

**FORGOTTEN VICTIMS OF A
HIDDEN WAR:
INTERNALLY DISPLACED
KAREN IN BURMA**

**Burma Ethnic Research Group and
Friedrich Naumann Foundation**

April 1998

Forgotten victims of a hidden war:
Internally displaced Karen in Burma

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PREFACE

This report was always intended as a preliminary report on the Karen IDPs. It was undertaken as a result of a number of related problems and events:

- a) In the aftermath of the 1997 Burma army offensive against the Karen in Doooplaya and Mergui-Tavoy districts of Kawthoolei, large numbers of displaced persons were unable to find refuge in Thailand due to local level policy.
- b) At the same time a number of informal reports were emerging from the north of Kawthoolei, an area not apparently affected by the recent offensive, which reflected a worsening of the situation of the people, subjected increasingly to acts of destruction by the Burma army, including large numbers of villages given forced relocation orders.
- c) A group of Karen began to seek support for a systematic survey of the situation and needs of IDPs and to secure the funding for the training necessary for the survey.
- d) The KNU established an IDP Committee to seek to mobilise additional support to assist Karen IDPs.
- e) A representative of the Global IDP Survey visited Thailand, commissioned a brief country report on IDPs in Burma as part of a larger study (as yet unpublished) and proposed a more regular and systematic reporting on IDPs in Karen and other ethnic areas of the Thai-Burma border area.

From a number of directions, the conclusion drawn was that it would be useful to quickly assemble a preliminary report on Karen IDPs so as to place the problem in context and demonstrate what was and was not known about Karen IDPs. The report group has attempted to do just that and is deeply aware of the limitations of the data presented.

Rapporteurs were selected to report on each district. These rapporteurs, known personally to the Karen members of the report group as capable and reliable reporters, were provided with a common briefing and a definition of internally displaced persons and engaged in discussion regarding what groups might or might not be included in the definition.¹

The definition provided was:

IDPs are people who are forced to flee or to leave their homes or places, as a result of (or in order to avoid) the effects of:
armed conflict;
situations of generalised violence;
violations of human rights; or
natural or man-made disasters; and
who have not crossed an internationally recognised state border.

They were asked to respond as quickly as possible to the following set of questions, prepared in English and explained and discussed in a combination of English, Karen and Burmese.

Briefly describe the emergence of IDP groups in your district. Where are they, where did they come from and why? Try to give numbers.
Describe any major developments concerning IDPs in the last 12 months. Again, where are they, where did they come from and why? Try to give numbers.
What prevents these people from returning to their place?
What prevents these people from crossing the border to become refugees?
Describe the situation (in terms of safety) and condition (in terms of food and health) of the largest groups.

¹ The definition used was a simply presented version drawn from the Global IDP Survey definition.

Which group is in the worst situation/condition?
Are the various groups able to get any assistance?
Show the locations of the various IDP groups on a sketch map.

The reports were presented in writing in Karen were translated into English by the report group. These reports from the districts form the basis for this report. No attempt was made to systematically incorporate all references to IDPs which might be found in the numerous reports on human rights abuses in Karen areas although corroborating reports have been referred to occasionally.

Another source of data was a bio-history survey conducted in three refugee camps in Thailand during late 1997 and early 1998. The intention of this survey was through extended structured interviews to trace the movements of refugee household heads during the ten years prior to entry into a refugee camp in Thailand. The interviews were still not completed at the time this report was begun, and are as yet not completely analysed, but reference to the interviews is made in section 4.2.3 and one of the interviews is presented in its entirety as Appendix III.

This preliminary report seeks to raise the level of awareness and debate in the international community concerning the plight of the internally displaced in Burma. The report highlights the need for further systematic data collection in order to develop better understanding of the causes, processes and patterns of displacement, to stimulate a more co-ordinated approach to the provision of assistance and to stimulate political initiatives which can permit a dignified and safe return of the displaced people to their homes.

The Burma Ethnic Research Group (BERG)

The process of writing this report on the situation of the internally displaced Karen of Kawthoolei by a group of seven Karen and three westerners led to a consensus that there was a need for further documentation and research into issues affecting the life and rights of ethnic communities in Burma. The concept of an independent Burma Ethnic Research Group (BERG) emerged out of this process.

BERG can be contacted at PO Box 1865, Bangrak, 10500, Bangkok, Thailand.

ACRONYMS

AFPFL	Anti-Fascist People's Freedom League
ASEAN	Association of Southeast Asian Nations
BBC	Burmese Border Consortium
BCG	Burma Coordinating Group
BIA	Burma Independence Army
BKNA	Buddhist Karen National Association
BSPP	Burma Socialist Programme Party
CCSDPT	The Committee for Coordination of Services to Displaced People in Thailand
DKBA	Democratic Karen Buddhist Army
DKBO	Democratic Karen Buddhist Organisation
DOH	Department of Health
DOL	Department of Labour
ICRC	International Committee for the Red Cross
IDP	Internally Displaced Person
IO	International Organisations
KCO	Karen Central Organisation
KIO	Kachin Independence Organisation
KNA	Karen National Association
KNDO	Karen National Defence Organisation
KNLA	Karen National Liberation Army
KNPP	Karenni Nationalities Progress Party
KNU	Karen National Union
KNUP	Karen National United Party
KORD	Karen Office for Relief and Development
KYO	Karen Youth Organisation
LIB	Light Infantry Battalion
MNRC	Mon National Relief Committee
ML	Mae La
NGO	Non-governmental Organisation
NHEC	National Health and Education Committee
NMSP	New Mon State Party
OAU	Organisation for African Unity
OCHA	Office for Coordination of Humanitarian Affairs
JRS	Jesuit Refugee Services
Slorc	State Law and Order Restoration Council
SPDC	State Peace and Development Council
UN	United Nations
UNCHS	United Nations Center for Human Settlements (Habitat)
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNFPA	United Nations Population Fund
WFP	World Food Programme
WHO	World Health Organisation
WVI	World Vision International

EXECUTIVE SUMMARY

As a first preliminary study on Karen internally displaced persons (IDPs), this report was prepared in order to place the IDP problem in context and demonstrate what is and is not known about Karen IDPs. Data was collected between November and December 1997 from each of the seven districts of Kawthoolei by a group of selected rapporteurs. This was triangulated with data from sources in Rangoon where possible. In addition, a bio-history survey was conducted in three refugee camps in Thailand to trace the movements of refugee households during the ten years prior to entry into a refugee camp. While recognising the limitations of the methods used and the data collected, this report nevertheless attempts to analyse the data and provide a summary picture of the conditions faced by Karen IDPs.

This preliminary report on Karen internally displaced persons in Burma establishes that between 100,000 and 200,000 Karen are currently internally displaced under the extremely difficult conditions of counter-insurgency warfare and military occupation by the Burma army. Including the 91,000 Karen in refugee camps in Thailand, it is estimated that approximately 30 percent or 480,000 of the rural Karen population of Eastern Burma is currently displaced.

A number of patterns of displacement were identified including eight patterns of internal displacement. All the KNU districts stated the reason for villagers being unable to return as the continuing presence of Burma army troops who have now occupied the whole of Kawthoolei and most of the length of the border separating Thailand and Burma.

A number of factors deter people from crossing the border so as to obtain assistance and protection:

- distance from the border;
- Burma army, or Burma army/DKBA troops blocking the way to the border;
- Thai policy;
- fear of entering the camps in Thailand i.e. Karen villagers' own assumptions about life in the camps;
- shortage of room in existing camps;
- choice --- people prefer to remain on the Burma side of the border if they are able to survive; they cross the border as a last resort.

Although it must be concluded from the numbers of reports received that forced relocation is practised widely and reflects policy at the highest level, little is known of the location or conditions of forced relocation sites.

International responses to internally displaced persons within the borders of legitimate states, where the state and its institutions are hostile to international interventions, remain problematic. Even within the international advocacy arena, only recently have human rights groups and others been ready to articulate issues of IDPs in Burma explicitly. Reports to date have expressed IDP problems in relation to ethnic conflict and have largely been instigated by the ethnic groups who, like the Karen, have been the target of the military actions by the Burma army.

Responses within Burma to issues regarding IDPs have remained largely peripheral. While the most obvious constraint facing the international community remains inadequate access to displaced populations, mainly as the present government views international intervention negatively, responses to redress this situation have been very modest. Approaches within existing United Nations programmes to effectively care for and protect displaced populations

remain weak. International non-governmental organisations (NGOs) active in Burma, for their part, have largely steered clear of specifically addressing internally displaced persons.

Cross-border assistance to internally displaced persons along the Thai-Burma border over the years by international NGOs and international organisations (IOs) has been largely ad hoc, partisan and lacking general transparency. Karen IDPs have not been considered a humanitarian problem warranting comprehensive investigation and assistance from international NGOs. By contrast a coordinated response to the plight of the internally displaced student and pro-democracy activist groups quickly emerged. Assistance that was provided to Karen IDPs was delivered through either KORD, a relief organisation set up by the KNU in September 1993, a clinic for Burmese on the Thai border, or through the KNU administration itself.

The Thai authorities do not allow any of the registered NGOs, working under the umbrella of the CCSDPT, officially to develop programs of assistance across the border, although there is endorsement of temporary cross-border assistance in certain instances. Medical care in the form of mobile medical trips have become the mainstay of health care for Karen IDPs since the 1997 offensive. Two channels have been used -- that of a border-based clinic for Burmese and the KNU health department. A typical trip would last for 6-8 weeks and be provided with a standard allocation of medicines. Funds have been provided through Thai-based NGOs.

As assistance to the Karen IDPs is unofficial, it cannot be easily planned, targeted to the most needy, nor even openly discussed. Groups or individuals involved in delivering aid across the border are reluctant to discuss openly the extent or effectiveness of what they do. The IDP groups most easily helped are those most easily accessible or those in parts of Kawthoolei which have always had more contacts with NGOs etc., not necessarily the most needy.

The situation of the various clusters of IDPs varies according to:

- distance from the border of Thailand;
- strength of remaining KNU forces in the area;
- numbers of Burma army/DKBA troops stationed in the area.

Undoubtedly with the disintegration of the KNU structures for health and education and the difficulties faced by remaining KNLA soldiers, to a large degree the IDPs are left to fend for themselves.

The international community expresses its concern for refugees through a series of international and regional treaties and conventions. The 1951 Convention and the UNHCR reflect an attempt to protect refugees by prescribing standards for the treatment of refugees by governments. With IDPs the situation is less satisfactory.

The situation of generalised violence against the Karen civilian population by the Burma army has caused large-scale displacement inside Kawthoolei according to a number of clear patterns which extends into escape across the border into Thailand. Refugees and IDPs are displaced by the same complex pattern of forced relocation, harassment and persecution, impoverishment by labour demands and looting by the military as much as by armed combat associated with offensives by the Burma army against the Karen army.

Although Thailand has generously provided shelter to many thousands Karen and other Burmese fleeing the situation in Burma, effectively Thai policy fails to acknowledge:

the systematic attempts to destroy Karen and other ethnic communities;
the level of disruption to the civilian population caused by the many years of insurgency and counter-insurgency in Burma;
the complexity of the persecution of civilians associated with the counter-insurgency campaign of the Burma army against Burmese ethnic populations;
the persecution and fear of persecution which makes the Karen genuine refugees in Thailand.

After lobbying by the NGOs providing assistance, since 1994 the UNHCR has acknowledged the de-facto refugee population at the Thai-Burma border as a community of concern to the UNHCR. The NGOs have continued to urge the UNHCR to play a higher profile role on protection issues but have stopped short of endorsing the idea that in order to achieve effective international protection it is necessary for the UNHCR to take over the running of the camps. Thus effectively, the involved NGOs and the UNHCR have accepted, and in accepting, have legitimised, the Thai approach to the Burmese refugees which denies them effective international protection.

IDPs require assistance and protection just as do refugees. For IDPs, however, even the provision of assistance is more problematic than for refugees because it depends on the home country providing access.

The Burmese government refuses to acknowledge the problem of IDPs or the need for assistance for them. Humanitarian assistance can only be provided in an unofficial and ad hoc way to the Karen IDPs across the border from Thailand, without the formal approval of the Thai authorities to develop programmes. Relying on case by case approval (or ignorance) of the Thai authorities so far, has been highly limiting. Like the problem of protecting refugees, the essence of the problem is one of recognition.

Because of the highly problematic situation of IDPs with regard to humanitarian assistance, the most important priority is for the international community to give recognition to IDPs' rights to seek and secure assistance. This requires international authorisation of an effective, independent assessment of the scope and nature of the problem, and which develops a strategic plan for the provision of such assistance. In practice, the international community must create the opportunity for and capacity of the Karen community to address the needs of Karen IDPs.

How can IDPs be provided with protection? Like refugees, ultimately the appropriate protection for IDPs is the insistence by the international community that the underlying problem is addressed and fundamental change achieved. The important thing is not the terminology used to describe what it is the Karen are fleeing; whether it be called 'persecution,' 'human rights abuse' or 'fighting' is of no consequence. What is important is for there to be agreement as to what it is they are fleeing, i.e. a complex mix of causes related to ethnic conflict, armed uprising and the anti-insurgency measures of the Burma army against the civilian population. If that can be clarified then there is more scope for investigation into how that complex mix of causes can be addressed so that the Karen, ultimately, are able to care for and protect themselves.

1. The Karen and Kawthoolei

1.1 The Karen

The Karen ethnic group is considered by many to be a large ethnic family comprising many sub-groups or tribes. The readiness of the members of these smaller sub-groups to be considered as 'Karen' varies. Some of the larger groupings such as the Karenni would consider themselves to be sufficiently different to be a separate ethnic group. However, ethnologists often rank together Sgaw, Pwo, Karenni, PaO, Bwe, Pe Det, Pe Ret, Pe Ku, Maw Nay Pwa, and others, as belonging to the larger grouping known as 'Karen.' The above groups are variously Christian, Buddhist or animist. The majority of Karen throughout Burma are Buddhist.

The Karen live along the southern part of the Irrawaddy River and throughout its delta, along the Sittang and Salween rivers, and down as far as the Tenasserim Division. They occupy the Pegu Yoma mountain range as well as the southern part of the Arakan Yoma mountain range. However, the majority of Karen live in the Irrawaddy delta.²

Burma became part of the British Empire in 1885. As in India, the British set up schools to train staff for the colonial administration. The Karen accepted this offer of schooling by the foreign colonialists more readily than many of the other ethnic groups. Consequently, many Karen were educated and rose to high positions in the colonial administration and armed forces.

In 1942, with the assistance of the 'Thirty Comrades,' the Japanese troops entered Burma and the Burmese pro-independence 'Thakins' organised the Burma Independence Army (BIA) to fight the colonialists. There was resentment against the Karen who had cooperated with the colonialists and in the ensuing months many Karen villages were burnt down. The Karen retaliated and many were killed on both sides. After the war in 1945, the movement for a separate Karen homeland, Kawthoolei, developed in parallel alongside the movement for the independence of Burma.

Based on the 1931 census, (the last census which attempted to collect figures for ethnic minority populations) the total Karen population, which consisted of 17 sub-groups including the Kayan (Padaung) and the Karenni, stood at 1.3 million with 682,000 males and 685,000 females and made up 9 percent of the total population.³ In the 1947 census held just before independence from the British, the records show a population of 5 million Karen among a total population of 24 million.

Post-independence data on ethnic populations is relatively scarce and may also be unreliable and biased, again under-stating ethnic population figures. Besides the sheer inaccessibility of many Karen areas, survey methods have resulted in some Burmese-speaking Karen being categorised as Burman.⁴ Furthermore, particularly after 1962, the government may have blatantly misconstrued population figures for political ends.⁵ Thus, while the 1971 population census noted a Karen population of 3.2 million out of a total population of 33

²The 1967 Handbook of Biological Data on Burma published by the Burma Medical Research Institute confirms this in its table on National Races and their Locality. U Khin Maung Lwin and Mya Tu M, 1967, *Handbook of Biological Data on Burma*, Burma Medical Research Institute, Rangoon.

³According to Smith, the 1931 figure was low because the British would have recorded many Buddhist Karen as Burmans. The war-time Japanese survey showed 4.5 million Karen. Smith M, 1991, *Burma Insurgency and the Politics of Ethnicity*, London, p. 30.

⁴Burman refers to an ethnic group. Burmese is used to refer to all the citizens of Burma and to the language.

⁵Smith, 1991, see above, p. 30.

million, in 1983, the government listed the country's population as being 34.1 million with the Karen recorded at 2.12 million.

Using projections from the 1983 census⁶ which, along with the 1992 Fertility Survey, are the basis for calculating current population projections by the government and United Nations (UN) agencies,⁷ figures for 1992, according to the Ministry of Home Affairs, were 6.2 million Karen out of a total population of 42 million. According to Martin Smith, Karen National Union (KNU) leaders estimated that there were approximately 7 million Karen, including PaO, Kayan and Karenni, making up 20 percent of the population.⁸

In relations to figures disaggregated for each state and division, in 1967, Karen state consisted of seven townships with a total population of 729,000. In 1995, the total population for Karen state was estimated as 1.3 million with a population density of 44.4 per sq km. While township names remained much the same (Pa.an, Kawkareik, Kya-in Seikgyi, Myawaddy, Papun, Thandaung and Hlaingbwe), population figures almost doubled between 1967 and 1995 (see table below). The proportion of rural population in 1995 was 90 percent. The population figures for 1995 were estimated on the basis of the 1983 census figures.⁹

Population figures for Karen State, 1967 and 1995

Townships	1967			1995
	Village-tract	Households	Population	Population
Pa.an	91	44,921	219,997	n/a
Kawkareik	52	22,689	123,916	n/a
Kya-in Seikgyi	53	21,430	115,456	n/a
Myawaddy	14	4,876	26,722	n/a
Papun	35	8,510	42,875	n/a
Thandaung	156	9,440	45,266	n/a
Hlaingbwe	73	29,445	154,283	n/a
Total	474	141,311	728,515	1,349,125

(Ministry of Home Affairs, 1967¹⁰ and Ministry of Labour/UNFPA, 1997)

Population figures for Tenasserim division are also presented below for both 1967 and 1995, as a large Karen population lives in this division and it is included in the Karen concept of Kawthoolei. In 1995, Tenasserim division had a total population of 1.2 million covering an area of 43,000 sq km and a population density of 28.0 per sq km. The reduction in population figures between 1967 and 1995 may be attributed to the changed boundaries caused by the creation of Mon State in 1974. Mon State in 1995 had a population of 2.2 million covering an area of 12,000 sq km with a population density of 181.6 per sq km.

⁶A complete census has not been undertaken in Burma since 1931. The military authorities of Burma conducted a census in most parts of Burma in 1983. Since then no new census has been undertaken. See Silverstein J., "50 Years of Failure in Burma", in Brown ME and Ganguly S. (ed.), 1997, *Government Policies and Ethnic Relations in Asia and the Pacific*, Cambridge Massachusetts, p. 169.

⁷Ministry of Labour/UNFPA, 1997, Handbook on Human Resource Development Indicators, Rangoon.

⁸Smith, 1991, see above, p. 30.

⁹Ministry of Labour/UNFPA, 1997, see above.

¹⁰In U Khin Maung Lwin and Mya Tu M, 1967, see above.

