authorities and being sent back to Burma.

A certain loss of autonomy and the power of self-determination is inherent in life in a refugee

camp. However, conditions in Tham Hin are such that residents are in danger of losing their values, culture, customs and indeed their dignity. It is sad to think that for many of the refugees, the traditional way of life may be gone forever. If repatriation is to take place in the future it is essential that efforts are made now to ensure that the unique Karen culture and society can be preserved. Children are being raised in the camp today who have never known the traditional way of life.

Shortage of space is a major problem at Tham Hin, both as a cause of disputes and as an obstacle to traditional methods of conflict resolution. At present, the Thai authorities are not willing to consider expanding the boundaries of the camp or revising restrictions on the location of dwellings. As such, it would appear that the refugees themselves must consider ways of reducing conflicts in the camp. This should involve discussion between the refugees and the NGOs operating at Tham Hin about conflict resolution in the new setting in which they find themselves. Running away from problems is clearly no longer a solution. A new approach is required as there is nowhere to run to. Face-to-face negotiation, possibly with the assistance of a neutral third party, would be a far more effective and sustainable way of dealing with conflict. The Camp Committee could play a supportive role here.

Finally, the refugees should be allowed to govern themselves in a manner similar to how they used to, not just in relation to conflict resolution. While the subject of repatriation is still being debated, the Karen should be allowed to control their own destinies to the greatest extent possible. Increased interaction and cooperation between the refugees, NGOs at the camp, and the Thai authorities is essential if this is to take place.

This article presents the thesis of Miss. **Ngamsuk Ruttanasatian**: *Traditional and Contemporary Conflict Transformation of the Karen People in Tham Hin Camp, Thailand.* Mahidol University, Bangkok, 200.

Endnotes:

1 Thai Ministry of Interior / UNHCR figures, released May 2004. A Burmese Border Consortium report of June 2004 puts the figure at over 90,000.

2 The Camp Committee is the working organization responsible for the camp life of the refugees. It also provides a liaison between the refugees on one hand and the NGOs and Thai authorities on the other. It is made up of elected officials and includes many of the elders in the camp. It is not the same as a traditional Council of Elders however.

Family Disputes at Tham Hin

Conditions at Tham Hin pose serious challenges for the maintenance of traditional family relationships. The Karen are a strongly monogamous people, with the family viewed as the basic unit of society. Standard practice is for husband and wife to work the land side-by-side. Extra-marital sexual relationships bring both punishments from the spirits and censure from the villagers. Wrongdoers risk expulsion from the community.

Family life at Tham Hin is considerably different. Limited economic opportunities in the camp force many refugees outside in search of work. Such separation from family members for extended periods is rare in traditional Karen communities, and means that the spouse that is left behind must take responsibility for the running of the household. This is the situation faced by many Karen women in the camp.

Tham Hin refugee camp, Thai-Burma border, 1998

Adultery is far more common in the camp than in typical villages. The Camp Committee has passed regulations forbidding it, and adulterers can be punished with imprisonment, but still the problem persists. Residents of the camp are living in very crowded conditions. There is far more interaction with neighbours. That spouses left behind at Tham Hin might feel a sense of abandonment is understandable. Young people that have left the camp and worked in Thailand have learned new behaviour on the outside, with many of the younger men having visited brothels. The net effect is that the high standards of morals traditionally maintained in Karen society have come under attack.

All in all it would appear that camp life is threatening Karen family values, and Karen family life in general.

Burma's Media:
Dishonouring Journalisitc Independence

BY SANTIPAP

As the dust settles following the most recent internal-coup in Burma, the effects of the leadership reshuffle are already being felt. Whilst the Burmese press has been heavily controlled since 1962, the new leadership wants to tighten the reigns, muzzling an already firmly leashed media industry. In the two weeks that followed the leadership switch, more than a dozen Burmese publications have been closed and the official censorship body, the Press Scrutiny Board (PSB), is being restructured[1]. After four decades of extreme censorship, licensing, intimidation and imprisonment of journalists, the press system is already strained and buckling under the weight of regulations. The potential effects of further restraints are alarming.