Population figures for Tenasserim Division, 1967 and 1995

District	1967				1995
	Townships	Village-tract	Households	Population	Population
Kawthaung	Kawthaung	16	2,925	16,036	n/a
	Bokpyin	20	4,340	20,426	n/a
	Mergui East	22	16,627	114,221	n/a
	Mergui West	19	8,571	49,441	n/a
	Palaw	27	12,211	63,803	n/a
	Tenasserim	19	8,411	45,005	n/a
Moulmein	Chaungzone	43	17,477	90,583	n/a
	Kyaikmayaw	45	20,521	108,679	n/a
	Moulmein	13	27,422	162,918	n/a
	Mudon	45	23,071	128,597	n/a
	Thanpyuzayat	21	13,680	74,432	n/a
	Ye	28	18,361	102,012	n/a
Tavoy	Launglone	42	17,425	82,711	n/a
	Tavoy	18	16,321	94,462	n/a
	Thayetchaung	45	14,453	64,888	n/a
	Yebyu	35	11,119	55,902	n/a
Thaton	Bilin	59	18,772	95,800	n/a
	Kyaikto	34	13,156	62,684	n/a
	Paung	52	23,115	132,303	n/a
	Thaton	51	26,711	137,926	n/a
Total		654	314,689	1,702,839	1,214,097

(Ministry of Home Affairs, 1967¹¹ and Ministry of Labour/UNFPA, 1995)

Some of the serious shortfalls in the quality and reliability of population data presently used in Burma have already been noted. In addition, as total population figures are based on projections of the 1983 population census, figures which are now well over ten years old, contemporary estimates and projections vary considerably due to different fertility estimations. For instance, while the total population for 1994/5 was thought to be about 44 million, different estimates varied between 43 and 47 million depending on the fertility estimate used. The fertility rate is most commonly estimated to range between 1.9 to 2.2 per cent. Furthermore, the completeness of crude birth and death rates are totally dependent on the quality of reports made by the basic health staff of the Department of Health (DOH), the soundness of which has been questioned.¹²

¹¹In U Khin Maung Lwin and Mya Tu M, 1967, see above.

¹²Two separate issues have been raised which question the reliability of crude birth and death rates as presently collected in Burma. Firstly, as the current system covers 254 towns out of a total of 301 notified towns and 62 townships out of 324 townships the completeness of data is of concern. Secondly, as noted by World Vision International (WVI) in Burma, for every birth in Burma there are 13 forms to be filled out as part of the government reporting system, and for each death another 13 forms. While this workload will most likely be maintained in hospitals throughout the country this may go unreported in many rural settings. Moreover the registration of a birth or death has a financial cost attached to it for the family. Chandler D., 1997, Health in Myanmar: An Interpretive Review of Data Sources, World Vision International-Myanmar, Rangoon and Ministry of Labour/UNFPA, 1997, see above.

Another issue of concern in relation to population statistics which is particularly relevant to displacement and relocation, is that with the exception of the period 1986-1990, there is no data available on internal migration in Burma. The Department of Immigration and Manpower in 1992 continued to base its figures of population migration on projections of the 1983 census data. The viability of these figures is questionable given the change in patterns of migration due to the forced squatter clearance and resettlement after 1988 and the reduction on travel restrictions in 1989 following economic liberalisation.¹³ Although figures for total urbanisation are reported to exceed 25 percent today and are reportedly going up by 2.3 percent per year, (i.e. a considerably lower rate than in numerous neighbouring countries), no accurate demographic data can be found to compute levels of internal and external migration. Data on more sensitive issues, such as population displacement by factors other than economic development, is extremely scarce.

Livelihood

Most Karen in present day Burma are engaged in agriculture, livestock, fishery and forestry. Agriculture predominates with paddy cultivation being the main staple. Subsistence agriculture is a feature of the more remote areas of the border states. With approximately 10 percent of Karen living in urban areas, as few as 5 percent are wage earners and the number of self-employed may be less, with those mostly confined to Rangoon. Hence, the Karen are mainly a rural population with low rural cash incomes. Livelihood in rural areas varies from the wet-rice farmers of the delta to the upland shifting cultivation of much of Karen state and the neighbouring Shan state and Karenni borderlands. Karen state, with a total land area 30,000 sq km, is covered by 13,000 sq km of forested land and 17,000 sq km of plains and valleys. More than 60 percent of farmers work on holdings of less than 5 hectares¹⁴ which are often situated in forested areas and a substantial number of households in the upland shifting system have limited draught power and household labour. This, in combination with growing numbers of landless rural populations, have resulted in a high level of rural poverty in Karen state.

1.2 Kawthoolei

Kawthoolei is the name given by the Karen to their homeland. The name has its origin in ancient times and is thought to have been brought from Mongolia. The name itself is said to mean 'the land without evil' though others translate it as 'the land of the Thoolei plant' (a common plant in this area). The exact meaning will never be known since the old Karen writings have been destroyed.

The KNU's original concept of Kawthoolei encompassed land in the Irrawaddy delta, Pegu and Tenasserim divisions and the, then, sub-district of Nyaunglebin. Later, when the KNU retreated from the delta and Pegu Yomas, Kawthoolei took on its present form of seven districts stretching from Taungoo in the north to Kawthaung in the south. The area covers the whole, or parts of, the government designated states and divisions of Karen state, Mon state and Tenasserim division (see Appendix II, Figure 2). It is around 850 miles long but very narrow -- at its narrowest only about 30 miles wide.

¹³Basing itself on the 1983 census the Ministry of Home Affairs, Department of Immigration and Manpower found that out of the 36 million persons for whom data on birth place was available, 33 million were immobile in the sense that they were enumerated in their birth place. Base statistics thus show that 92 percent of the population have not moved from their place of birth. Immigration and Population Department/UNFPA, 1992, Population Change and Fertility Survey, Rangoon.

¹⁴One hectare approximately equals 2.2 acres.

The KNU have never conducted any systematic census of the population but best estimates put the current Karen population of the whole of Kawthoolei (whether under KNU or government control) at 2.0 to 2.4 million. This would account for about half of the total Karen population in Burma. Communities of Mon, Burman, Karenni and Muslims of South Asian origin also reside within the borders of Kawthoolei.

Kawthoolei initially was hoped to be the land of independence for the Karen, though the proposed boundaries have not been without controversy. Dr San C. Po, a respected Karen leader, proposed in his book published in 1928 that Tenasserim division become a Karen homeland, Kawthoolei.¹⁵ During the period of preparation for independence in 1947, a number of proposals were put forward by different Karen political organisations for negotiation with the British and the AFPFL leaders. The KNU, however, boycotted the elections for the Constituent Assembly, repudiated it after the elections and rejected its offers. Consequently, the 1947 constitution simply made provision for the establishment of a Karen state.¹⁶

Kawthoolei, as administered by the KNU, stretches from Daw Pha Kho township in the north, near the northern borders of Karenni state, to Te Naw The Ri township in the south, near Kawthaung (see map, Appendix II, Figure 2). It stretches from the Andaman Sea in the west to the Thai border in the east. The area is administered by the KNU as seven districts and 28 townships (see Appendix I, Table A for names of districts and townships). Some names overlap between the government and KNU nomenclatures, however, not necessarily designating the same places. The north-western edge of Kawthoolei overlaps with Pegu division and some parts of Dooplaya overlap with Mon state. Pa.an, Doo The Htoo and Dooplaya districts are the most populous and Taungoo is the least populous.

Despite demarcating large areas claimed as parts of Kawthoolei, there are whole townships which have not in recent times been under KNU control and even larger areas where the KNU's control has always been tenuous. Boundaries of some townships are not well-defined, especially those overlapping Mon territory in Dooplaya district.

The KNU were not very systematic about setting up administrative areas and there is no set definition of what constitutes a township or district. Hence, some districts are very large in area (eg. Mergui-Tavoy) while others are fairly small. Under the township, there are village-tracts, which are the basic administrative areas for the civilians. A village-tract is a group of villages close together making up a local community. A large village can have the same status as a village-tract and can elect its own headman. The individual village in Karen is called a *The Waw* or *Ke Waw* and on average may have 20-30 households. The mountainous areas of the northern districts have some very small villages (about 5 households), whereas in other areas there are some very large villages with over 200 households.

The Karen idea of a village is whatever is considered locally to be the 'community.' In former times the Karen lived in longhouses and the longhouse was the community itself, despite being only one building. In some areas the word to refer to such a longhouse is *Der*, the same as used to refer to a community of bees in a hive. Longhouses are rare now but exist still in remote northern areas.

Comparison of villages in the Taungoo mountains (A) and in Mergui-Tavoy district (B)

¹⁵Po San C., C.B.E., 1928, *Burma and the Karens*, London, p.79. Tenasserim Division at that time included most of south-eastern Burma.

¹⁶U Maung Maung, 1990, *Burmese Nationalist Movements*, Honolulu, p. 347.

Number of households per village	A	B
< 5	++	-
5 - 20	++++	+
20 - 50	++	+++
50 - 100	+	++++
100 - 200	+	++
>200	-	+

Key: - = absent; + = few; ++ = some; +++ = many

With the regional variations between north and south, and the wide variation in life-style within districts, it is not meaningful to provide averages for the number of households or population in each village.

The last occasion the KNU controlled a town was when they held Taungoo in 1950 and Papun town in 1952/53. Since then, the KNU has not had control over any town.

Each KNU district has a civilian governor, a district chairman, and there is a parallel military hierarchy under a Brigade Commander (see Appendix I, Table A). All district chairmen and all brigade commanders are members of the central committee of the KNU and are answerable to the KNU president. Until January 1995, Kawthoolei had a capital, or headquarters, at Manerplaw on the Moei river.

1.3 The Kawthoolei districts

The districts and townships of Kawthoolei differ in their geography, population and economies. Sgaw, Pwo, Bwe (Karenni) and other sub-groups making up the Karen 'family' are represented to different degrees in various parts of Kawthoolei. Buddhist, Christian and animist Karen are distributed throughout the whole area. There are no areas that are wholly Buddhist nor wholly Christian.

1.3.1 Taungoo district is made up primarily of high mountains with steep valleys. Even the plateau area is around 3,000 feet above sea level and some of the peaks rise to 6,000 feet. The northernmost part of Kawthoolei is situated along the same latitude as Thandaung, to the west of Taungoo city. In the high mountains, the villages are mostly inhabited by Sgaw and Bwe Karen (some of whom prefer to be known as Karenni). The villages are very small and very far apart from each other, often in adjoining valleys. Due to the remoteness, the people have developed slightly varying dialects, even from village to village. The weather is cool in summer and cold in winter, the people needing to light many fires in the house to keep warm. The crops are upland rice as well as betel, tea, coffee and cardamom. Further west, Htaw Te Htoo township is flatter and paddy can be grown.

1.3.2 Kler Lwee Htoo district is the westernmost district and thus the closest to Rangoon and the delta area. The land is mostly rolling hills with some good flat farming land where paddy can be grown together with betel, durian, lemon, limes and cardamom seeds. The population is mostly Sgaw Karen.

1.3.3 Mutraw district. The northernmost part of the district is Loo Thaw township which has high mountains, though not as steep as the northern mountains of Taungoo. There is frost on the ground in winter and the area is not suitable for tropical fruits such as bananas. The people tend to live in the valleys and practice shifting upland rice cultivation. Most of the villages in this township are very small, some with only 5-10 households. The people are mostly Sgaw Karen.

Papun town is a major Burma army headquarters. The town has a mixed Karen and Burman population.

1.3.4 **Doo The Htoo** district. The KNU have demarcated Bilin and Thaton townships, which in theory reach to the coastline, as part of this district. The district overlaps with Mon state boundaries since Mon state was not established until 1974. The overlap here has not caused dispute with the New Mon State Party (NMSP), since the latter have had very little activity so far north. More importantly, in practice, the coastal plain has been in the hands of the government.

The population of the district is mostly Karen and PaO. Near the coast there are significant populations of Mon. Like Kler Lwee Htoo district, this area has suffered as a result of being easily accessible from the delta and from the military bases along the road at Thaton and Kyaikto. The population live by rice farming and cultivating fruit orchards on the flat land. Coconuts grow well here, as do chillies, melons and sugar cane.

1.3.5 **Pa.an** district. The land here is fertile and sugar cane, chillies, melons and an array of vegetables grow well. The weather is favourable, lacking the extremes of temperature of the mountainous areas to the north. In former times, the economy of the area was good and the district was one of the main income earners for the KNU. Pa.an is one of the most populous districts in Kawthoolei and the area has many large villages. The population is mostly Pwo Karen, though in Ta Kreh township it is mixed Pwo and Sgaw Karen.

The former KNU headquarters, Manerplaw, was in this district until it was lost to the Burma army troops on 27 January 1995. Pa.an town is the official capital of Karen state and is the headquarters for the 25th Military Intelligence company. Pa.an town is populated by PaO and Karen, while the suburbs are mainly Karen.

1.3.6 **Doooplaya** district is another KNU district which overlaps with territory claimed by the NMSP and with the government's official boundaries for Mon state. In the past this has caused some friction between the KNU and the NMSP. The area is somewhat different from the other six districts in that it has vast expanses of good fertile soil on flat land. Large areas are planted with paddy and crops of sugar cane, betel, sesame and rubber flourish. The economy of this area is considered better than other areas -- farmers commonly own oxen for ploughing and drawing carts. The climate is humid and warm for most of the year without the frosts of the mountain areas to the north. Teak trees grow well and in the past logging concessions provided much income for the KNU.

To the south of the district, towards Three Pagodas Pass, there are large reserves of antimony. However this metal, often found in association with tin, has a very low market price. Due to its location at the junction of roads from Moulmein and Tavoy, the area is a major trading route. Three Pagodas Pass, Wallei and Palu in the past were very lucrative trading gates for collecting taxes by the KNU, and at its peak Doooplaya was the biggest income earner for the KNU. All these trading gates are now in the hands of the government and Three Pagodas Pass is currently being developed as a major government trading point. Roads are being built to the towns on the coast to facilitate trade with Thailand. The population consists mainly of Pwo Karen together with some Sgaw Karen. Towards the coast there are more Mon and Burmans.

Most of the Ye-Tavoy railway extension passes along the coastline through Mon state adjacent to Doooplaya district, and consequently most of the villagers forced to work on the railway, both Mon and Karen, were from this district. The railway has now been completed

to Tavoy. In addition to the railway, the north-south highway has been upgraded and extended to pass directly to the new Yadana gas pipeline which runs through Mergui-Tavoy District.

1.3.7 Mergui-Tavoy is the southernmost district of Kawthoolei and was always the most isolated from the headquarters of the KNU. To reach the headquarters at Manerplaw, KNU officers were obliged to pass through Thailand. It is, in some ways, the least developed district with a very thinly scattered population. There are no roads in the district aside from the government-controlled coastal highway from Tavoy to Mergui, now in disrepair. Most of the population live in small villages along the Tenasserim river and its tributaries, or along the government-controlled coastal plain.

The majority of the population makes a living by subsistence agriculture using shifting upland farming techniques. Fishing and hunting supplement villagers' diets. To the west in Ke Ser Doh township there are large gardens of betel nuts which command a high price at Tavoy. Many of these people do not plant rice but purchase rice from the Tavoy market with cash earned from betel nut cultivation. To the south in Te Naw The Ri township there are rubber and oil palm plantations. All large oil palm plantations are in the hands of the government. In general, agriculture is backward and transport very difficult. Transport along the Tenasserim river is by dug-out canoe, with or without an outboard motor. Until 1988/89, the KNU obtained income from logging; earlier, in the mid-seventies, there was income from mining tin and tungsten. There is variable income from taxing fishing boats in the Andaman Sea.

In Te Naw The Ri township, there is a small uneconomic coal mine controlled by the KNU and operated under a concession to a Thai company. In the same township there is a diamond mine operated by the Slorc at Theindaw.

The population is roughly half Pwo and half Sgaw Karen. The large villages near the KNU headquarters in Kaw Te Hgah township are nearly all Sgaw. On the islands in the archipelago off Mergui, there are sea gypsies known as the Salon.

The northernmost township of Ler Doh Soh is the site of the Yadana gas pipeline. Villages here were relocated to make way for the pipeline project and to make the area secure.¹⁷ Due to the pipeline and other infrastructure projects in the area, the Burma army strength in the district has been steadily built up from four battalions in mid-1991 to 29 by 1997. A new Coastal Regional Command military headquarters was set up in 1996 in Mergui as usually the existence of 30 battalions warrants a separate military region. The Burmese navy has bases at seven places along the coast, the most important being at Mergui, Mali island, Lambi island, King island and Zadetgyi island. In late 1996, a massive relocation exercise, which was thought to be due to the consolidation of the area by the new Coastal Regional Command, took place around the Mergui/Pelaw area.¹⁸

The combination of the gas pipeline, the various road projects, the Heinda tin mines, the oil palm plantations and the fishing and tourism opportunities in the Mergui archipelago make this region very attractive to the Slorc to secure and develop for their own ends.¹⁹ Completion of large-scale development projects like the Bongti-Tavoy road and the associated industrial park at Tavoy are a priority for the Slorc and Thailand.²⁰

¹⁷KNU Mergui-Tavoy, 1994, *Development and the Cry of the People*, December 1994.

¹⁸All Burma Students' Democratic Front, 1997, *Terror in the South*, November 1997, Bangkok.

¹⁹KNU Mergui-Tavoy District, 1994, see above.

²⁰*The Nation*, 25 April 1997, Bangkok; *The Nation*, 26 April 1997, Bangkok.

2. Displacement and counter-insurgency in Burma

2.1 Population displacement in Burma

Population movements and displacements are by no means a new phenomena for the peoples of Burma. During the inter-war years, Rangoon was said to be the largest immigration port in the world attracting large numbers of Indians because of the higher rate of wages and the opportunities in trading and cultivation. Following the Second World War, the newly independent government launched a massive reconstruction programme. It sought not only to return many Indians to India, but began to replace destroyed and damaged infrastructure and provide orderly housing to the dwellers of squatter settlements which had mushroomed all around urban areas during the years of war. Squatter populations, however, continued to grow. The 'hutment problem' led to an unprecedented increase in populations of urban centres during the post-war period and this was further aggravated in the 1950s by the migration of population from rural areas because of general insecurity and unsettled conditions. By 1958, Rangoon's squatter population was over 300,000 out of a population of approximately one million.

In that year, the new caretaker military government (headed by General Ne Win) made it a top priority to develop new satellite towns on the outskirts of Rangoon. Between 1958 and 1960 when power was returned to an elected government, 62,000 households, over a quarter of the total urban population, were forcibly relocated to the east side of the city. In 1962, when the military again seized power, the government, faced with increasing opposition on a countrywide scale, initiated several counter-insurgency programmes which led to population displacements and forced resettlements in rural areas.

In 1985, the authorities renewed efforts to develop satellite towns around urban centres for, amongst others, fire victims, and these have after 1988 rapidly accelerated under the State Law and Order Restoration Council (Slorc). Much criticised for evicting squatter populations as a means to 'discipline' them after the 1988 upheaval and as a preparation for the May 1990 elections, Slorc has attempted to justify these displacement schemes as urban renewal works and projected them as a national programme. According to various reports however, no real housing policy existed as after 1984, because of negative experiences with costly and highly subsidised housing programmes of low output, the government considered the provision of housing a non-priority.

Given the size of the country and an urban population of less than 10 million, the urban resettlements carried out by the Slorc were on a very large scale and dramatically rapid. They were accompanied by renewed impetus for relocation of rural populations in what became known as border area development programmes. These rural relocation programmes, a parallel rural equivalent of the urban resettlement programmes, were particularly sensitive because of the long-standing conflict between successive governments and insurgent ethnic communities in the border-states. These programmes have involved massive displacements of people in remote border regions, mostly ethnic minority peoples. Maybe most striking have been the systematic, massive displacements of the Rohingya populations in all but 2 of the 17 townships of Arakan state since 1991/92.

Lack of displacement figures

According to a 1994 report by the United States State Department, an estimated half million residents in Rangoon were moved from urban centres to outlying resettlement areas from

1988 to about 1994. The United Nations Centre for Human Settlements (UNCHS/Habitat) in their report "Human Settlements Sector Review in Union of Myanmar" estimates that the total population affected by resettlement and new housing in 1989-1990 was in the neighbourhood of 1.5 million people or 4 percent of the total population and 16 percent of the urban population. Roughly 50 percent of this resettlement took place in Rangoon, Mandalay, Taunggyi and Bago. A further 8 percent came from 10 secondary towns where the Department of Housing and Settlement was preparing resettlement projects. As these calculations were based primarily on national plans, the UNCHS willingly admitted that they might be on the low side as the ultimate scale of resettlement could be dramatically increased by local planning teams.²¹

With urban to rural resettlement intensifying in 1993, and forced displacement of ethnic minority and rural communities also expanding after the breakdown of several cease-fire agreements between the Slorc and ethnic groups, the UN Special Rapporteur on Myanmar (Burma), Mr. Rajsmoor Lallah, commenting in early 1997 on the human rights situation since 1988, estimated that over 1 million people may have been "forcibly relocated, without compensation to towns, villages or relocation camps in which they were essentially detained."²² In some ethnic areas, for instance in Palaung and Karenni areas, according to Article 19, up to 20 percent of the population have been subject to forced relocations.²³ Similar forced relocation programmes during 1996 and 1997 have been described in the Shan State.²⁴ While the scale of displacement is massive, the true figures may never be known and are likely to be much higher. Unhindered, regular access by independent monitors to those areas where displacement is most prevalent has never been permitted. The United Nations Department for Humanitarian Affairs (UNDHA) in 1996, in a background paper on internally displaced persons in Burma provided several explanations for this, including;

the unwillingness of the government to acknowledge the IDP problem, and its efforts to obscure related information, in order to avoid international attention;

the contentious situation in border areas, where population displacement depends on the state of conflict between the government and opposition groups;

the recurrent and widespread 'piece-meal' approaches to forced resettlement implemented by the government at local levels;

the dynamics of people crossing national boundaries, especially to Thailand, without recognition as refugees and whose status as a consequence is ill defined.²⁵

A number of other complicating factors may be mentioned. The Burmese government denies full citizenship status to many ethnic minority peoples, thereby denying them equal political, economic, social and civil rights within the country. For example, when the Rohingyas who had fled to Bangladesh from Arakan state in 1991/92 were returned and resettled in a programme sponsored by the UNHCR starting in 1993, most found themselves stateless.²⁶

²¹For instance, the national planning project was expanded from 4,000 to 12,000 household plots by the divisional LORC without reference to the national plans. UNCHS, 1990, Human Settlements Sector Review Draft Report, Rangoon, p. D.8.

²²UN Economic and Social Council, 1997, *Situation of Human Rights in Myanmar*, Report of the Special Rapporteur, Mr. Rajsmoor Lallah, E/CN.4/1997/64, 6 February 1997.

²³Article 19, 1996, *Burma Beyond the Law*, London.

²⁴Shan Human Rights Foundation, 1996, *Uprooting the Shan*, A report on the Slorc's relocation programme in Central Shan State, Mae Rim.

²⁵UNDHA, 1997, *The Humanitarian Report 1997*, DHA 97/72, New York.

²⁶Amnesty International, 1992, "Union of Myanmar (Burma): Human Rights Violations against Muslims in Northern Rakhine (Arakan) State," May 1992, London; Asia Watch, 1992, "Burma: Rape, Forced Labour and Religious Persecution in Northern Arakan," *A Human Rights Watch Short Report*, vol.4, no.13, May 1992

Another element which has further entangled matters is that although a number of UN agencies and international non-governmental organisations (NGOs) operate in Burma, the government has consistently prevented these organisations from accessing ethnic minority regions where a large portion of displaced persons are located. These agencies have often accepted government-imposed restrictions on them in order to be given permission to assist other needy populations.

The causes for displacement

Whether seen as methods of social engineering or as military operations against, amongst others, ethnic insurgents, population displacement in Burma increased significantly following the September 1988 urban disturbances and Slorc's coming to power. (See table below for categories of displacement under Slorc.)

In the aftermath of the events of 1988, Slorc apparently saw that one of the biggest problems facing the military regime was the so-called squatter populations known as 'Kyoo-kyaw,' in Rangoon and in other major towns of Burma. During the disturbances, whenever there had been a flash point, hundreds of people seemed to appear on the streets from nowhere and, once the military arrived, disappeared back into nearby slums, almost like an invisible enemy. Since a considerable number of squatter communities existed in Rangoon, Mandalay and elsewhere, squatter resettlement projects became a priority for the Slorc. Yet, while this national programme grew out of the emotionally charged government reaction to the September 1988 events and controversial lead-up to the May 1990 elections, it differed only in degree from the earlier population resettlement programmes in 1958-60. It replicated the motivation, speed, management style, development standards and political rhetoric of the resettlements in the 1958-60 period.

Categories of displacement by Slorc

Politically Motivated Displacement

- To assimilate populations
- To prevent self determination/nationalism/autonomy
- To prevent 'destructive' opposition
- To win hearts and minds
- To foster amity between national races
- To preserve religious/cultural/ethnic/social customs

Economically Motivated Displacement

- For urban renewal and clearing of squatter areas
- For rural development works
- To promote border trade and border areas development works
- To foster social development
 - To promote tourism, transport infrastructure, industry, national parks, mining and energy works
- To eradicate poppies
- To engage populations as labours, porters, miners, agricultural and infrastructure workers

Militarily Motivated displacement

- To counter insurgents
- To preserve and maintain peace
- To establish law and order
- To foster regional peace and tranquillity of border areas
- To engage populations for military works in such areas as portering/demining/human buffers/labourers and people's militias

In an attempt to justify these urban displacement schemes, the Slorc identified the following objectives:

to implement large-scale home ownership policies;
to remove illegal land uses;
to vacate public lands, cemeteries, government premises such as factory compounds, railway yards and railway tracts;
to reduce congestion, improve public health and reduce fire risks;
to free up land for public uses, schools, markets, parks and for the widening of roads;
to generally enhance the appearance of urban areas; and
to improve the ability to introduce better standards of law and order.

Throughout, there was no community consultation or preparation for communities that were to be displaced. Some squatter communities were told to move to a designated place and then asked to pay for the new plot. If they could not afford this, they were forced to move further afield. Fire was used as another means of clearing squatters -- essentially, fire victims were moved out to new satellite towns rather than being allowed to re-occupy their old plots of land.

Even more controversial, however, are the forced resettlement of urban populations to rural settings. And while the government has acknowledged that these moves were hastily conceived, poorly serviced and caused major hardships for the communities concerned, the government declared in June 1993 that certain squatter populations from Rangoon and other urban centres could be moved to Karen state, Karenni state or Sagaing division. In Arakan

state and Kachin state, ethnic populations were warned that they might be relocated and moved to make room for the new population groups.²⁷

In the past five years, the Slorc's urban resettlement programmes have been matched by a rural version which sought to consolidate borders, assimilate different populations and promote development works through which to further its three main causes: the non-disintegration of the union, non-disintegration of national solidarity and perpetuation of sovereignty. Through its Ministry for the Progress of Border Areas and National Races and Development Affairs, Slorc in the interest of 'reconsolidation of national unity' has been willing to change populations around in politically sensitive areas by moving out certain population groups and bringing others in. Both the Kabaw valley region and the northern Arakan state provide vivid examples of efforts by the authorities to wall-off border areas, depopulating valleys and bringing in newcomers so as to ethnically change environments. Similar situations have occurred in more recent years in Karenni, Shan, Kachin, Mon and Karen states.

In addition, in some areas covered by cease-fire agreements with ethnic groups, 'special peace regions' have been developed where the Ministry for the Progress of Border Areas and National Races and Development Affairs have invested (through local 'contributions' of money and labour) in infrastructure including the construction of roads, bridges, hospitals, health centres and schools. While these development projects have accelerated economic development for some, and ethnic minority groups have been allowed to participate in the administration of them, they have caused displacements of rural populations living where infrastructures were to be set up and of populations fleeing because of their refusal to provide forced labour.

In these so called special peace regions, two groups were officially eligible for resettlement: insurgents who had voluntarily given themselves up and villagers who had been displaced by military action between the military and ethnic insurgents. The former insurgents who returned to 'the legal fold' were resettled in 'welcome sites,' where reports have indicated that in some cases they have been compensated with plots of land and agricultural tools or other economic incentives and encouraged 'to help restore peace and work to improve ideas and beliefs of respective local residents.' For the second group, whose initial displacement patterns include forcible relocation to areas under control of the military, escape to the relative security of relatives in non-conflict areas, or escape to the border and beyond, many have yet to be successfully integrated into government or other resettlement areas.

In regions of the country where the government has not achieved cease-fire agreements with ethnic groups, such as in Karen state and Tenasserim division, counter-insurgency operations have been the main reason for population displacements. In the case of the Karen, not only has this resulted in large movements of Karen refugees to Thailand but it has caused massive displacement of the population within ethnic Karen areas of the eastern border region. In these areas, the Burma army has used coercion and generalised violence to forcibly relocate civilian Karen populations from small villages to larger militarised villages or relocation camps in order to exercise control over conflict areas. And as the UNDHA in 1996 emphasised, 'an intentional policy of territorial segregation of ethnic populations appears sometimes to be an integral component of these forced resettlement programmes.'²⁸

²⁷In his address at the reopening of the National Convention on 7 June 1993, Lt. Gen. Myo Nyunt indicated that as the demographic composition of the country's states and divisions were changing it would be warranted to change the names of states with ethnic names, for the sake of fraternity and unity.

²⁸See UNDHA, 1996, IDPs in Myanmar: A Background, p. 3.

Although there is little information available concerning the situation in militarised villages or relocation camps, it is reported that populations face harassment and intimidation and are forced to remain in life-threatening situations where access to basic goods and services are minimal. In addition, it has been reported that the military has on occasion used relocation camp populations for outright military purposes, such as human shields, porters, mine-sweepers, artillery and munition labourers and even re-arming select groups into people's militias to fight insurgents. In other areas, it has been reported that populations in relocation camps are forced to provide labour for economic activities such as re-starting plantations, building and extending roads and railways or working in the mines, all of which require large amounts of manual labour.

2.2 Protracted ethnic conflict in Burma

Burma, situated in Southeast Asia and sharing borders with Thailand, Laos, Bangladesh, China and India, is one of the most ethnically varied countries in the world. There are many languages and dialects some of which are not mutually understandable. The main ethnic groups within Burma are the Arakan, Burman, Chin, Kachin, Karen, Karenni, Mon and Shan. Other ethnic groups include the Lahu, Naga, PaO, Palaung, Wa and many more. Each ethnic group has its own distinctive culture, language and literature.

Burma embraces a series of north-south running river valleys, most importantly the Irrawaddy. It is surrounded on the west, north and east by a horse-shoe of rugged mountains. In the south, the lower delta of the Irrawaddy, until British times, was a great series of mangrove swamps. The central plains of the Irrawaddy valley constitute the ethnic Burman heartland, while the mountainous frontiers, which make up as much as 75 percent of the land area, are home to the non-Burman ethnic groups (see Appendix II, Figure 1).

The appropriate relationship between the central government and the non-Burman nationalities has been highly contentious since independence. The 1947 independence constitution which established a Union of Burma, was a 'quasi-federal' one which appeared to recognise the claims to autonomy of key minority nationalities and made provision, where appropriate, for 'union states' to be established to accommodate minority nationality aspirations. However, the actual constitutional arrangements limited the powers of union states making them little more than administrative arms of the central government.²⁹

In 1974, a carefully staged referendum endorsed the introduction of a new, one party, Socialist Republic of the Union of Burma under a unitary constitution. The 1974 Constitution established nominally autonomous 'states' for the seven key non-Burman nationalities, carefully balanced by seven 'divisions' within 'Burma proper' or, as it is seen by the non-Burman, seven Burman states. This 1974 constitution in no way satisfied the demands of the ethnic nationalities with regard to demarcation or powers, but it did express the broad agreement concerning the ethno-political framework of Burma.

Burma has had continuous civil war since just after its independence from Britain in 1948, a war waged between an ethnic Burman-dominated central government and communist insurgents on the one hand and regionally concentrated insurgent forces representing the major non-Burman ethnic groups on the other.

Burma was steered into independence by the Anti-Fascist People's Freedom League (AFPFL), formed shortly before the end of World War II by Burmese army leaders and underground civilian leaders as a broad anti-Japanese front. Under the leadership of army commander Aung San, the AFPFL won an overwhelming majority in elections for a

²⁹Tinker, H., 1961, *The Union of Burma*, London, p. 28.

constituent assembly and dominated the constitution-drafting process. Aung San, the father of Burma's independence, in recognition of minority views, spoke before his untimely death during the constitution-drafting process, of 'unity in diversity' rather than simply 'unity.' Due to Aung San's persuasive powers, the leaders of the Shan and Karenni states, (whose sovereignty had been technically recognised by the British and who believed therefore that they had a strong claim to a separate independence), opted for inclusion as 'union states' in the new Union of Burma. In return, they were given constitutional recognition of their right of secession after a ten year period. The situation of the Karen, who sought from the British a separate independence, was unresolved.

The communist wing of the AFPFL split in early 1946 into two groups, one favouring armed revolution (Red Flag) and the other (White Flag) favouring collaboration with non-communist groups. However, in late 1946, the AFPFL non-communist leaders ousted communists from the AFPFL. Shortly after independence, the leaders of the White Flag communists were arrested and the party went underground. With the support of thousands of armed veterans from the anti-Japanese resistance, the disbanded Burma Independence Army, and defectors from the government's army, within months of independence the country was in chaos and for two years the communists held control of large areas of central and lower Burma.

In 1947, the Karen National Union (KNU) was formed from four Karen political organisations -- the KCO, KYO, KNA and BKNA. The KNU boycotted the election for the Constituent Assembly and the constitution drafted by the Constituent Assembly was able only to anticipate that a Karen State would be formed. As the Karens had taken up arms before this was achieved, the central government found itself challenged by the Karens as well as by the communist movement with the Burma army conducting a changing mix of holding and offensive operations against dozens of armed insurgent groups, large and small, in a series of shifting alliances.

On 4 January 1948 when Burma's independence from Britain was granted, the Karen were told by the British 'to ask for what they wanted' from the AFPFL government. The Karen thus raised the question of an independent state. This was not forthcoming from the U Nu government, and some armed elements of the KNDO (the armed wing of the KNU) lost patience and started to occupy towns.³⁰ The KNU persuaded the KNDO to return the towns to the government but it was too late and the government forces retaliated by killing and evicting many Karen from the environs of Rangoon. Full-scale war between the Karen and the government broke out in January 1949 when the government outlawed the KNU. Peace talks under U Nu in March of that year failed when the government asked for the surrender of the KNU.

Burmese central governments view ethnic minority peoples as supporters of communism or separatism which are a threat to the state's integrity. No Burmese institutions focus on the aspirations of the ethnic peoples themselves. Ethnic peoples and their aspirations are seen to pose a threat to Burma's internal security.

In response to this threat, the Burmese approach to the ethnic question has been to aggressively embrace an assimilationist agenda, a refusal to grant any real autonomy to ethnic minorities in outlying regions, and a heavy reliance on military force to contain opposing impulses. These have importantly been the main reasons why Burma has experienced ethnic violence throughout its post-colonial history.³¹

³⁰Smith, 1991, see above, p. 112.

³¹Brown and Ganguly (ed.), 1997, see above.

Debate on the relations of the ethnic periphery to the Burmese state, instigated by the ethnic nationalities, was suspended following Burma's first military takeover led by army chief General Ne Win. Following elections in 1960 which returned ousted Prime Minister U Nu to power, discussions on the need for a truly federal form of government resumed. However, in 1962 Ne Win sought to justify his second coup, which was launched prior to the conclusion of a major federalism conference, by referring to the threat of national disintegration.

In the aftermath of the 1962 takeover, the military set out to neutralise the numerous armed insurrections, communist and ethnic, which still plagued Burma through peace talks. Ultimately this failed. According to some opposition groups it could not have been otherwise and was perhaps just a ruse to legitimise the pursuit of a military solution. Focusing on military defeat of all insurgents after the failed peace talks of 1963, it took the regime until 1974 to push the insurgents back into remoter border areas. Nevertheless, many armed groups including the KNU, remained underground and in control of liberated areas.

The Burma Socialist Programme Party (BSPP) was established by the military leaders in 1962 as a cadre organisation controlled by senior military officers. It was designed to win popular support for the military government. In 1971, the party membership was expanded in an attempt to build a mass-support base for the government and entrusted with the writing of a new constitution. In 1974, a carefully staged referendum endorsed the introduction of a new, one party, socialist and unitary constitution. Under this system, the BSPP controlled everything and Ne Win and a small coterie of senior army officers, active or retired, controlled the BSPP. Elections were held to endorse the BSPP's candidates for the national assembly. The insurgent communist party and the insurgent ethnic organisations remained outside the system.

2.3 Counter-insurgency: the four-cuts

After the collapse of the 1963 peace talks, Ne Win introduced the notorious Pya Ley Pya 'four-cuts' counter insurgency strategy, designed to cut four crucial links -- food, finances, communications and recruits -- thus cutting the rebels off from their families, other villagers and local communities. To support the military plan, a law was enacted to make illegal all contact with the resistance groups. A series of new Light Infantry Divisions, created to carry out the strategy, were brought into the insurgent areas from outside and commanded from Rangoon.³²

Although hardly innovative, as this owed much to the 'new village' concept developed in Malaysia in the 1950s or the 'strategic hamlet' programme in Vietnam of the early 1960s, this strategy proved to be a highly effective approach to combat insurgency. Martin Smith describes how,

“the map of Burma was divided into a vast chessboard under the Tatmadaw's six (later nine) regional military commands and shaded in three colours: black for entirely insurgent-controlled areas; brown for areas both sides still disputed; and white was 'free.' The idea was that each insurgent-coloured area would be cleared, one by one, until the whole map of Burma was white. For the black 'hard core' areas and brown 'guerrilla' zones, a standard set of tactics was developed.”³³

32Selth A., 1995, “The Myanmar Army since 1988: Acquisitions and Adjustments,” *Contemporary Southeast Asia* vol. 17, no. 3, December 1995, p. 237-264 and p. 240-241.

33Smith, 1991, see above, p. 259.