As the new leader of the State Peace and Development Council, Lieutenant General Soe Win, seizes control of the information and news media within Burma, he is erasing past alliances between media organisations and the ousted Prime Minister Khin Nyunt. However, while establishing authoritarian control over the media to consolidate Soe Win's recently acquired power is a strategic political move, the ultimate losers in this situation are the people of Burma.

Already denied access to basic unbiased and uncensored news, Burmese people are being forced further into an information black abyss. Since 1962 the junta has used legislation, in particular The Printers and Publishers Registration Act, to control the press. This Act gives the censorship body the power to prohibit the publication of any material it deems to go against the interest of the government. Newspapers are forced to annually apply for licenses, tying publishers to a stringent set of restrains and restrictions. When license are revoked for displeasing coverage, the media outlet is effectively shut-down, with little, if any, recourse for appeal. The authorities dangle these publishing licenses in front of editors as an incentive for them to publish complementary, pro-government articles, regardless of journalistic integrity, ethics or the principle of telling the truth[2].

Additionally, journalists can and are regularly imprisoned under this Act. According to the Committee to Protect Journalists, a US based non-government organisation that monitors press freedom globally, at least ten journalists are currently incarcerated by the junta. Their crimes: publishing criticism of the junta or failing to tow the propaganda line. Legal sanctions for violating the Printers and Publishers Act range from banning the article or publication to a seven years jail sentence for journalists, although measures taken against media professionals regularly exceed those prescribed by the legislation. Award winning journalist U Win Tin is among the writers currently being held in Burma[3]. He was imprisoned in 1989 and sentenced to 20 years imprisonment under a number of highly questionable charges, including violating the Printers and Publishers Act.

Printed publications are not the only forms of media that are under constant surveillance. The junta has created legislation which has been able to keep up with the ever evolving communications and media industries, to ensure that the content presented is in keeping with the government's distorted beliefs. The junta has introduced a type of licensing underwhich the authorities must grant people permission before they purchase a television, video or fax machine. They must also agree to heed to fluctuating conditions and restrictions set by the junta, including censorship[4]. Public movie houses showing old videos are popular entertainment, but, they are subject to rules implemented by the junta, including not showing popular western movies[5].

These restrictions have also been extended to computers and the internet. When accessing the internet at a cyber-caf□ people are required to register their names before connecting to the web. Burmese people again have to obtain licenses before they can own a computer, and there are severe limitations on what internet sites they can access. Only 10,000 of the infinite number of internet sites can be accessed, due to firewalls and filtering systems implemented by the junta. Additionally "dissident" websites and general news sites are all but impossible to view[6].

But it is not just the fact that you can not access these sites, all internet traffic and the websites people have attempted to visit is also monitored. In 1999, six army officers were arrested trying to access an anti-government website. Additionally people are not allowed to post any political writings on the internet, nor can they write anything that is detrimental to Burma or its current policies and secret security affairs. Breaking any of these conditions or restrictions can result in 15 years imprisonment.

Moreover, while these restrictions greatly deny people access to information through many differ-

ent sources, there is another control mechanism, which, while more subtle, is perhaps more effective than any form of censorship – cost. Internet access in Rangoon costs approximately $1.50 US per hour which is more than most Burmese people make during an entire work day. People in Burma are struggling to financially support themselves and their families. The cost of the technology in Burma is beyond the reach of everyday people. Whether it is deliberate or not, cost effectively controls what sort of access the people have to media.

However, despite the information black hole the people of Burma live in, they know quite a lot about the international community, and international bodies, such as the United Nations. One way that people are being kept informed is through "illegal" broadcasts and publications that are reaching people inside Burma, on the borders and in refugee camps. Radio, in particular, is popular in providing news to people because this form of media does not require literacy to understand it, it is possible to listen to the radio while working or doing other activities, more than one people can listen at the same time, and it requires only a couple of batteries to function.