The principle was: in white areas, organise; in brown areas, organise and fight; in black areas, fight. While in theory this programme was to win the 'hearts and minds' of populations, in practice, in Burma as in Vietnam, it was mainly a military strategy to forcibly relocate peasants, rural villagers and hill peoples, isolate and eliminate insurgents so as to gain political, economic and social control over contested areas.³⁴

So-called population protection and organisation techniques³⁵ led to the establishment of relocation sites, usually to be found in the plains under army control or near military encampments in hilly areas. Villagers who did not comply with orders or fled and were caught risked being treated as insurgents and were at times shot on sight. While Burma army units continued to target and seek to isolate insurgent groups they would periodically return to earlier displaced population sites to confiscate food, destroy crops and paddy, burn and destroy settlements so as to impose a continuously intensifying four-cuts strategy. This calculated strategy continued as long as an area harboured insurgents and was imposed for as long as it took to clear an area from insurgency and protect it from reverting back to insurgent hands. This often meant forcibly moving out large portions of the local populations and rendering the land unlivable.

The four-cuts was first introduced in 1969/70 in the delta region in Irrawaddy division, especially at Bassein, Pyapon, Henzada and Myaungmya. In these areas the majority of the population was Karen -- perhaps half the total Karen in the whole of Burma at that time. The military used infantry, armoured cars and even navy vessels in the coastal waters to shell and terrorise the population. Villagers were forced to set up lookout posts around their own villages at night to prevent movement of the population. The entire area was declared a special operation zone for the military. Orchards and plantations were destroyed without compensation and civilians arbitrarily executed. The KNU forces fought back but with the Burma army's tactic of using human shields around the villages, civilian casualties were high. Eventually, the KNU forces, lacking unity, had to retreat to the Pegu Yoma mountains and were wiped out in the delta. Ne Win's troops pursued them into the Pegu Yoma and eventually the KNU had to retreat from there too, moving right back to Karen state.³⁶ As the KNU remnants evacuated to the safe sanctuary in the eastern hills they were welcomed by a reconstituted KNU under General Bo Mya and Mahn Ba Zan. Along with this geographic move the Karen movement also underwent an ideological shift from the left, reflecting the emerging ascendance of the eastern hills areas. Fuelled by a dynamic cross-border black market economy along the Thai border, the KNU's eastern division and particularly its Dooplaya and Pa.an districts became the KNU's most powerful strongholds.

3. The war in Kawthoolei

3.1 Seasonal offensives: the moving front line and refugee flows, 1974-92

In December 1974, Ne Win's BSPP government started the four-cuts in Kawthoolei. The operation started in the Taungoo, Nyaunglebin, Thaton, Papun, Pa.an, Moulmein and Tenasserim areas. The KNU was able throughout the 1970s to repel major Burma army offensives directed at its key border trade strongholds such as Kawmoorah, Three Pagodas Pass and Maw Po Kay.

³⁴Smith, 1991, see above, p. 259.

³⁵Kitson, 1971, *Low Intensity Operations: Subversion, Insurgency and Peacekeeping*, London/Boston, p. 120.

³⁶Smith, 1991, see above, p. 258-267.

In 1983, Maw Po Kay was strongly attacked and in 1984, the Burma army broke through and was able to launch a successful offensive against the KNU's main strongholds at the northern end of the Dawna Range (see Appendix II, Figure 12). Mae Ta Waw was captured, effectively cutting the Karen National Liberation Army (KNLA) lines from north to south, and sustained attacks on Kler Day, Maw Po Kay, Mae La and Kawmoorah now tied down the KNU's army in defence of these vital sources of the KNU's trade-based finances. Along with local tax revenues, trade in teak, cattle, consumables and luxury goods from Thailand, the KNLA was able to secure arms and ammunition via border supply lines. The Burma army, as a consequence, showed little restraint in targeting civilian Karen populations in areas it wished to control.

Almost 10,000 Karen refugees crossed into Thailand to camps north of Mae Sot in 1984, with numbers growing steadily to 16,110 by December 1985.

In 1986, the Burma army continued to expand its four-cuts campaign. Dozens of villages were burnt down, crops confiscated and fields destroyed with several thousand villagers moved to new strategic villages in the plains or near Burma army encampments. Population displacements in Nyaunglebin stimulated continuing refugee flows to the Thai border with people having to travel more than 100 km to reach the refugee camps. In 1987, populations from Nyaunglebin and new groups from along the Salween were making their way to the refugee camps in Thailand. However, certain populations groups, such as those from the areas of Wallei and Thay Baw Bo in Dooplaya district were able to return to their villages as fighting and levels of insecurity dropped by the year's end.

The major pro-democracy uprising in Burma in August 1988 gave the KNU and other ethnic armies temporary reprieve as thousands of Burma army troops were withdrawn from the front. The KNLA was able to recapture Mae Ta Waw in October 1988 and the displacements of Karen populations to Thailand stabilised somewhat at around 20,000 refugees for the years 1988 and 1989 (see Appendix I, Tables G and H).

In the mid-eighties, because of the increased attacks on the KNU border trade gates, the locus of cross-border trade moved to the China border.³⁷ By 1988, the cross-border trade revenue for the KNU was down by about 60 percent at their outposts of Kler Day, Maw Po Kay, Mae La and Kawmoorah. In the wake of the September 1988 Slorc coup, the Thai government moved quickly to make good its economic losses with new logging deals with the Slorc. However, the KNU held de-facto control of much of the logging concessions so that the logging also boosted the KNU's sagging economic fortunes for a time. The effect of the logging though was to cut roads into the Karen-controlled areas, and although Manerplaw survived the major offensive of 1991-92, the Slorc had cut deep inroads into territory long regarded as controlled by the KNU (see Appendix II, Figure 11).

The 1988 uprising marked a watershed in the civil war, for the bloody crackdown on pro-democracy forces drove them into the arms of the military's ethnic insurgent enemies, more specifically, to the Manerplaw headquarters of the KNU. It could be argued that such was the military advantage held by the Slorc by this time that this new political coalescence was of little significance. Certainly the level of military challenge presented by the armies of the Karen and other ethnic groups was not greatly altered by the pro-democracy groups.

However, the coalescence of the non-Burman ethnic nationalities and the mainly ethnic Burmese democracy movement at the border was politically significant for the crushing of the democracy movement in 1988 had captured international attention and when Manerplaw

³⁷A surge in cross-border trade in Chinese consumer goods from Yunnan dates from 1986. By 1987 this trade was estimated at US\$1,000 million and rising rapidly.

became the headquarters of the new alliance, the civil war on the Thai border became vastly more newsworthy.³⁸

While this new opposition alliance was being forged, the Slorc meanwhile was preparing a massive military offensive. A vast expansion of the army had been undertaken by the Slorc after 1988, with huge arms purchases, mainly from China.

In the first six months of 1990, large-scale offensives led to over 6,000 new refugees arriving in Thailand and three new camps being opened. By year's end, the total number of Karen refugees had climbed to 31,330 with many more Karen displaced inside the country in Pa.an and Mutraw districts and in Dooplaya district near Three Pagodas Pass. In retaliation, the KNLA warned that if the four-cuts continued, it would step up guerrilla operations and seek to perpetrate strikes on military sites inside Burma.

Throughout 1991, the Burma army continued and intensified its anti-civilian campaign in Karen held areas by forcibly relocating civilian populations and making them dependent on the Burma army for food and shelter, using them as forced labour, porters, human mine-detectors and as buffers against attack. In Mergui-Tavoy district new anti-civilian campaigns and forced relocations began.

Six Burma army divisions were deployed in focal attacks on the stronghold of Kawmoorah and Manerplaw, the KNU headquarters, and heavy artillery and helicopters were brought into action for these offensives. Fighting continued as well in and around villages in the plains of Karen state and the Burma army continued to send more supplies, ammunition and troops to the various battlefronts in Mutraw, Taungoo, and Pa.an districts. Thousands of Karen civilians were given orders to relocate to resettlement sites. In the wake of guerrilla activities by the KNU against military targets in the delta, the Burma army subjected Karen populations in the delta to terrible reprisals, including by airborne bombardments.

Karen refugees in Thai border camps jumped from 38,160 to 48,930 in 1992.

3.2 Cease-fires (1992-94) and the renewal of offensives (1995-97)

A new Slorc strategy seemed to crystallised during 1992. Following the junta's change of leadership in April 1992, much international attention was given to signs of softening of the regime, including a declaration by the Burma army leadership of an end to the offensive in Karen state. Western observers tended to see the changes as a calculated attempt by the regime to make the least concessions in their bid to soften international pressure.³⁹ However, the outcome in December of the UN's deliberations on Burma was a strongly worded unanimous resolution against the Slorc and renewal of special human rights rapporteur Yokota's mandate to monitor conditions in Burma on behalf of the General Assembly. On the ground a new dry-season offensive appeared to be underway early and an all-out onslaught on the remaining territory under KNU control was expected.⁴⁰ However, after an attack which captured the northern border trade post at Saw Hta in September 1992, the expected new big offensive against Manerplaw never occurred.

³⁸Dunford J., 1993, "The Need for Humanitarian Assistance" in *Burma: The Silent Emergency*, report on a conference held in Sydney, 28 May 1993, Australia, p. 11.

³⁹Silverstein J., 1992, "Burma in an International Perspective," *Asian Survey*, vol. XXXIII, no. 10, October 1992, p. 962; Tomar R., 1992, *Burma since 1988: The Politics of Dictatorship*, Australia, p. 32; Steinberg D., 1993, "Myanmar in 1992: Plus ça change...?", *Asian Survey*, vol. XXXIII, no. 3, February 1993, p. 183. But importantly, these concessions provided justification to the ASEAN countries, at the post-ministerial meeting in Manila in July 1992 to resist western pressure for coordinated international action against Burma and to adhere to their policy of constructive engagement with the Slorc.

⁴⁰Dunford, 1993, see above, p. 12.

Although the Slorc's self-proclaimed cease-fire was belied by continuing sweeps through the contested areas resulting in massive population dislocation and forced relocation,⁴¹ their strategy appeared to have changed. Slorc appeared to abandon the goal of an all-out military victory, in pursuit of a cease-fire agreement. This was to be achieved by squeezing the ethnic armies between an ever-growing Slorc military capacity and an increasingly unaccommodating political stance towards the Burmese ethnic insurgents from Thailand. Earlier, in 1989, the Slorc had pioneered a cease-fire strategy, bringing about cease-fires with the war-weary armed ethnic groups which had mutinied and brought on the collapse of the Communist Party of Burma. These cease-fires, most significantly with the Wa, in the jungles of the Shan state, an opium producing region, left the ethnic organisations armed and quasi-autonomous within defined areas, but circumvented their potential alliance with the Manerplaw-based opposition alliance. After April 1992, the Slorc apparently aimed at securing similar cease-fire agreements with the ethnic organisations involved in the opposition alliance.

In 1993, the new strategy paid off in the form of an agreement with the Kachin Independence Organisation (KIO), a leading member of the alliance.⁴² In November 1993, Slorc issued well-publicised invitations to the Karenni, Mon and Karen armed rebel organisations, the remaining three of the big four ethnic rebel organisations, to enter into cease-fires and 'return to the legal fold.'⁴³ At the end of 1993, the New Mon State Party began negotiation, and in January 1994, the major Karenni rebel group, the KNPP, began talks.

The KNU was internally much pre-occupied with the question of cease-fire talks during 1994. After many contacts through well-intended mediators, the KNU still wanted to achieve talks on neutral ground and with an independent observer, although this stand changed gradually during the year. By the end of the year, for a number of reasons the KNU came to accept the need to agree to preliminary talks in Rangoon. Preparations were under way in November, but then fell through. Then everything changed with the surfacing of internal dissension in the KNU in December 1994, the emergence of the Democratic Karen Buddhist Organisation (DKBO), and subsequently the DKBA, its army. The Slorc seized the opportunity to launch a new major offensive using defecting Karen troops to guide them through KNU defences. On 27 January 1995, the KNU was forced to abandon Manerplaw, the KNU and alliance headquarters. The Slorc then moved to take control of the Salween/Moei river system which had been the communications backbone of the KNU's territory. A further wave of approximately 10,000 refugees fled into Thailand, where established refugee camps now became the focus for terror-raids by the DKBA intent on enticing, frightening or forcing the refugees into leaving the camps and KNU control by crossing back into Burma.⁴⁴

Both the KNPP and NMSP reached agreement with the Slorc during the first half of 1995, although the agreement with the Karenni collapsed shortly after the signing with a renewal of fighting.

⁴¹Towards the end of 1992 orders were issued with lists of villages in the Papun and Thaton districts of Karen State and in Karenni State for thousands of people to relocate. Early in 1993 an official statement was made by the Slorc concerning its border areas development programme, announcing a policy of relocation into 'key villages.' *The Nation*, Bangkok, 4 January 1993.

⁴²The agreement was formalised in February 1994.

⁴³The ethnic organisations, in negotiating with the Slorc, have been forced to accept cease-fires which do not constitute political settlements. The Slorc insists that the only appropriate forum is the National Convention and that the negotiations are military agreements and negotiations cannot include any elements of a political settlement.

⁴⁴On the new situation on the Thai side of the border in the wake of the 1995 offensive, see Burma Border Consortium, 1995, Refugee Relief Programme, August 1995, Bangkok, p. 2,3.

For the Karen the question of talks re-emerged at the August 1995 KNU Congress with the Congress authorising talks. Formal talks commenced in December 1995 and three formal rounds and some informal meetings occurred during 1996. After the third round of talks it became clear that the talks would fail because of the political pre-conditions set by both sides for a cease-fire: the KNU's demand for a Slorc commitment to political dialogue following any cease-fire, and the Slorc's demand for the KNU to 'abandon armed struggle' and 'return to the legal fold.' The KNU had authorised cease-fire talks at its 1995 Congress but not a negotiated surrender. Even though the Slorc offered the KNU the same terms as it offered the other cease-fire groups, from mid-1996 the KNU talks delegation leaders represented the Slorc's terms as surrender.

In early 1997 when Karen talks with the Slorc appeared to have failed, the Slorc launched a new offensive against the Karen southern areas, more or less completing its drive to control its border with Thailand and set off another wave of refugees into Thailand. The new offensive in Dooplaya district began in February 1997 with attacks from several directions, one focused on the KNU temporary headquarters at Htee Ke Pler. Others from the north and south close to the Thai border appeared aimed at walling-off access to the border. The KNU forces were outnumbered and the offensive appeared to have achieved its objectives in a little over a week.⁴⁵ More or less simultaneously, an offensive was launched against Mergui-Tavoy district. The attack came from the west in the Tavoy area reaching the Tenasserim river on 8 February. The attacking force then divided so as to occupy the valleys of the Tenasserim and Paw Klo rivers, apparently, as in Dooplaya, seeking to seal off the border. The KNU Mergui-Tavoy district headquarters villages of Htee Hta and Htee Kee were captured on 25 and 26 February.⁴⁶ By the end of February, the KNU had lost its last remaining liberated areas in the Thai-Burma border area and the numbers of Karen refugees had increased to 71,000 further rising to 91,000 by the end of 1997.

4. Internal displacement in Kawthoolei⁴⁷

This section attempts to present and analyse the data provided to the report group concerning the situation of IDPs in the seven districts of Kawthoolei.

4.1 Counter-insurgency and displacement in Kawthoolei

Mass displacement of the civilian population of Kawthoolei began with the advent of the four-cuts programme in December 1974, following the flight of the KNUP from the delta and Pegu Yomas. The military forced the indigenous villages to move to the valley floor where they could be watched and controlled. No preparation was made at the new sites and many people died due to lack of health care. This was the beginning of mass relocation and displacement for the Karen people. The northern districts Kler Lwee Htoo, Mutraw and Doo The Htoo suffered greatly at this time, being most easily accessible from Rangoon; the southern districts of Dooplaya and Mergui-Tavoy were spared somewhat by distance. In Kler Lwee Htoo district all but a few villages in the valleys fled into the jungle. By 1975 it was estimated that there were some 50,000 internally displaced people in Mutraw district alone.⁴⁸ More than 8,000 crossed the Salween river at that time to reach the Thai border at a

⁴⁵Karen Human Rights Group, 1997a, *Refugees from the Slorc Occupation*, Karen Human Rights Group No. 97-07, 25 May 1997, p. 3.

⁴⁶Karen Human Rights Group, 1997a, see above, p. 41.

⁴⁷See definition of internally displaced persons under section 5.1: International responses to IDPs.

⁴⁸Mutraw district report

point known as Pa Daeng. The Karen called this first refugee camp 'Aye Lay Loo.' At that time support for the refugees was arranged by the KNU with assistance from a church organisation based in Thailand. Over the next three to four years many of the refugees returned to the Burma side of the border. Some could return to their home village but others chose to stay for safety near the border. This pattern was seen in most of the northern districts.

Approximately 2,000 refugees, mostly from Mone and Ler Doh townships, continued to be cared for by the Karen inside Thailand. Later Aye Lay Loo was moved to Pu Mya Loo, and, later still, more camps sprung up at other sites along the Moei River between Mae Sot and Mae Ta Waw. In 1980, the relief operation began to be formalised with the establishment of the Karen Christian Relief Committee and after the big influx of refugees in 1984, the committee opened a coordinating office in Mae Sot. In 1985, the committee was expanded to become the Karen Refugee Committee. It is not clear what happened to those internally displaced at that time. It is likely that some were able to return to their homes; however it is also likely that many formed settlements or settled in places where they were able to survive and hence would cease to be recognised or reported as displaced persons. This pattern was well demonstrated in the Tenasserim River valley in Mergui-Tavoy district. Here many of the river valley inhabitants are people who were earlier displaced from their villages of origin either at Myitta or along the Andaman sea coast. They resettled in new communities along the Tenasserim river more than 20 years ago.

Further south, in Mergui-Tavoy district, the tactics of the early four-cuts period seem to have been to target important locations to keep them free from insurgent activity and support. The strategic town of Myitta, at the head of the Tenasserim river, was thus targeted to keep Karen insurgents away from the economically important Heinda tin mines, the biggest in Burma. Similarly, villages towards the coastline were targeted to keep the strategic bridge across the Tavoy river free from sabotage. After 1982 the intensity of counter-insurgency activity in the Mergui-Tavoy district slackened and for many years the Karen population there had to face only brief, sporadic dry season incursions.

During this period, Mergui-Tavoy district recorded a distinct movement of the population eastward towards the Thai border. In the early 1960s, the Tenasserim river valley was almost uninhabited. Early accounts by KNU officials sent there describe sailing down the river and seeing only a handful of isolated houses in a whole day's travel. At that time most of the large Karen villages were in the Paw Klo valley and further west on the coast. By 1982 many people had moved eastward and settled along the Tenasserim river where there was plenty of virgin land. As dry season incursions continued year upon year, villagers in locations such as Ke Say Hta, where the Burma army troops could reach, moved again eastward, closer to Thailand. Some families crossed the border and entered Thailand and found work in the border villages. Many so-called 'Thai-Karen' now living in Thailand in the villages near the border in Kanchanaburi and Ratchaburi provinces, in fact came originally from villages inside Mergui-Tavoy district.

In the north, however, in April 1985, having achieved a foothold at Mae Ta Waw in the heart of KNU/KNLA territory in the previous year, the Burma army intensified its campaign. The civilian populations were targeted with looting, arbitrary arrest, intimidation, destruction of property and livestock and forced displacement, resulting in large numbers of Karen fleeing to the Thai border. Others were forced into relocation camps and were made to, "build roads, clear bush, plant bamboo spikes, set up four tiers of fencing in their 'protected' villages and press-ganged into labour and portering duty in times of military operations."⁴⁹ With the KNU tied down defending its border trading gates, the Burma army was able to take control

49 Karen Refugee Committee, 1985, Monthly report, August 1985, Mae Sot.

of large areas of territory along the eastern and western side of the Salween river in KNU's Pa.an district especially in Kamamaung and Hlaingbwe. In October-November 1985, in what is considered paddy harvest time, the Burma army set out to destroy village rice stocks and collect paddy for government and military warehouses.

In the period following the end of the 1991/92 offensive, while the Slorc actively pursued cease-fire agreements with Mon, Karenni and Karen ethnic groups on the Thai border and no major offensive took place inside Karen state, the Burma army set new standards in waging war against civilian populations. During the period between the end of the 1991/1992 offensive (April 1992) until the beginning of the 1994/95 offensive (December 1994), the total number of Karen refugees increased from 48,280 at the end of June 1992 to 62,320 in December 1994.

In general, villagers were treated at the disposal of the Burma army. In some cases, as in Myawaddy and Hlaingbwe, villagers were relocated into fenced-in villages surrounding military outposts so as to prevent guerrilla or mortar attacks. The villagers were then recruited as village lookouts, route guards, human mine-sweepers, porters and labourers.

In other cases, for example in Pyin Ma Bin Saik (Htee Pa Doh Hta) in Doo The Htoo district, villagers were forced to join a militia force, closely controlled by means of curfews, the rationing of food and restricted movement to their farms. Sometimes villagers were forced to leave their houses at night and sleep in the military outpost as hostages.

In some cases villagers simply fled from the conflict -- distancing themselves from the KNU as well, since proximity to the KNU would attract the Burma army. No one was regarded by the Burma army as neutral in this new standard of war and villagers who disobeyed orders and fled to seek shelter in the jungle were treated as insurgents. When internally displaced communities in hiding suspected they had been discovered, they split up and scattered and when the struggle to survive became too hard, many made their way to the border.

In Pa.an district, civilians in Hlaingbwe and Paing Kyone who were close to several major supply routes between Burma army rear bases and its front-line positions along the border were seriously affected by the Burma army's relocation policies. Local villagers, men, women and children were constantly ordered to carry military supplies between military outposts set at close intervals throughout the area. Labour was required for the construction of outposts, road repair and road construction, and villagers had little time to work for their own livelihood. In addition, as these villagers were held responsible by the Burma army for the security and safety of these supply routes they were in a constant state of fear as these areas continued in fact to be in a state of war.

The theory of counter-insurgency requires civilian populations to be removed to safety while the insurgents are eliminated. Once this framework is in place and the overall counter-insurgency campaign has taken effect, it is possible to shift to the next phase wherein an area can be repopulated, and so called peace and development initiatives can be undertaken.⁵⁰

When such operations take place along an international border, however, and insurgents and their support structures straddle the border, this type of counter-insurgency strategy is significantly weakened as it is extremely difficult to cut the insurgent forces off when they have a potential back door and alternative supply lines. If the military is determined to nevertheless attempt to rid themselves of insurgents, an end game strategy may entail closing off the border and relocating those populations which are seen to harbour the insurgents away from contested areas.

⁵⁰Kitson, 1971, see above, p. 144.

The problem with such counter-insurgency strategy, designed to separate ‘communists’ from the broad population, when it is applied to an ethnic nationalist movement is that the insurgents are simply members of the ethnic group. For the Burma army, all Karen are potential insurgents. It is not possible to contemplate returning the population to an area cleared of insurgents. In order to defeat the insurgency, the entire population must be held indefinitely or permanently under tight Burma army control since the Karen will not cease to be Karen in the way communists can cease being communists or communist supporters.

Various Karen leaders have claimed since the scorched earth campaigns in the delta against the KNU in the 1950s that there is an undeniable racial element involved in these counter-insurgency operations. The military operations during 1991 in Karen areas and other ethnic areas in conflict may have been designed to change the population balance in what the Burma army considered critically sensitive areas.

Allegations have been made that particularly after 1991 the Burma army has carried out its own versions of ‘ethnic-cleansing’⁵¹ in various parts of Burma. There is as yet no definitive answer to this allegation. However, all the seven districts of Kawthoolei report a dramatic change in the tactics of the Burma army since the beginning of the offensive against Manerplaw in late 1994 to early 1995, a change which has significantly affected the displacement of civilians in all areas.

In previous years the tactics had always been to launch offensives and then withdraw. Karen villagers, knowing this, had always prepared rice stocks hidden in the forest and had a hiding place ready. Once the troops had withdrawn they could often return to their homes and try to rebuild their lives, replacing utensils and property looted by the soldiers. Throughout the whole of Kawthoolei this was practised. In a sense, this pattern fits the category of people described as ‘victims caught up in armed conflict.’⁵² The new tactics in recent years though seem to have been designed to keep troops in the area and to deliberately seek out and destroy food stocks and houses to prevent the population returning thereby reinforcing the impression described earlier that the civilians are being targeted by the Burma army and not simply ‘caught up in the war.’

4.2 Displacement in Kawthoolei

This section attempts to provide some detailed analysis of the data collected from the seven districts. There are a number of problems about interpreting the data which are noted here. The problem begins with language. Those gathering data for the district reports were asked to identify *internally* displaced persons. They were not asked to report on those in their districts who had become displaced but who had already crossed the border. In Karen, however, there is no definition of a displaced person; even the term for refugee is vague and open to misinterpretation and the distinction between internal displacement and displacement across the border is difficult to make. The rapporteurs for each district may well have understood the aim of the data collection and the significance of internal displacement but it is not certain that secondary informants did. For future studies, it is thus recommended that questionnaires referring to IDPs contain full descriptions of the variety of situations which can be referred to as internal displacement, not simply attempted translation of English terms.

⁵¹The UNDHA report describes ethnic cleansing in the following terms. “If a place of origin comes to be identified by the parties to a conflict with a particular political, ethnic, religious or other communal affiliation, the residents may be targeted for removal. ... In recent internal conflicts, ethnic cleansing -- removing entire communities from their home locations -- has become an increasingly common way to deal with land pressures, economic scarcities, religious differences or perceived historical injustices.” UNDHA, 1997, see above.

⁵²UNDHA, 1997, see above.

The confusion resulting from the imprecision of language and translation is compounded by the lack of clear distinction between two clearly different approaches to identifying displacement. Displacement can be identified at the point from which displacement has occurred, as well as at the point to which people have been displaced. In some cases, the reports reflect the latter approach, i.e. they have identified groups known to be inside Burma in places away from their home place. In other cases, however, the reports reflect administrative acknowledgement of the numbers *missing* from their home place, who may now be internally displaced or may have crossed the border.

Another difficulty relates to the fact that the reports were gathered over time. Even during the course of this short study (data was gathered between early November and late December 1997) figures had to be revised as groups moved, disappeared, or were transformed into a different category. For example, some IDP clusters in Mergui-Tavoy changed from being a group hiding in the forest to a group hiding near the border, to a group hiding in Thailand but not in a refugee camp and finally moving to a refugee camp. All of this can occur within two months. Groups hiding in the forest can move frequently -- some in Mutraw district were reported as moving every 3-4 days.

Some reports provided considerable detailed information. For example, Doo The Htoo reported that over 60 percent of the IDP population was less than 10 years old, with equal numbers of males and females (see Appendix I, Table D). It has not been possible to verify the basis of such detailed reporting, but it leads to the possibility that the data is based on what is known of the pre-flight population with the knowledge that the population had fled from or been relocated from that place.

Again, it must be stressed that the data on which this report was based must be regarded as indicative only. For example, the large IDP population at the Thai border adjacent to Umphang came from Dooplaya district and from the villages near the KNU headquarters area of Kaw Te Hgah, with smaller numbers from adjoining Kya-in township. Very few among these IDPs came from the more distant townships. In all probability this reflects only the difficulties in the way of people from other areas reaching the border, rather than that those townships were less disturbed.

4.2.1 The situation of internally displaced persons in the Kawthoolei districts

The situation of IDPs in each of the seven Kawthoolei districts is described below. All districts document a distinct change in Burma army tactics in the early 1990s as described in section 4.1. This together with the 1997 offensives led to a surge in displacement figures. The maps in Appendix II, Figures 3 to 9, illustrate the displacement of populations as at November-December 1997 in each of the seven districts, based on data collected in the study.

Mutraw district reports the largest number of IDPs of all the Karen districts. In Mutraw, the build-up of troops in the area started in 1984 but reached new heights around 1995-96, at which time around 9,000 people left to become refugees in Thailand. However, after April 1997, the district reports that killing and destruction by the Burma army have become much worse. During 1997, district officials reported the destruction of 102 villages and 420 rice barns. In ten village-tract areas, relocation centres were set up and the villagers forced to leave their homes. The villagers fled in all directions -- some going to the designated relocation site, some fleeing into the forest and some fleeing across the border to Thailand. The legacy of this massive onslaught on the villagers has left over 40,000 people (over 9,500 families) displaced.

Doo The Htoo district, with nearly 35,000 IDPs, has the second highest total documented in this report. In Bilin township, during February to June 1997, 27 villages were ordered to relocate affecting 4,808 people from 910 households. A further 2,000-3,000 people were displaced by Burma army activity in Thaton township but exact figures are not available. Much of this district is under the control of the DKBA, or joint DKBA/Slorc forces, and access to townships far from the border is very difficult.

In the mountains of **Taungoo district**, the number of IDPs increased in early 1995 when the Burma army troops stepped up activity, moving in, burning villages and setting up military posts throughout the area. **Kler Lwee Htoo** district reports essentially the same, noting a serious deterioration in the situation during the twelve month to October 1997, with the Burma army deploying 23 battalions cutting a swathe of destruction through the district.

Further towards the Thai border, in **Pa.an district**, the DKBA has also been active and is cooperating with the Burma army troops. KNU district officials report an increase in abuses against the civilian population over the past two years and relate this directly to activities of the DKBA, most particularly in Loo Pleh township. Two of the five townships are directly under DKBA control and the other three face joint DKBA/Slorc operations. The district reports a total of 4,425 IDPs from three townships. Data from the other two townships is not available. Ta Kreh township has the most IDPs. Many of the displaced villagers from Pa.an district which is near to the border could have sought refuge in Thailand and entered a refugee camp had it not been for the change in Thai policy evident during 1997, when persons fleeing oppression were refused entry to Thailand and no new arrivals were allowed to enter the camps along the border there. Many of these IDPs are now clustered close to the border, prevented from crossing the border and getting any organised NGO assistance.

The southern districts of **Dooplaya and Mergui-Tavoy** were hit by lightning strikes by Burma army troops in early 1997, causing massive population displacement. The people who were able to cross over to Thailand to become refugees were mostly those near to the border and did so despite attempts by the Royal Thai army of the 9th Division (1st Army) based in Kanchanaburi to return these people across the border.⁵³ By April 1997, however, most of the initial flood had been allowed to enter camps set up in Ratchaburi, Kanchanaburi and Tak provinces. Villagers further from the border could not escape through the thick net of Burma army troops and were trapped. Those reaching the border later, by precarious journeying through the forest, learnt that the Thai authorities had closed the camps to new arrivals and therefore could not cross legally into Thailand. In both districts therefore, IDPs started to collect at various locations close to the border -- unable to go forward and unable to return.

In the Kanchanaburi area, the Thai army authorities declared the beginning of June to be the cut-off point for new arrivals. Persons arriving after this date were blocked from entering the camps set up at that time. As late as November and December 1997, IDPs were still trying to reach the border after harrowing journeys of 15-20 days from Ke Ser Doh township (Paw Klo river valley area) and Ler Doh Soh township (Ke Maw Thway river valley area). Some had been told to relocate their village but had taken the risk of running away; some had been hiding in the forest since the beginning of the offensive and only came to the border when their supplies of food were precariously short; others had opted to stay at their homes to see how the situation under Slorc would unfold. Only after experiencing forced labour, repeated calls for portering, extortion of fees and demands by Slorc to hand over all their rice harvest to the military outpost did they find the situation impossible and thus sought to escape to the border. Many did not know the way to the border as the civilians in the westward townships have had little or no contact with Thailand.

⁵³Martin G., 1997, *Uncertainty and Despair: The Plight of Karen Refugees on the Thai-Burmese Border*, Parliamentary Human Rights Group, May 1997, London; Human Rights Watch Asia, 1997, see above.

By November 1997, in Mergui-Tavoy district there were three large groups of IDPs totalling 2,700 people gathered at the border, unable to enter Thailand and unable to receive official NGO assistance. Only in December, did the 9th Division relent and allow a newly-arrived group of over 4,000 persons from Ke Ser Doh township to cross the border and stay at the deserted old refugee site at Bo Wi. In late December, that same group was finally allowed to enter Htam Hin camp in Ratchaburi province.

In Dooplaya and Mergui-Tavoy districts, there were two distinct groups of people displaced following the invasion by the Burma army in February 1997. The first group who exited to Thailand within the first few months of the invasion was clearly fleeing ahead of advancing Burma army troops. The second wave, however, arriving much later, was fleeing the oppression and persecution of the, by-then, occupying Burma army troops. The first group had, by and large, fled ahead of the fighting; the second group had been trapped inside and had experienced life under Slorc before trying to escape to safety. In both of the above-mentioned southern districts, the invasion was carried out with massive numbers of troops who, unlike in previous years, stayed on as an occupying force. Dooplaya was invaded by four divisions of troops (up to 40,000 soldiers). The Burma army in Mergui-Tavoy was reinforced by three extra divisions -- the 44th, 55th and 66th divisions.

Due to Slorc's total control of Dooplaya and Mergui-Tavoy districts, it is very difficult to travel and assess the location of the IDPs, and provision of assistance is almost impossible.

4.2.2 Extent of population displacement in Kawthoolei

There have been no previous studies of population displacement inside Kawthoolei due mainly to the difficulties of access, especially since the 1997 Burma army military offensive. In their *Burma Update* of July 1997, Jesuit Refugee Services (JRS) refer to 50,000 IDPs attributing the figure to the Karen Information Centre. The basis of the figure and definition of IDP used is not clear.

There are many obstacles to reporting numbers and locations of IDPs in Burma. Populations move frequently and may change their status even over the period of the documentation. Combined with the imprecision of reporters and vagueness of the Karen language, it would be entirely possible for different reporters to count the same group of displaced persons twice: once as IDPs and again as displaced in Thailand.

With the long history of displacement by counter-insurgency in this part of Burma, it is highly likely that many people displaced from their homes have by now settled in a new location, from which they could possibly have been again displaced, even many times displaced.

This report does not attempt to collate figures for the collective displacement of Karen since the war began; it merely presents the data available concerning recently displaced IDPs in order to explore the dimensions of need for assistance and protection. This preliminary report can only demonstrate the need for further more systematic, detailed and focused studies.

Since some of the data presented by the reporters for the seven districts was imprecise and/or incomplete, two different approaches were made to estimate the current total number of Karen IDPs. Both approaches use as baseline data, the estimate of the total Karen population in Kawthoolei as 2,286,144, the assumption that the population is approximately 30 percent urban, 70 percent rural and that the rural population is divided into plains and hills

populations in the ratio of 40 percent plains and 60 percent hills. It was further assumed that those whose homes have always been in the towns are likely to be not displaced from the towns by the war (although some displaced from the countryside will undoubtedly be living in towns). Of the rural population, the 40 percent of those living in the plains areas are largely unaffected (although again, many displaced persons may have⁵⁴ been displaced to the plains).

The first approach was based on Karen knowledge of the progress of the war and of the pattern of settlement of the Karen in the various districts. On this basis it was estimated that approximately half the hill Karen population have been displaced and have had to flee from their home-places, i.e. approximately 480,000.

It is known that there are approximately 91,000 Karen refugees in Thailand (December 1997) which represents approximately 19 percent of the estimated total displaced population. The figures provided by the districts total 108,280, i.e. approximately 22.5 percent of the estimated total displaced population. If the estimate of the total displacement is correct, this would leave 58.5 percent, i.e. approximately 278,000 unaccounted for. Although some proportion of those unaccounted for are likely to be internally displaced, some are undoubtedly in Thailand but not included in refugee camps, i.e. dispersed in Thailand. Given the estimates by the Thai authorities of approximately one million Burmese living illegally in Thailand, a figure of 200,000 or more Karen 'illegals' in Thailand is not implausible.

A second estimate of the proportion of the population who have been displaced is made here based on the figures available from Mergui-Tavoy. The Mergui-Tavoy District KNU carried out a census in 1995, which suggested that a total of 40,000 people were living in areas under the control of the KNU in Tenasserim division. Using this figure for the total population, it is possible to suggest that roughly 50 percent of the population has been displaced in one way or another, either hiding in the forest, hiding illegally in Thailand or as a refugee in Thailand (see following table).

Percentage of population displaced by category

Category	Number of persons	Percentage of population
Refugees ⁵⁵	8,600	21.5%
IDPs	8,200	20.5%
Hiding illegally in Thailand	5,000	12.5%
Unaccounted for	18,200	45.5%
Total	40,000	100%

Extrapolation from these figures for the whole of Kawthoolei is difficult because there are no agreed figures for the total population of the different districts.

However, if the estimate of the population of rural Karen in hill areas is accepted as 60 percent, i.e. approximately 960,000 and if the same proportion of the population is internally displaced as that documented in Mergui-Tavoy (20.5 percent), the estimated total for the whole of Kawthoolei would be approximately 196,800.

⁵⁴Because this figure probably includes some persons who are 'missing from their place,' rather than clearly identified as IDPs, there is probably some slight overlap with the refugee population. However, because of the incompleteness of the data, i.e. lack of reports from some townships within the districts, the total number of IDPs is likely to be substantially higher rather than lower than the estimated 108,280 IDPs.

⁵⁵Burmese Border Consortium figures, December 1997

Using these two methods, it is estimated that approximately 30 percent or 480,000 of the rural Karen population of Eastern Burma is currently displaced and that in addition to the 91,000 Karen in refugee camps in Thailand, it is likely that between 100,000 and 200,000 are currently internally displaced under the extremely difficult conditions of counter-insurgency warfare and military occupation by the Burma army.

The numbers IDPs identified in the seven Kawthoolei districts is shown in Appendix I, Table B. Details by township are shown in Appendix I, Table C.

Mutraw and Doo The Htoo, the districts reporting the largest numbers of displaced persons account for 69 percent of the displaced persons documented. Again, it must be stressed that the data must be interpreted with great caution. Due to the difficulty of access, many areas for which there are no reports may in fact have many displaced persons. Large numbers may indicate greater accessibility, not necessarily the true significance of the problem relative to other districts. Some districts are able to pinpoint IDP clusters but not the numbers of people present. In some cases, reports from the districts refer to numbers of affected villages. However, reference to a village can sometimes mean a village tract rather than a single village.

Analysed by township, the data again reveals what is unknown perhaps better than what is known. No displaced persons reported in many townships simply means there is no access to that township by the KNU.

The detailed figures available from Dooplaya and Doo The Htoo districts provide valuable indicators of the degree of displacement in specific village communities and the make-up of the IDP population in these districts. Table D in Appendix I shows the huge range in number of displaced persons per village. Lay Kay village in Bilin township has over 3,400 people displaced. Other areas show small numbers displaced per village. Without information concerning the original population of the villages and the current whereabouts of the remaining population, it is possible to only make cautious interpretations of the data.