Kwe Ka Lu Newspaper, 2004

There are also publications that are distributed inside Burma that help to keep people informed, although they are limited by literacy levels and the difficult task of distribution. Additionally, the choice of language that newspapers are published in restricts who can access them due to the numerous different languages that are spoken in Burma. *Kwe Ka Lu*, a Karen language monthly newspaper, is distributed in Karen State, in the Eastern part of Burma. While providing invaluable news and information to many people, the publication has a number of limitations from the number of copies printed, to where and to whom it is distributed, in addition to the difficulty and danger of collecting information and distributing it within Burma.

Despite the difficulties in accessing information, the people of Burma realise that there are organisations outside the country which can offer support for their causes. In a video produced by the Karen River Watch, 'Voices of the Salween Valley', villagers say that they want the United Nations and other organisations to help them stop the SPDC building a dam that will destroy their homes. Villagers with minimal access to the outside world know about United Nations mandate which consists in maintaining international peace and monitoring human rights violations. It is because of "illegal" media and the people that distribute them, that grassroots people are familiar with these international organisations.

However, having contact with news gatherers and distributors is not without repercussions. For people caught talking to outside media, especially when the information being past along is not complimentary of the junta, the most lenient punishment is imprisonment. In May this year Ne Min, a Burmese lawyer and news gatherer for the British Broadcasting Corporation (BBC), was sentenced to 15 years jail for "allegedly passing information to unlawful organisations outside Burma", according to the Committee to Protect Journalists. This is Ne Min's second stint in jail, following a conviction in 1989 for allegedly spreading false news and rumours to the BBC to disturb the country and for possession of anti-government literature to be passed on to the BBC[7].

Freedom of expression, whether or not is protected by a constitution, is not a privilege – it is a right. It was seen as such an important right that it was included in not one, but three articles of the Universal Declaration of Human Rights. The United Nation's General Assembly also passed three resolutions pertaining to it during the 1990s and freedom of expression was included in the 1966 International Covenant on Civil and Political Rights. Despite the international community's attempts to protect freedom of speech, and the media, the Burmese government deliberately and unequivocally restricts all spheres of expression. Regardless of this, the people of Burma to the best of their abilities are informed and know that there is a whole world of information just beyond their country's border. Why should a geographical border mean that these people are left in the dark?

Endtnotes:

1 "Junta shakeup leads to closing of several publications", *Committee to Protect Journalists*, October 22, 2004

2 "Press Freedom in Burma: A Reporters Without Borders Perspective", *Democratic Voice of Burma*, July 20, 2002

3 "WAN protests continued imprisonment of at least nine writers, including U Win Tin", *World Association of Newspapers*, September 30, 2004

4 IBID

5 "Western English Film Prohibited in Aykab", *Narinjara News*, July 1, 2004

6 "The great firewall of Burma", *The Guardian*, July 22, 2003

7 "Burma: Cases 2004", *Committee to Protect Journalists*, May 7, 2004

Cash and Repression:

Arbitrary Taxation and Looting by the Military in Burma

BY C. GUINARD

For decades, taxation throughout Burma has been notoriously arbitrary, to the detriment of the whole population. Today, it remains a widespread human rights violation. Here are some facts...

Since June 2004, Burma Issues field collectors in Karen State have reported that people living in Taw Oo District and other areas have had to pay local SPDC officers (State Peace and Development Council, the ruling Burmese government) more than 200 kyat, twice a week, in exchange for work permits.[1]

In Karenni State, many villagers have been forced to move to relocation sites. Karenni relocation sites include Nwa La Bo, Shar Taw Su and Way Thit Su. If villagers wish to leave the sites to work their fields, they are required to get travel passes from SPDC authorities. These passes usually cost between 200 and 300 kyat. In Shar Taw Su, if villagers cannot afford this amount, and decide to leave the relocation site without papers, they face a fine of 10,000 kyat or one week's detention.[2]

In Tenasserim division in Southern Burma, at Myinkanbaw relocation site, each household has to pay 500 kyat every month for the Anti-Insurgent group (militia supported by the Burmese government), 300 kyat to feed Burmese troops arriving in the area and another 200 kyat to local officers for village development.[3] Those local officers have already received the budget for such development projects from higher SPDC government agency but they continue to extort more from the people for their own benefit.

Arbitrary taxation and other forms of extortion are common practices throughout Burma. The problem is not confined to South-Eastern Burma but also takes place in Arakan and Chin States on the Western border. These informal taxes range from travel or work permits, paddy taxes and cattle registration fees to a multitude of contributions to be made to the authorities in cash, goods or services. The tactic of arresting people for minor offences or under suspicion of being an informant for an insurgent group and demanding high bribes in return for their release is also widespread in ethnic areas throughout Burma.

Indeed, arbitrary taxation is a complementary tactic in the alienation of the people of Burma. Villagers are already facing many human rights violations and physical abuses which put their lives in danger, such as forced labour, torture, rape and military attack. Being financially exploited just adds to their plight. By continuously harassing people by demanding outrageous monetary donations, demanding multiple fines, and by repeated looting, the SPDC is destroying the capacity of the people to live with enough resources and to sustain their livelihoods. Slowly but surely, this annihilates people's strength to build up their community and to get organized. When there is no food in your belly or medicine to heal one of your sick children, your willingness and capacity to raise your voice and express your opinion against a tyrannical regime is seriously undermined. Your mind is focused only on survival: food, shelter and protection of your loved ones. Expressing your political point of view or getting organized to do so is just a hypothetical and distant dream.

"Today, it is estimated that each family living in ethnic areas pays an average of 3000 kyat per months to local military authorities."

According to a recent publication about internal displacement released by the Bangkok-based organization, Thailand Burma Border Consortium[4], 52 % of households in Eastern Burma were affected by arbitrary taxes during the past 12 months. The highest percentage was reported in the Tenessarim Division with 67 %, followed closely by the Shan State with 64% of the families facing such abusive practices. These figures show the appalling scale of these human rights abuses. In addition, the report reveals that arbitrary taxation is an even more frequent practice in

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Outrageous Arbitrary Taxation: Breaking spirit and cultural identity of the People

- In Dupalaya District, in Karen State, the DKBA demands that each Karen village pays 1000 baths per month for religious tax. Karen people are known to be Christian, however this money is often used to build Buddhist pagodas or to print Buddhist calendars that villagers are later forced to buy. *BI Internal source - April 2004*

- In Tenessarim Division, on August 13, 2004, the SPDC Tactical Command Lt. Colonel Than Daing captured a Christian pastor from Sarawa village in the northeast of Mergui town under the accusation that he was connected with the Karen National Union. The Colonel demanded 2,000,000 kyats from villagers in compensation for his release. All the funds from the Christian community were used to pay this sum. *BI, Kwe Ka Lu source - September 2004*

- In Pa-an District in Karen State, SPDC soldiers planted landmines on cattle paths. If animals stepped on the landmines and died, SPDC soldiers would keep the meat for themselves and force the cattle owner to pay for the landmine. The price of a cow or buffalo ranges between 80,000-200,000 kyat (2000-5000 Thai baths). The price of a landmine can be up to 5000 Kyat. *BI, Internal source - October 2004.*

- In Karen State, in the Eastern and Western Dawna Mountain ranges, every household was forced to pay 1000 kyat for posters of Prime Minister General Khin Nyunt. *BI, Internal source - September 2004.*

SPDC controlled relocation sites. Throughout eastern Burma, 78 % of the families living in relocation camps are subject to extortion. This is the highest rate compared to villagers living in ceasefire zones (54%), free fire zones (13%) and mixed administration areas (64%). It means that relocations camps are not only places where villagers are forced to live and where they are subjected to compulsory labour, but also a sordid area where local SPDC officers are satisfying their greed by removing villagers' basic means of survival.