4.2.3 Patterns of Displacement

Most of the district reports give no analysis of the different forms or patterns of displacement to be found in their area. Detailed information from Te Naw The Ri township in Mergui-Tavoy district (see Appendix I, Table F) however, shows that people are affected by five patterns of displacement (not including becoming a refugee in Thailand) (see summary table below). Some villages are affected by several patterns of displacement.

The data from Te Naw The Ri could be used to shed light on the pattern of displacement in other areas. Using this extrapolation it would seem that the majority of the people are displaced within their village/village-tract area, under the control of the Burma army, forced to remain re-grouped in the village centre without access to their land and without compensation for the loss of it (see Appendix I, Table F).

Patterns of displacement in Te Naw The Ri township

Mode of displacement	Number of villages ⁵⁶	Percentage of total
In own village tract	42	82%
In the forest	9	17%
At the border	5	10%
Unofficially in Thailand	7	14%

⁵⁶Some villages are included in more than one category.

Forcibly relocated	4	8%
Refugee in Thailand	0	0

As noted earlier, a survey was carried in three refugee camps in Thailand in late 1997 and early 1998 to attempt to identify patterns of displacement. Essentially adult refugee household heads were asked to describe their movements over the ten years prior to entering a refugee camp in Thailand.

1. Of 17 case-stories from Hlaingbwe Township, Pa.an district, 9 left their homes and went more or less directly to Thailand.⁵⁷ (In one of these nine cases, the refugee first sheltered at a de-facto refugee camp on the Burma side of the border.⁵⁸)
1. The other cases all had complex patterns of movement after leaving their home place, sometimes returning to their homes temporarily, sometimes entering Thailand briefly but not to a refugee camp.
1. Most of these cases began their displacement from their homes only after truly traumatic triggering events occurring as a result of actions by the Burma army against village populations.
1. Of 11 cases recorded at Nu Pho refugee camp, most had recently entered Thailand and had arrived directly after displacement due to the 1997 offensive. Four reported having been displaced between 1992 and 1994; one went to another village inside Burma, two went to Htee Hta Baw which was a camp near the border inside Burma but supported as a refugee camp, one went to Baw Naw Hta which was a camp straddling the border also supported as a refugee camp. All were displaced and went to Nu Pho refugee camp in Thailand as a result of the 1997 offensive.

As can be noted, the patterns of displacement are complex. Summarising from the district reports and the survey cases, it can be concluded that:

1. Displacement primarily reflects anti-insurgency activities directed at the civilian populations themselves, not military clashes between the Burma army and the KNLA.
1. People leave their homes when life is made impossible for them by generalised violence.
1. A large proportion of refugees other than those who have lived for a long time very close to the border, enter Thailand indirectly, i.e. after a period of internal displacement in Burma.
1. Displaced persons shelter in various ways -- in another village, in mountains and forests or in areas under the protection of the ethnic armies.
1. When these places of refuge are no longer safe, or when they can no longer survive there, they move again. Some may cross the border, others may remain internally displaced but within easy reach of the border.
1. In cases where internally displaced seek refuge in Karen-controlled areas close to the border, large numbers cross the border when the areas come under attack.

When the various district reports are combined with the results of the survey, a more distinct set of patterns emerges. **Altogether 11 patterns of displacement were identified including 8 patterns of internal displacement:**

⁵⁷Smith A., 1997, Unpublished interviews ML 1, 3, 4, 9, 14, 15, 20, 26, Mae La

⁵⁸ML 12 went to Klay Mu Hta then inside Thailand after the 1995 offensive.

Patterns of displacement

1. Forcibly displaced by the Burma army in the center of a village near the Burma army military outpost.
2. Forcibly displaced at a designated, government/Burma army-controlled relocation site.
3. Displaced as a group into hills and forests because of systematic harassment and violence or the threat of it due to the presence of the Burma army or its advance.
4. Displaced as individuals and small groups in forests and hills after displaced groups disintegrate under further violence or threat of violence.
5. Displaced as a household, family or individual because of harassment and violence, or the threat of it, due to the presence of the Burma army, to another village or town with a lesser level of harassment, government-controlled, KNU-controlled or neither.
6. Displaced individually or as a group and remaining outside the village at night because of fear of harassment and violence due to the presence of the Burma army in the village.
7. Displaced to the border area because of systematic harassment and violence, or the threat of it, due to the presence of the Burma army to its advance, but still inside Burma.
8. Displaced across the Thai border because of systematic harassment and violence, or the threat of it, due to the presence of the Burma army or its advance, but expelled and returned across the border into Burma.
9. Displaced and seeking refuge in Thailand because of systematic harassment and violence, or the threat of it, due to the presence of the Burma army or its advance, but without entering, or without being permitted to enter a refugee camp.
10. Displaced and seeking refuge in Thailand, and admitted to a refugee camp.
11. Displaced across the Thai border because of systematic harassment and violence, or the threat of it, due to the presence of the Burma army or its advance, and dispersed in Thailand, sometimes no longer in the border area.

This study shows that a large proportion of displaced persons stay in their villages/village tracts away from the border or spend time moving around in the forests before reaching the border. The total displacement (including those who have made their way to Thailand) is an indicator of the level of dislocation of the rural Karen community inside Burma.

The extent and patterns of internal displacement have implications for assistance. One interpretation is that those reaching the border and most able to access relief represent the more mobile part of the population. And that those still living within their village and those hiding in the forest may be more destitute. Alternatively, those who do not move to the border area may represent people who have found ways to survive and do not need assistance. There are complex reasons why the Karen IDPs do not either return home, or cross the border into Thailand.

4.3 Factors preventing the IDPs returning home.

It has always been the way of Karen villagers to sit out an offensive in the forest and return to their homes after the soldiers have left. The present situation is however quite unlike anything before. All the KNU districts report that the reason villagers are unable to return home is the continuing presence of Burma army troops in the area. Burma army troops have now occupied the whole of Kawthoolei and most of the length of the border separating Thailand and Burma. The troops have this time moved in as an occupying force building bunkers, barracks and supply roads.

Taungoo district in the mountains had traditionally been relatively free of Burma army troops but since 1997 military outposts have been set up in many places by LIB 706, 704, 702, 539,

and 344. Similarly in Kler Lwee Htoo district it is reported that Burma army troops are present throughout the district. Even if the displaced people did find their way back to their village there would be nothing to eat and no health care. The destruction of food stocks, burning of rice godowns and killing of livestock by the military mean that people have nothing to return to. Where the troops have not destroyed harvests there are many reports of villagers being ordered to hand over their paddy to the local army outpost from where it is given back to them in the form of rations. Similarly new arrivals from Ke Ser Doh township, Mergui-Tavoy district, entering the temporary site set up at Bo Wi in Ratchaburi Province, have told of the almost total lack of food stocks and the expropriation of paddy by the Burma army troops. This was the overwhelming reason given for why they arrived at the border and why they would be unable to return.⁵⁹

In Mutraw district, Loo Thaw township, the area has been declared a free-fire zone and persons found hiding in the forest can be shot on sight. Troops have destroyed or taken all crops and farm animals for their own consumption. To add to the difficulties of the people, this year in Dweh Lo township, Waw Mu village-tract area, there were torrential rains which caused landslides and destroyed paddy field irrigation canals.

Amongst the mountains in Kler Lwee Htoo district, some of the hill people have returned to their homes. Some have moved to stay with relatives in safer areas. However, those from the plains do not dare to return to their villages because of the continued presence of DKBA and Burma army troops. Due to the distance from the Thai border, most of the IDPs in this district have made no attempt to reach the border but are hiding in the forest in the hills. Only a few families are said to have gone back to the villages in the plains area. There is no information as to their fate.

The Pa.an District KNU are aware of a group of IDPs quite near the border with Thailand who dare not return to their villages because of the presence of many DKBA and Burma army troops. In Ta Kreh township, near to Ta Kreh Klo stream, villages displaced from Htee Per village-tract two years ago are still there. The community is of 13 families, some 100 persons. This group does not dare to return but is hiding in this remote spot, afraid of contact with all armed groups -- be they DKBA, Burma army or KNU. This small community lives a very traditional, self-sufficient life-style and is very shy. They shun contact with outsiders and are very difficult to approach. Many of the IDPs from Pa.an district are reluctant to leave the safety of the border even though they are not allowed to cross into Thailand and enter the refugee camps. To return to their home village would mean returning to find no rice stocks and no farm animals.

Both in Pa.an and in Doo The Htoo districts, the presence of the DKBA in the area is a major obstacle to some Christian Karen returning home.

In Mergui-Tavoy, another factor preventing the IDPs returning is the development of the area for roads. A major highway is being built from Thailand, through the border village at Bongti, to Tavoy. This road will cut a swathe up the river to Myitta and then across to Tavoy. Many of the IDPs would have to cross this line and the Tenasserim river to reach their place in the Paw Klo valley. Due to the importance attached to these economic plans by the Burmese government, the area is carefully controlled by many soldiers camped right along the border.

Through October and November 1997, a group of 100 IDPs at Nya Pla Kee, north of Bongti village, which was denied access to Thailand by the 9th Division of the Thai army, remained stranded, unable to move forward or backward. Most of this group had been ordered to

⁵⁹Unpublished interviews, Bo Wi, Ratchaburi, Thailand, 21 November 1997.

relocate to the Heinda tin mine area from their villages, Hsa Mu Htaw and See Ku, near to Myitta. They had either run away and refused to go, or had been there and then escaped. They reported that if they tried to return they would surely be shot on sight. For this group it was the second time they had tried to reach the border. In mid-September they had set off, at that time a larger group of 200. However, they had been intercepted and blocked by the Burma army troops and had had to retreat. Later a smaller group made a second, successful attempt to reach the border. At the time some KNU officers suspected that information sent out about the group to the international community could have found its way to Slorc intelligence who then tried to block them.⁶⁰

A little further north, at Kaw Paw, on the Ke Maw Thway river, which flows south to join the Tenasserim at Myitta, a local militia has been set up under the tutelage of an influential Karen landowner. Backed by Slorc, he has been organising Karen villagers in the area to fight against the KNU. Other armed militias are reported from Ke Ser Doh township. Thus, the villagers, if they returned, would still not be able to live in peace. Owning most of the land, such a man as this at Kaw Paw is very influential. All the villagers of the area have to pay taxes to him -- income, which he declares supports his militia. Near to the coastline, south of Tavoy, there are also other militias organised by Slorc called Pyi Thu Sit. They are largely ethnic Burman but collect taxes for 'defence' of the nearby Karen villages. In Dooplaya district, around Kawkareik area, the ex-commander of the KNLA 6th Brigade, 16th Battalion, Thu Mu Heh, who surrendered to the Slorc in late 1996 is reported to have formed a private militia which he calls the Peace Brigade. He is reported to conscript male villagers into his militia to seek reprisals against the KNU for the death of his family members which he blames on the KNU.⁶¹

The largest groups of IDPs in Mergui-Tavoy district are grouped close to the border adjacent to Ratchaburi and Prachuab Khiri Khan provinces. The district KNU administration has worked hard to try to ensure some assistance reaches these people, albeit unofficial and on a small-scale. Medicines and rice have been delivered to all the groups at the border and two small schools have been set up at Meh Pya Kee. The IDPs are well aware that if they left the border, they would not have access to any services back in their villages under Slorc.

Villagers of Paw Klo valley in Ke Ser Doh township have had their rice expropriated by the Burma army troops stationed throughout the area. In addition every house from every village has to contribute one person per month to work on the road being built from Paw Taw to Hgaw Htee. The work period is one month and the fine to be paid to escape the duty is 5,000 Kyat. The men are used as porters for the military regularly.

There is, of course, overlap between these patterns, with villages and even individuals experiencing many forms of displacement -- internal displacement prior to displacement as a refugee; displacement within the village or village tract then displacement into hiding; displacement by escape as well as forced displacement. One entire interview from the series conducted at Mae La which graphically demonstrates this is included as Appendix III.

The result of the above described conditions is that the people are reluctant to return home as long as they can survive elsewhere, irrespective of how difficult it is.

4.4 Factors preventing the IDPs becoming refugees in Thailand.

⁶⁰This group was finally allowed to enter Don Yang camp near Sangklaburi in early January 1997, after Burma army troops took control of the entire section of this border. Having been denied access to Thailand for over two months, many had already scattered illegally along the border. Finally, only 66 were moved to the camp at Don Yang.

⁶¹Unpublished report, Burma Issues, Bangkok, 1997.

Although many of the displaced persons are unable to go home, many have not crossed the border to become refugees in Thailand. The factors preventing IDPs from becoming refugees in Thailand differ according to their location. The main factors can be summarised as follows:

1. distance from the border -- it is too far and too difficult;
1. Burma army, or Burma army/DKBA troops blocking the way to the border;
1. Thai policy: IDPs reach the border but are blocked from going further by the authorities (be it military, civilian, local or national);
1. fear of entering the camps in Thailand based on the Karen villagers' own assumptions about life in the camps;
1. shortage of room in existing camps;
1. choice: people prefer to remain on the Burma side of the border if they are able to survive -- they cross the border as a last resort.

The northern districts, especially Taungoo and Kler Lwee Htoo, are far from the border of Thailand and separated by difficult mountainous terrain. The trip to the border could take months and in present circumstances, with Burma army troops in Mutraw and Pa.an districts, there would be no guarantee of safe passage nor food for the journey.

In Doo The Htoo and Mutraw districts, the very large numbers of Burma army troops prevents IDPs from leaving their area and reaching the border. Also many of the Karen villagers would prefer hiding in the forest to going to a strange land like Thailand. Some people have already heard that the Thai government does not welcome more refugees and so think that the effort to reach the border would be fruitless.

At Pa.an district, it is mainly Thai policy that prevents people from becoming a refugee. Many are grouped near to the border but are not allowed entry to the many large camps on the Thai side of the border. The largest groups of IDPs from this district are at Klay Moe Kee near Kler Day. Altogether 1,502 people, comprising 162 families, they entered Thailand in mid-1995 but were told to return to the Burma side by the authorities. They are spread out in seven groups.

IDPs arriving across the border into Thailand's Umphang District, fleeing from Dooplaya district in November 1997, were not allowed to enter the established nearby camp at Nu Pho. Around 1,000 people gathered at Thay Pu Law Hsgoo and another 800 or so at Htee Saw Hsgee. Others were at a third site at Lay Htaw Kho. On 15 November, an unfortunate incident took place as Thai troops tried to persuade them to go back to Burma. Shots were fired into the air and the refugees were pushed back to a place on the Burma side of the border close to the Burma army camp at Baw Naw Hta. Feeling insecure at this site, the group fled into the jungle. Thai authorities later acknowledged that a forced repatriation did take place and gave assurances that 'this would never happen again.'⁶²

The largest groups of IDPs in Dooplaya district are at a remote location called Htee Wah Doh, behind the Mon resettlement camp at Halockani. Despite requests through embassies in Bangkok, this group has never been allowed to enter Thailand and join the nearby camp at Ban Don Yang. The group, consisting of 3,250 people, are in a precarious situation stranded between the Mon area and the Burma army troops. The Thai authorities, arguing that they are not in any immediate danger from fighting, have denied them access. In mid-November

⁶²Burma Issues, 1998, *Burma Issues newsletter*, vol. 8, no. 1, January 1998, Bangkok. Following this incident some 830 of the original group of around 2,000 have been allowed to enter Nu Pho camp where they are living in barracks-style accommodation. The location of the rest of the group is not known.

1997, about 300 persons from the site did find their own way to the border and entered Thailand near to Huay Malai. They were detected by the Thai authorities and trucked back across the border. Earlier in November, 53 IDPs who had been living illegally in Kanchanaburi province, near Huay Nam Khao, were deported to Htee Wah Doh. Many of these people had, in fact, been locked out of the camps after the invasion in February 1997. People arriving late at the border, aware of the attempted refoulement by the 9th Division in February and March, hid, too afraid to volunteer themselves to go into the, by-now, closed camp situation. Later when they might have wanted to enter the camp, the 9th Division had already made their arbitrary cut-off point of the beginning of June, not allowing entry to the camp after that date. The people, such as those at Huay Nam Khao, had then little option but to remain outside the camp system and risk arrest and deportation.

Some Karen in this district elect not to go to the camps in Thailand and remain behind in the forest for as long as they can. It should not be underestimated just how isolated and primitive some Karen groups are. Animist groups particularly can be very shy of contact with outsiders and many superstitions surround their every action. Before the fall of Manerplaw headquarters, there existed, just one day's hike away in the hills, Karen who would run away, even from other Karen. They would not plant crops other than rice and were astonishingly self-sufficient, needing little from the outside world. Such groups as these, now displaced in Pa.an district, are difficult to approach. The Te La Koo Karen found mainly in Dooplaya district are very afraid that if they enter the refugee camps along with others of different beliefs, their religion and culture will be eroded. They have stayed together at Lay Ta Kho, a culturally similar Thai border village.

"We asked permission from the Thai authorities to let us stay there in Lay Taw Kho. People who are not Te La Koo can go further into the refugee camp."⁶³

There are currently around 800 Te La Koo displaced persons at this remote spot away from NGO assistance and protection from refoulement.

In Mergui-Tavoy district, it was rumoured throughout the community of IDPs near the border, that if they went to Htam Hin camp in Thailand they would be eaten by a monster in the camp. They believed the monster would eat the flesh of Christians only, but not animists' flesh because it has a bad smell. It was also said that white people had arrived in a ship from over the sea to take away Christians, but that non-Christians would be left behind. Such rumours, though absurd to outsiders, have real substance for the villagers. When the 9th Division did open up the old Bo Wi camp site in Ratchaburi for some of them, they scattered and fled, hiding along the border. The rumours stemmed from the Thai authorities' policy in Htam Hin camp of not allowing the dead to be buried but ordering them to be burnt over old car tires. Such a policy is still in force and is highly unpopular.

Htam Hin camp particularly is very crowded and there is little or no room to house new arrivals. The military, which owns the land the present camp is housed on, has made clear that the refugees will not be allowed to expand the perimeter of the camp. When the IDPs from the old Bo Wi site were finally moved onto Htam Hin site, they were put on the only remaining piece of flat land -- the football pitch. The residents are packed together with barely space to move between houses. The space available falls far short of the UNHCR recommended guidelines. An international medical relief agency which surveyed the site declared it unfit to house the combined populations of the three smaller camps to be amalgamated there. Without opening up a second camp in Kanchanaburi province there is physically not enough space to house the IDPs at the border were the authorities to allow them to enter. At present the military authorities seem very reluctant to open up new camps

⁶³Burma Issues, 1997, *Burma Issues newsletter*, vol. 7 no. 12, December 1997, Bangkok.

and instead try to restrict the refugee population to fit the available space. Bringing bamboo for construction into Htam Hin camp has been tightly controlled to prevent new arrivals from creeping in.

4.5 Vulnerability OF IDPs

None of the clusters of IDPs, irrespective of location, can be considered safe. Those grouped at the border always have the option of fleeing inside Thailand, with or without official permission, should the Burma army troops come closer. Those hiding in the forest face great uncertainties, unaware of where exactly the enemy troops are. They often move so as not to be detected by patrols. When on the move they often walk all night and all day without rest until they reach another 'safe' spot to settle down. They follow the small streams into the deep jungle relying on the streams to supply clean water and small fish.