Worryingly, during recent months, documentation from inside shows a dramatic increase in the "value" of the act of extortion and/or taxation. SPDC soldiers are no longer limiting their demands to "reasonable" amounts of money (ranging between 50-300 kyat), but now seem more inclined to ask for astronomical taxes from villagers who are mostly farmers living from agricultural proceeds. Whereas before SPDC troops would loot just a chicken or a pig, today they are stealing everything: money, jewellery, sarongs, plates, knifes, trousers, bamboo, bags of rice, agricultural tools, cassette players, and even underwear, with total hauls reaching up to 400,000 kyat.[5]

One reported story among dozens reveals this alarming trend. On September 21, 2004, SPDC Light Infantry Battalion No24, along with some Democratic Karen Buddhist Army (DKBA) soldiers, set up a checkpoint in Kaw Koo area in Pa-an District, Karen State and arrested two traders early afternoon. Both traders were fined 200,000 kyat and 18 of their cows were confiscated. In Karen State and Tenasserim Division, the confiscation of cattle by the Burmese army or its proxy-armies as well as taxing their owners is dramatically on the rise.

Confiscating cattle, livestock and belongings increase the vulnerability of village communities who are not able to secure a sustainable livelihood. Indeed, in ethnic areas, villagers never keep cash in their hands: they buy, raise, use and sell animals. Livestock represents the whole fortune of villagers. If Burmese soldiers confiscate animals and/or arbitrarily demand horrendous sums of money, the only way for villagers to cope is to sell some more of their cattle or to access loans from other villagers or families members.

The net effect is a vicious circle where people are continually deprived of more and more of their property. The Burmese army knows that if they continue to employ such practices it can only lead to the full denial of the basic right of and capacity for survival of the people.

In modern economies, taxation by a State entity must be organized with the consent of the people. Secondly, the ability to pay is not the possibility of all. Progressive taxation must be applied. Finally, taxes must be apportioned according to definite rules. Any discretionary power invites corruption. Prejudice leads to persecution and extortion, and excessive taxes such as the ones that SPDC officials are so inclined to perform.

The tax-philosopher historian of the Enlightenment, Montesquieu, in his *The Spirit of Laws* (1751), taught us that excessive and arbitrary taxes require, "extraordinary means of oppression." And from that, "the country is ruined."

This seems to apply perfectly to Burma where the military has transformed taxation from a routine and legitimate function of government into a tool of repression.

Endnotes:

1 Burma Issues, Internal source - September 2004

2 Burma Issues, Internal source - July 2004

3 Kwe Ka Lu Newspaper source - August 2004

4 Thailand Burma Border Consortium, *Internal Displacement and Vulnerability in Eastern Burma*, October 2004, Bangkok.

5 Kwe Ka Lu Newspaper source - June 2004

news briefs

Information

Peace Way Foundation publishes **BI Weekly**, a news summary of current events updating readers about the changing situation in Burma, via email.

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Burma PM arrested and sacked over corruption: Burma's Prime Minister General Khin Nyunt has been sacked and placed under house arrest for alleged corruption. Khin Nyunt, 65, was the face of the regime overseas and backed dialogue with the detained opposition leader Aung San Suu Kyi. The appointment of Soe Win, a military hardliner, as Prime Minister sparked concerns that the military would take a tougher stance against ethnic groups who make up about a third of Burma's 50 million population. A delegation from the Karen National Union (KNU) returned mid october from Rangoon after the junta cut short a fresh 4th round of peace talks following the leadership coup

Burma jails forced labour complainants: The UN International Labor Organization (ILO) is concerned about the reported imprisonment of two Burman men who filed forced-labour complaints against local officials. The men's complaints were dismissed and they were convicted of criminal defamation, according to a human rights group, the Hong Kong-based Asian Human Rights Commission (AHRC).

50,000 Rohingyas to enter Bangladesh: An estimated 50,000 Muslim refugees from Burma are camping along the Bangladesh-Burma border waiting to cross the river into Bangladesh. However, the Bangladesh Rifles (BDR), a paramilitary group have prevented at least 3000 refugees from crossing the river earlier in October. The Bangladesh government has closed part of the southeast border. Rohingyas refugees are fleeing Burma due to the oppression of the Nasaka the junta's border security force. According to the UN High Commissioner for Refugees there are currently 19,000 refugees from Burma awaiting repatriation in Bangladesh.

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