Two groups for which there is particular cause for concern regarding safety are in the south: Huay Satu in Te Naw The Ri township of Mergui Tavoy district and Htee Wah Doh located in Waw Raw township of Dooplaya district.⁶⁴

The former group, with more than 950 people, is located at a very remote spot adjacent to Hua Hin in Prachuab Khiri Khan province of Thailand. Having already been repatriated across the border from Thailand in June 1997, they are now located close to Ler Ker, the former headquarters area of the KNU's 11th Battalion. Burma army troops surround the site on all sides and frequently make incursions as far as Ler Ker. If the Burma army troops did advance further towards the IDPs, they are totally isolated and would not be able to raise the alarm to get assistance. Relationships with the local military of the 9th Division have been far from friendly.⁶⁵ In September, after petitioning from embassies, a group was allowed to go to Htam Hin camp in Ratchaburi province.

The second of the two unsafe groups mentioned above, that at Htee Wah Doh, behind the Mon resettlement site at Halockani, is in a precarious location between the Mon camp and Burma army troops in the surrounding hills. In May 1997, about 100 Burma army soldiers entered Halockani camp and set up a check-point, charging entrance and exit fees to the refugees. The Slorc commander told the Mon officials there that they would stay in the camp to fight Karen insurgents. The NMSP complained to the Slorc regional command in Moulmein and the troops were ordered to withdraw. However, they left the camp and headed for Htee Wah Doh where Mon troops headed them off at the last moment. In June, a delegation of refugees from Htee Wah Doh walked to the border and asked permission to enter Don Yang camp. They were told that the camp was closed to new arrivals and they were sent back to Burma (see section 4.4).⁶⁶

By November it was reported that Burma army troops were gathering in the hills surrounding the campsite. As with Huay Satu, this site is extremely isolated and were the Burma army troops to attack the site the residents would have no way to raise any assistance.

IDPs who have reached the Thai border, or in some cases have crossed the border to seek sanctuary, but who have not been allowed to enter established camps, are still not safe. The shooting incident which occurred at the Htee Saw Hsgee/Lay Htaw Kho area in Thailand's

⁶⁴The group at Huay Satu returned to the Thai side of the border in early January 1998 after Burma army troops advanced on their location from the north and the south. At the time of writing, they remain in a remote spot near the border, just on the Thai side of the border.

⁶⁵Human Rights Watch Asia, 1997, "Burma/Thailand, No Safety in Burma, No Sanctuary in Thailand," *A Human Rights Watch Short Report*, vol. 9, no. 6(c), July 1997.

⁶⁶Human Rights Watch Asia, 1997, see above.

Umphang district in November 1997 (see 4.4 above) demonstrated that displaced persons outside of established camps are very vulnerable and lack any form of protection.

4.6 Note on forced relocation sites

As previously noted, the involuntary movement of populations in Burma is not a new phenomenon. However, large-scale forced relocation into defined sites, (sometimes called 'camps') within the area of Kawthoolei seems to have begun in earnest around the time of the build up to the assault on Manerplaw in late 1991. Several of these relocations have been documented.

The Kler Lwee Htoo District KNU reported that in 1991 many Karen villages in the plains were forcibly moved to relocation sites where they could be controlled by the military. Those in the hills were subsequently also moved to the same sites in the plains. It was reported that the hill Karen were suffering in these sites as they were unable to practice their traditional upland farming methods and were unaccustomed to paddy farming methods. More and more villages were being warned that if any fighting were to take place around their village they too would be moved to the new sites. At times villages could pay bribes to prevent being sent to the sites but were often cheated -- they paid the price but were sent anyway.

The Burma army's 'Operation Dragon King' appears to have targeted villages for relocation in early 1992 in a number of districts in Kawthoolei, although it was reported that in some cases the villagers 'bargained' their way out.⁶⁷

Large-scale forced relocation was also reported from the Karenni State in 1992 and again in 1997.⁶⁸ Systematic forced relocation of 604 villages in eight townships of central Shan State in 1996 has been carefully documented.⁶⁹ This is in addition to reports of recent massive forced relocation in areas of Kawthoolei.⁷⁰

However, a number of related but different types of areas have been labelled relocation sites/camps which makes collection of data difficult. Recently, there have been many reports of relocations to specific sites. However, there has been no definite classification of these sites nor good descriptions of the conditions inside them.

Some forms that may be translated as a 'relocation site' include:

1. a specific village/town where the Burma army has ordered or forced villagers to go to;
1. the centre of a large village/village-tract where the Burma army has forced villagers of that same village to congregate; the military outpost is normally in the centre of the village;
1. a place where the Burma army has forced villagers to move to with the specific aim of using them as forced labour;
1. in urban areas, a satellite town where residents have been forced to move to from the centre of the town/city.

⁶⁷Burma Issues, 1993, *Operation Dragon King*, Bangkok.

⁶⁸All Burma Students' Democratic Front, 1997b, *Forced Relocation and Human Rights Abuses in Karenni State, Burma*, Bangkok.

⁶⁹Shan Human Rights Foundation, 1996, see above.

⁷⁰See Karen Human Rights Group, 1996, Report No. 96-11, March 1996, Bangkok; All Burma Students' Democratic Front, 1997a, see above; Karen Human Rights Group, 1997b, *Free Fire Zones in the Southern Tenasserim*, August 1997, Bangkok.

The duration of relocation seems to vary. Sometimes people are moved permanently and the village of origin is left deserted or destroyed. However, there are reports of villages being relocated temporarily and villagers returning to their place after some interlude of displacement. For example, the village of Eindayaza in Mergui-Tavoy district was repopulated by some of its residents after displacement in 1991. Still, some are forced to leave for work on infrastructure projects but may return after completion of the work.

Whilst, not surprisingly, Karen information focuses on Karen villages relocated, both Burman and even ethnic Thai villages have been relocated in Tenasserim Division.

One detailed report concerns the well-known relocation site at Mae Wai (known to Karen as Meh Way) in Dweh Lo township, Mutraw district. The village Mae Wai is part of Mae Wai village-tract with some 17 to 19 villages. It is reported to be near an area popular for gold panning.

The population is a mixture of Karen and Shan who are predominantly Buddhist farmers. In March 1997, LIB 546, 548 and 356 commenced anti-insurgent operations around Mae Wai village-tract. All the villages in the tract area were ordered to relocate to Mae Wai village. The villagers were given seven days to comply; otherwise they would be treated as the enemy. At the same time, another 22 villages from the Meh Thu village-tract area were also sent to this same site. Altogether 427 households were relocated there and the population at the site was said to be around 2,000. Some were ordered to build houses around Mae Wai village on 20x20 feet plots allocated to them in fields confiscated from other villagers. There was a clinic at the village but the military had looted the medicines for the army's use. The villagers had to cut bamboo and wood to build army camp buildings and serve as porters every 15 days. They were also told to build roads and construct bridges to link the village with the Be Lin road. Elephants were used to drag logs but the elephant owners received no payment. Later, the soldiers ordered a school to be built on a field.

On 21 May, the army left Mae Wai village and some of the people could then return to their old villages.⁷¹

According to data from this study, Mutraw district reports the highest number of relocation sites (8), located in all three townships (see Appendix I, Table B). However, the district reports that many villagers either flee to the refugee camps at the Thai border or hide in the forest rather than move to the designated sites. Of the seven villages ordered to go to the Ma Htaw site, all the villagers hid in the jungle. Of the 14 villages sent to the relocation site at Papun town, none moved there but rather hid in the jungle. On this basis it would have to be concluded that the relocation of villagers in some cases is neither systematic nor severely enforced but is rather a form of intimidation designed to force the community to disperse. It is normal for the villagers to receive advance warning through the village headman of the order to move; this then gives ample opportunity to flee elsewhere.

When conditions become favourable, many Karen do return to their original village with great tenacity and rebuild normal village life, only to wait for the next time relocation order. Some Karen report having been relocated many times.

In Mergui-Tavoy district, villages along the Ke Maw Thway river have been relocated from the east to the west bank near Kaw Paw where they could be controlled. There is also a relocation centre at the Heinda tin mines, though what happened there is not clear. Some villagers around Hsa Mu Htaw and See Ku were relocated there, allowed back to their

⁷¹Unpublished report, Burma Issues, July 1997.

homes, only to be re-relocated a short while later. During the second relocation, many villagers fled to the Thai border to Nya Pla Kee.

In conclusion, the reports indicate that forced relocation is practised widely and reflects policy at the highest level. Little is known of the location or conditions of forced relocation sites.

5. Assistance

5.1 International responses to internally displaced persons

Internally displaced persons (IDPs) can be defined as: *Persons or groups of persons who have been forced to flee or to leave their homes or places of habitual residence as a result of, or in order to avoid, particularly, the effects of armed conflict, situations of generalised violence, violations of human rights or natural or man-made disasters, and who have not crossed an international recognised state border.*⁷²

The needs of IDPs are largely common to other poor and isolated social groups. As a result of being dislocated from their homes, they share special vulnerabilities with refugees but, importantly, they are usually beyond the reach of assistance.

Within the international arena, there is to date no agency or institution, multilateral or otherwise, mandated to respond directly to the needs of internally displaced persons from within a global framework. Although several multilateral agencies, such as UNHCR, UNICEF, WFP, UNDP, the former UNDHA⁷³ and ICRC have overlapping mandates and cover aspects pertaining to IDPs, no single international agency or institution has a mandate that can extend assistance or protection to these populations within the confines of another country. While there has been a growing willingness on the part of the international community to address this humanitarian crisis, responses have importantly varied according to the overall perception the international community has of the particular crisis. Approaches to IDPs may differ dramatically depending on whether the problems are related to concepts of a weak state in the throes of internal war, i.e. 'a complex emergency,' or to humanitarian crisis within a strong 'legitimate state.'

In particular, international responses to internally displaced persons within the borders of legitimate states, where the state and its institutions are hostile to international interventions, remain problematic.

The issue of assisting internally displaced persons within the borders of sovereign states is highly sensitive. Paramount is the question of who has the right to intervene on behalf of IDPs within a country which is considered to be legitimate and sovereign, even if the state and its institutions are the main generators of IDP problems. Since multilateral institutions and other international agencies rely heavily on the goodwill of sovereign states for their ability to assist or intercede in internal affairs, if these interventions are seen as antagonistic to state interests, access to the internally displaced may be denied or curtailed.

⁷²The UN Secretary General's Representative on internally displaced persons, Mr. Francis Deng, has since late 1997, used this working definition for IDPs.

⁷³The Department of Humanitarian Affairs was established in April 1992 by the UN Secretary-General to support the work of the Emergency Relief Coordinator which was to mobilise and coordinate the efforts of the international community, in particular those of the United Nations system, so as to alleviate the human suffering and material destruction in disasters and emergencies. The driving force behind the creation of DHA was the need for better coordination in complex emergencies, and this office was reformed and renamed the Office for the Coordination of Humanitarian Affairs (OCHA) in late 1997.

Since 1992 the UN Secretary General's representative on internally displaced persons, Dr. Francis Deng, has been engaged with international IDP issues. With a small network he has been systematically reviewing the need for protection of and assistance to internally displaced persons, and his group at the UNDHA has been examining the existing legal standards which are applicable to internally displaced persons. In 1996, this group developed a special task force on IDPs which was to look at the problems of IDPs in two specific countries, Peru and Burma. Yet, before this task group was able to bring out key findings, the UN Department of Humanitarian Affairs, within which this task force operated, was made redundant.

In recognition of the limitations of the framework of international laws affecting IDPs and the limitations on efforts to extend assistance, the Norwegian Refugee Council in 1996, launched a Global IDP Survey. Supported by the former UNDHA, this initiative sought to develop a database on IDPs in those countries where IDPs are receiving or in need of international protection and assistance. A collection of facts, figures and analysis on IDPs were to be collated in an annual publication so as to mobilise available approaches on behalf of internally displaced persons. In late 1997, the UN Secretary General's special representative for IDPs, the Norwegian Refugee Council, the US Committee for Refugees and the Brookings Institute formed a consortium which was to further address IDP issues and disseminate legal guiding principles within international law on IDPs.

While international NGOs continue to play a critical and expanding role in responding to the humanitarian plight faced by victims of internal wars, little in the way of systematic or integrated approaches have been developed for addressing the needs of IDPs. While many NGOs have included IDPs in their assistance or advocacy programmes, no definition of IDPs is in general use nor have specific interventions for IDPs been articulated. NGO responses have largely been ad hoc, with agencies picking and choosing situations of internally displaced in which they wish to become involved.⁷⁴ Their focus has largely been on relief -- food, shelter and medical attention -- and as most do not have assigned formal protection roles, protection is often not included in their overall policies. Human rights NGOs belong in this category as they generally are not operational at the field level. On the whole international NGOs seem to offer comparative advantages with regards to relief and rehabilitation activities. The UN system may be best equipped to negotiate assistance and protection issues of IDPs.

5.2 International response to IDPs in Burma

Given the problematic and poor international response to IDPs in general, it is hardly startling that the multilateral agencies involved in Burma have not been able to make much headway in relations to the problems of IDPs. The government has consistently viewed international intervention in this area negatively. As Poul Brandrup, Senior Advisor on IDPs of the Inter-Agency Task Force on IDPs explained, although an IDP working group had been set up for Burma in 1996, this group was unable during its short tenure to develop an effective framework to address IDP issues in Burma through its contacts with UN agencies there. Even the ICRC, which closed its office in Rangoon in June 1995, was consistently denied access to internally displaced persons. At the non-governmental level, with the exception of the one or two NGOs, few organisations involved in extending humanitarian assistance to Burma, either from within the country or at its borders, have overtly been addressing IDP issues.

⁷⁴Cohen R., 1997, "The Displaced Fall Through World's Safety Net," *The Christian Science Monitor*, 6 February 1997.

Even within the international advocacy arena, only recently have human rights groups and others been ready to articulate issues of IDPs in Burma explicitly. There is no comprehensive or comparative data presently available which provides an overview of the situation and how it is being addressed by the numerous agencies which share responsibilities on this issue. An exception to this is inclusion of a section on Burma by the Global IDP Survey. Major efforts to date, which have usually expressed IDP problems in relation to ethnic conflict, have largely been instigated by groups within ethnic populations (who in recent years have been much the target of the military actions by the Burma army).

Following the reorganisation of the UNDHA, official UN initiatives regarding IDPs in Burma have come to a standstill, although various discreet initiatives have continued. While Mr. Deng and his group continue to remain active on IDPs, the present government in Rangoon still disregards various articles of the 1949 Geneva conventions. A further complication is that Thailand allows UNHCR only a minimal role in the assistance to and protection of refugees from Burma on the Thai-Burma border.

5.3 Responses inside Burma

Responses within Burma to issues regarding IDPs have remained largely peripheral. The main constraint facing the international community is inadequate access to displaced persons, mainly as the present government views international intervention negatively. Responses to redress the problem of access have, however, been very modest. In part this is due to the fact that UN agencies and other international interests have pursued a policy of engaging the government at its highest levels to work with UN agencies and international NGOs to address the needs of displaced groups, which has up till now not met with any positive response from the military government. Nor has it resulted in the international community developing the necessary mechanisms to establish the facts of the IDP situation in detail, including an assessment of the magnitude of the problem and the level of assistance needed. An example of the present malaise has been the recent failure of UNHCR in mid-1997 to negotiate for the establishment of a field office in Moulmein in Mon State so as to be in a better position to access developments along the Thai-Burma border.

At present none of the UN agencies, UNDP, UNICEF, UNHCR, WFP, UNESCO and WHO, have developed a reporting capacity regarding IDPs and channels of information are ad hoc and uncoordinated. Approaches within existing UN programmes to effectively assist and protect displaced persons remain weak. As long as multilateral agencies do not develop a more comprehensive understanding of the problems of internal displacement, they risk being used to promote government positions and losing their potential to negotiate access to displaced persons.

International NGOs active in Burma, for their part, have largely steered clear of specifically addressing internally displaced persons. Faced with a deeply suspicious government and operating within narrow margins, often negotiating country programmes with centrally based line ministries, the NGOs have approached the problems of IDPs only implicitly, attempting to reach the IDPs through addressing more general problems. This is a pragmatic approach adopted to avoid suspicion and unnecessarily exposing IDP populations. Such considerations certainly have merit, but the fact that agencies cannot overtly recognise internally displaced persons limits approaches to providing the necessary humanitarian assistance and protection. A recent case demonstrates the point. In 1997, one international NGO extended relief to flood victims in the Tenasserim division and included IDPs. Yet this humanitarian assistance was stopped as soon as the 'natural disaster' was deemed over and further assistance to an ongoing IDP problem was withheld on the basis that the problem constituted a 'man-made disaster' for which the agency had no mandate.

One NGO has attempted explicitly to target IDPs for relief assistance in Arakan State and while it has been able to extend assistance to relocated populations it has only been allowed to do this once the populations have been forcibly resettled. This NGO, however, has been powerless to prevent further population displacements from continuing and has not attempted to extend its assistance beyond basic relief provisions. In Kachin State, despite the 1994 cease-fire between the KIO and the government and an increasing presence of international NGOs since late 1995, by late 1997 no international NGO had yet been willing or able to access the large numbers of displaced persons in marginal areas of the state or the many villagers in relocation camps under the control of the government.

Among local civic, NGO and church organisations, only church groups have been relatively successful in extending assistance to IDPs with a degree of organisational and operational freedom. In many parts of the country, church based groups alone have assessed IDP needs, mobilised resources and extended goods and services to all groups in need. This has often been undertaken with the consent of local authorities, where the church groups themselves have been the ones negotiating access to IDPs. In situations of on-going conflict, such as in Karenni and Karen states, the churches have in some cases been locally banned from assisting internally displaced persons and have at times themselves become targets of violent actions.

On the whole, while local ethnic groups which have negotiated cease-fire agreements with the military authorities have had the intention to address IDP issues, they have had limited capacity to do so. They have largely addressed needs on an ad hoc basis, with limited resources and without proper planning, emphasising relief and rehabilitation. The KIO for instance planned to re-integrate large numbers of IDPs by offering them work opportunities. However the investments needed have not always been forthcoming.

5.4 The response from the border area to Karen IDPs

Cross-border assistance to internally displaced persons along the Thai-Burma border over the years by international NGOs and international organisations (IOs) has largely been ad hoc, (meaning without any overall needs assessment or strategic plan) and partisan (funds being channeled to specific political groups) and lacking in transparency, i.e. there has been little public discussion of assistance given to IDPs. International medical agencies have opted to work in a low-profile way, perhaps out of necessity, though with the result of stifling any coordinated strategy for addressing the needs of displaced Karen.

Though there have been Karen IDPs for many years, ever since the 1984 offensives, no forum was set up between the providers of assistance (NGOs) and the recipient groups themselves until late 1993. Without such a forum it was not easy for the Karen to request assistance for populations inside Burma. Indeed, the issue of how to deal with the internally displaced surfaced only after the arrival of the largely Burman student groups fleeing from Rangoon to the border during 1988/89. The students were regarded by the international community as political and military activists who were looking for a safe place from which to fight back against Slorc... with victory anticipated quickly and the response hence was to their political objectives.

Camped along the border, but clearly on the Burma side, they were by any definition internally displaced persons. By 1989, there were approximately a dozen small camps strung along the border. The majority of the camps were in areas controlled by the KNU with a smaller number in the Karenni area. The population was estimated to be 3,000 for rice distribution purposes in late 1989. By May 1989, a coordinating group called the Burma

Coordinating Group (BCG), was set up by concerned agencies in Bangkok in order to be able to deliver food aid to this population. By contrast no coordinating mechanism for the much greater numbers of displaced Karen and other ethnic people inside Burma was set up although information-sharing took place from late 1993 through the bi-monthly meeting in Chiangmai of a small number of NGOs with Burmese opposition representatives through the National Health and Education Committee (NHEC).

Food aid was delivered to the 'student camps' continuously from 1989. Since most of the students were displaced into Thailand by the 1997 offensive against the KNU, the students have been informed of the BCG's intention to close its programme at the end of 1998. Separately from BCG, individual NGOs provided medicines and established an emergency hospital referral scheme. In the early years, the referral scheme was discriminatory in that it catered for pro-democracy exile groups, whereas the ethnic IDPs in whose territory the exiles had sought refuge, were generally denied such help.

In contrast to this coordinated response to the plight of the student groups by the international community, assistance to internally displaced Karens remained ad hoc and small scale. What little assistance that was provided to Karen IDPs was delivered through either KORD, a relief organisation set up by the KNU in September 1993, a clinic for Burmese on the Thai border, or through the KNU administration itself. Travel to areas far from the border relied on guarantees of safety from the KNU/KNLA.

Food aid through KORD was able to be delivered to areas where it had been able to set up monitoring staff. Data on the total amount of assistance delivered through KORD was not made available for this report. Initially rice was delivered to IDPs close to the border; however, as KORD began to serve areas further away, this became physically impossible and assistance was given in the form of cash payments to purchase rice internally.

After a number of well-publicised refoulements of Karen refugees during the early part of 1997, and the imposition of harsh camp conditions in some camps along the border, concerned embassies formed a 'roving border team' which visited refugee sites along the border and reported on conditions there. This initiative served to highlight particular areas of concern and enabled the international community in Bangkok to lobby on behalf of certain IDP populations either stranded at the border or, in difficult situations further inside the border, and denied access to camps in Thailand. Such an initiative facilitated the removal of a vulnerable group from Huay Satu (at the border adjacent to Prachuap Khiri Khan province) to Htam Hin camp where they could receive NGO assistance.

After 1993, NGOs active among the refugee population in the border area of Thailand sought agreement from the Thai authorities for the provision of emergency assistance to border areas inside Burma so as to reduce the need for displaced persons in Burma to come into Thailand. Three potential approaches were envisaged; NGO assistance across the border, IO assistance cross-border without NGO involvement, and IO assistance with NGO involvement. Priority assistance was to include food, seeds and medicines.⁷⁵

Most, if not all the assistance to the Karen IDPs was envisaged as being delivered through local groups rather than by international expatriate NGOs. The two most common channels of assistance were through KORD and a border-based clinic. The former was primarily used as a channel for rice distribution, the latter for medical aid. Some international medical aid was also channelled directly through the KNU health department.

⁷⁵Burma Border Consortium memorandum, November 1993.

There is still no organised, official assistance in any form that reaches the IDP groups, whether inside the Karen area, or huddled along the border. The Thai authorities do not allow any of the registered NGOs, working under the umbrella of the CCSDPT, to officially deliver assistance across the border. One exception to this rule prohibiting cross-border work is an agreement with the Thai authorities to be able to continue to help the Mon returnees at the three resettlement sites at Halockani, Bee Ree and Tavoy. The authorities in Kanchanaburi province tacitly allow rice supplies to move to Htee Wah Doh and Huay Satu sites across the border; however there is no formal agreement for this.

Prior to the fall of Manerplaw when the KNU still maintained district administrative structures to deal with health and welfare, various international NGOs working alongside the Karen managed to set up training for health workers. Many of these health workers were then able to manage health care units in their own districts with support from NGOs based in Thailand. Even large hospitals like at Htee Hta in Mergui-Tavoy district could be supported and used to build capacity for local staff. However, the focal point of most of this work was, naturally, in stable KNU-held areas since security and transport of supplies had to be carefully managed.

The Health and Welfare Department had a mandate to carry out relief for refugees and displaced persons. Some training was occasionally given in community development and monitoring. With the fall of Manerplaw, and then the massive assault culminating in the capture of the two southern districts, much of this assistance to the indigenous population cross-border had to stop. With whole areas displaced from their homes, and people seeking sanctuary at the Thai border, the need became much more to help the IDPs who were by now in all seven districts.

Medical care in the form of mobile medical trips has been the mainstay of health care for Karen IDPs since the 1997 offensive. Two channels have been used -- that of a border-based clinic for Burmese and the KNU health department. A typical trip would last for six to eight weeks and be provided with a standard allocation of medicines. Funds came through Thai based NGOs.

In 1997, the two operations mounted 22 separate trips reaching on average 800 persons per trip. The KNU health department reported that at least one trip has reached every district; though of course no one area can receive continuous care, care being provided only when a team passes through the location.

As assistance to IDPs is unofficial, delivered through a variety of channels, planning and targeting to the most needy is difficult. Districts without access to the Thai border cannot easily be helped since the area between them and the border is no longer under the control of the KNU. Toungoo district reports having received no assistance from anywhere. Doo The Htoo district, Thaton township, cannot easily be assisted due to the large number of Burma army troops in the area. KORD was never set up in Mergui-Tavoy district, choosing to rely upon the structures of the KNU Health and Welfare Department.

Groups or individuals involved in delivering aid across the border are reluctant to openly discuss the extent or effectiveness of their work. Certain parts of Kawthoolei have always had more contact with NGOs, missionary groups, or sympathetic individuals; it is these areas that are able to exploit their relationships to attract aid to their particular area. Districts far away from the border have had little contact with the 'aid and relief community' and therefore are less well organised to know who to approach. With the disintegration of the KNU social welfare structures in the field of health and education after the 1997 offensive, it became more and more left up to individuals to find ways to help in their own areas. Mergui-

Tavoy district, being furthest from the former KNU headquarters, had always had to rely on its own contacts for help from outside and individuals were sent out to Thailand with the brief to organise help for both refugees and IDPs.

Undoubtedly, with the disintegration of the KNU structures for health and education and the difficulties faced by the remaining KNLA soldiers, the IDPs have been, to a large degree, left to fend for themselves. Registered NGOs in Thailand, with a mandate to look after the refugees in camps, have avoided getting involved in sending aid across the border, especially where it cannot be monitored by their expatriate staff. NGOs with funds tied to the USAID are restricted from using any of their funds inside the boundaries of Burma.

Accepting the reality, some NGOs have tried to channel assistance in the form of cash to purchase rice and to supply mobile medical teams through KORD to areas not accessible to the NGOs themselves.

The amount of assistance reaching the various clusters of IDPs varies according to:

1. distance from the border of Thailand;
1. strength of remaining KNU forces in the area;
1. numbers of Burma army, Burma army/DKBA troops stationed in the area.

Kler Lwee Htoo and Toungoo districts are too far from the border to have been able to receive sustained assistance. In the mountains of Taungoo, the people, though hiding in the forest, try to plant and harvest their crop of rice, but the yield is very poor. Often they cannot plant at the right time of the year but only when the security is stable. The IDPs face a lot of food shortages and have to travel as far as Mutraw district to ask for food from other villages. On one occasion, an NGO was able to send a mobile team with medicines to Ler Doh township, in Kler Lwee Htoo district, finding measles, malaria and chest infections prevalent. The trip was never repeated and the other townships in the district have received no assistance.

Being closer to the border, most of the IDP clusters in Pa.an and Mutraw districts have been able to get a certain amount of assistance. Mobile medical teams have been arranged to provide basic minimum cover and KORD has been able to give some assistance in the form of rice for two months at a time.

Since the 1997 offensive, the IDP groups in Bilin township in Doo The Htoo have also received some rice assistance from KORD. However, in the flat lands around Thaton township the situation is worse; the people here have no place to hide and they live under the close control of the Slorc. They cannot be reached easily by the KNU Health department/KORD mobile teams as they are far from the border in the midst of DKBA-controlled territory. They are close to towns but have no money for medicines.

The groups of IDPs on the borders of Dooplaya district have generally been without assistance. However, the largest group, that at Htee Wah Doh, has been able to receive some food and medical assistance through the Mon resettlement site at Halockani.

In Mergui-Tavoy district, assistance to the various groups of IDPs has been planned by the KNU administration in the area. Groups at the border, and many of the smaller groups in the forest, have been reached with food and medicine, depending on where they are. However, there remain many groups far from the border, where it would be too dangerous to send a team of young and inexperienced Karen health workers.

Medical help was initially arranged for all three large groups close to the border without any help from the major NGOs in Thailand. With donated money, medicines, rice and plastic sheets were bought and delivered by the KNU. In the far south, adjacent to Hua Hin, at the site known as Huay Satu (known to the Karen as Htee Yoh Kee), a basic health care service was set up with help from two relief agencies previously not active in the border area. For groups further away, mobile medical trips have been conducted three times up to December 1997. The map in Figure 10 in Appendix I shows the tortuous way the team had to take to avoid the Burma army troops stationed throughout the area.

6. Protection

6.1 Refugees on the Thai-Burma border: international assistance with limited protection

As described in earlier sections, until the mid-1980s, the Karen and other ethnic armies controlled most of Burma's border with Thailand. They also controlled the cross-border trade which in turn largely financed their war against the Burmese military regime. However, in 1984, the military balance began to change. The Burmese army was able to push through to the Thai border and for the first time Burma's civil war began to seriously spill over into Thailand.

In February 1984, the Thai authorities invited NGOs which had been working with Indo-Chinese refugees to provide emergency assistance to the roughly 10,000 Karen refugees who had sought refuge in Tak Province and were being assisted by the Karen Refugee Committee which had been set up by the Karen to deal with the emergency.

By 1988, there were 20,000 Burmese refugees inside Thailand and after the emergence of the Slorc in September 1988 the Burmese army made rapid military advances in the border area. The Karenni Refugee Committee asked for assistance in 1989, and the Mon National Relief Committee in 1990. So, with the agreement of the Thai authorities, the NGO-based relief programme was extended to include the Karenni and Mon refugees.

The NGOs provided assistance through a simple but effective relief operation delivering food and medical assistance. With hundreds of thousands of Indo-Chinese refugees still in Thailand in the 1980s, the Thai authorities did not want to allow a large assistance programme to emerge for fear that it would attract more refugees and encourage those who had already come to stay. They chose also to avoid the international attention which would follow a call for assistance from the UNHCR. The advantage of this system was that it allowed the refugees to live more or less according to the village style of their home area, not cut off from their political communities. It was believed at the time that only temporary refuge was necessary and a locally managed, limited programme of assistance would facilitate early voluntary repatriation as soon as the fighting ceased. At the appropriate time, it would be necessary only to provide transport and basic supplies to help the refugees to re-establish themselves.⁷⁶

However, such was not to be the case; instead the numbers steadily increased. The underlying reasons for fleeing Burma remained and yet the relief system was not reconsidered, but simply expanded.

The role of the UNHCR on the Thai-Burma border

⁷⁶Dunford J., 1993, "The Thai-Burma Border: the need for humanitarian assistance," *Burma: The silent emergency*, (Acfoa) p. 9-22, at p. 10.

The UNHCR only began to recognise Burmese refugees as a concern after the arrival in Bangkok of student refugees from the 1988 uprising. Despite NGO pressure on the UNHCR to recognise the Karen case-load also, UNHCR insisted that the Karen were beyond its mandate. UNHCR even refused to visit the border area arguing that it would aggravate relations with the Thai government. In a meeting in March 1992, Jack Dunford, Chairman of the Burmese Border Consortium (BBC), presented a confidential written presentation to UNHCR head Ogata arguing that “NGOs consider that UNHCR should be familiar with the border areas and prepared to address the protection issues which seem certain to arise in the near future.” Mrs. Ogata then authorised the UNHCR representative in Bangkok, Dan Conway, to make the UNHCR’s first visit to the border areas. In fact, his deputy, Guy Oulette went; he stated on his return from the border that he considered the Karen to be genuine refugees.⁷⁷

The shortcomings of the Thai-Burma border system were brought into focus when in 1993-94 Thai government policy leaned in the direction of inducing repatriation. It was then that the lobbying work of the NGOs regarding the lack of recognition of the refugees as such paid off. When Ruprecht von Arnim arrived to take up the position of UNHCR representative in Bangkok in mid-1994, he stated publicly for the first time that the de-facto refugees on the Thai-Burma border were recognised as a community of concern to the UNHCR and that UNHCR sought to monitor the situation. The Thai authorities’ response has been to concede a minimal monitoring role to the UNHCR and to resist efforts to establish a refugee protection system which might curtail Thai control over the refugees. UNHCR has not been permitted to open an office or base staff in the border area but has steadily increased its monitoring presence in the border area, visiting more often and to more distant and remote sites.

The NGOs providing care for the refugees on the Thai-Burma border are proud of their record of effective work under difficult conditions and see themselves as familiar with the ways to get around the complexities of the politics of the border region and Thai policy. A jaundiced view of the UNHCR sees, by comparison, ineffective interventions by UNHCR in Thailand and reflects also the well-publicised NGO critique of the UNHCR's role with the Rohingya repatriation from Bangladesh.

The problem has been seen by the NGOs as one of how to graft effective international protection onto an otherwise satisfactory support system. Since that time, there has been increasing awareness among the refugee communities and the political communities to which they are related, as well as NGO personnel, human rights advocates and interested governments and their embassies in Thailand, of the insecure situation of the refugees. The combined advocacy by such groups of the need for a more fully monitored and assisted repatriation in accordance with international norms, however, failed to prevent the 1996 repatriation of the Mon falling far short of the international norms. The level of ‘pressure’ exerted by the Thai authorities in the case of the 1996 repatriation of the Mon refugees continues to be debated among those watching the situation.

The system’s effectiveness was again called into question when it was demonstrated repeatedly from the beginning of 1995 that it was unable to provide the refugees with effective security from attack. The refugee communities were repeatedly subjected to attacks and threats by hostile armed intruders from across the border, with little apparent commitment from the Thai authorities to provide effective security.⁷⁸

⁷⁷Personal communication, Jack Dunford, 13 March 1998.

⁷⁸Human Rights Watch Asia, 1997, see above.

The emergency brought about by attacks on camps was heightened by the continuing military reversals for the KNU and consequent new influx of refugees. Following the 1997 offensive against Dooplaya and Mergui-Tavoy districts, the 9th Division of the Thai 1st Army, with jurisdiction over the border with Mergui-Tavoy, acted in some cases to prevent refugees entering Thailand and in other cases to push them back into Burma.

The NGOs delivering humanitarian assistance have continued to urge the UNHCR to play a higher profile role on protection issues but stopped short of endorsing the idea that in order to achieve effective international protection it is necessary for the UNHCR to take over the running of the camps. Thus effectively, the involved NGOs and the UNHCR have accepted, and in accepting, have legitimised the Thai approach to the Burmese refugees which denies them effective international protection.

6.1.1 The case of the repatriation of the Mon

The 1996 repatriation of the Mon reflects the Thai-Burma border system of assistance without protection. Like other refugees from Burma, the Mon have fled for a combination of two reasons: to escape the civil war and to escape harassment and persecution by Burma's military authorities (forced relocation, forced labour, extortion and arbitrary taxation, extra-judicial killings, systematic rape, torture, beatings and detention). This harassment and persecution has been well-documented since 1993 repeatedly by the UN Special Rapporteur for Myanmar (Burma), with increasing emphasis on the situation of ethnic minorities and ethnic minority areas.

In June 1995 the New Mon State Party agreed to a cease-fire with the Slorc. The Slorc has ingenuously claimed that since it is a military caretaker it is not in a position to negotiate a political agreement with such insurgent groups but only to make cease-fire agreements. This means there is no peace agreement and no prospect of one. The cease-fire agreement demarcated a number of areas inside Burma which would be controlled by the New Mon State Party and within which the insurgent army could be based. The precise terms of the agreement have never been made public, but it is understood that it included provision for the repatriation of the Mon refugees who were still inside Thailand.

An appreciation of the argument concerning the circumstances of the subsequent 1996 repatriation of Mon refugees from Thailand requires some familiarity with the specific situation of the Mon refugees and the economic significance of the Mon heartland areas of Mon state and the neighbouring Tenasserim division.

The first big influx of Mon refugees into Thailand followed the attack by the Burma army on New Mon State Party Headquarters near Three Pagodas Pass. Three Pagodas Pass fell to the Slorc in February 1990⁷⁹. The Mon National Relief Committee (MNRC) estimated that there were about 30,000 internally displaced persons in the Mon controlled areas of the border. As the war advanced, some of these displaced persons were forced to flee into Thailand. Others remained in areas under Mon control or dispersed in the villages and countryside.

Initially, in 1990, several Mon refugee camps were set up in the Three Pagodas Pass area. Another camp was established at Pa Yaw, about 50 km from Three Pagodas Pass, where there was already a small older Mon refugee community. By 1991, there were seven camps in Kanchanaburi Province and one in Prachuap Khiri Khan Province.

⁷⁹There had been an earlier influx of 5,000 in 1984 in the same area but the refugees were returned across the border after a brief period of assistance.

In April 1992, the Thai government determined that three camps in the Three Pagodas Pass area must be relocated to a new site at Loh Loe, about 10 kms from Pa Yaw. (Earlier, in June 1991, Day Bung camp with a population of about 2,500 had been forced to relocate in torrential rain to Hla Brad, adjacent to what became Loh Loe camp.) Loh Loe became the biggest refugee camp on the Thai border with a population of about 8,000.

During 1991 and 1992, the Burma army conducted military operations in the Tennaserim division, in what turned out to be a massive military build-up in advance of giant new development projects. A pipeline to bring gas from Burma's Gulf of Martaban wells, extension of the railway down the coast from Ye to Tavoy, a planned deep-sea port and industrial estate --- all lie on the west coast of Burma's narrow strip of the isthmus shared with Thailand, with the Mon refugee camps at that time immediately to the east along the border. Surveying for the pipeline route and the railway began in 1991 with the immediate result of forcibly relocating the local population to villages with military outposts. Massive utilisation of forced labour on the railway and the construction of military infrastructure has been well documented.⁸⁰

When the Mon refugees were relocated to Loh Loe in 1992, according to Mon sources they were assured by Thai authorities they would not need to move again until it was safe to return to Burma⁸¹. Early in 1993, however, it was made clear to the MNRC that the Thai authorities were determined that the refugees would soon return to Burma. Several plans were outlined and resisted but by mid-1993 there was strong pressure to relocate Loh Loe (which was about 14 km inside Thailand), this time to a new site at Halockani, right on the Burma border. The plan generated considerable discussion amongst the NGO and foreign diplomatic community in Bangkok concerning the legitimacy of the move, which could be regarded as refoulement. This concern was largely disarmed through an assurance by the Thai authorities that although the site was 'on the border,' it would be treated as if in Thailand and would be supplied by the NGOs in the same way as the camps in Thailand. At the end of the year, during which the NMSP was under constant pressure from the Thais to negotiate an agreement with the Slorc, the refugees from Loh Loe were finally moved. The majority from Loh Loe went to the site at Halockani but others were not prepared to go to the new site. Some moved instead to Pa Yaw while others dispersed inside Burma looking for places to stay which they regarded as safer than Halockani.

The cease-fire talks between the New Mon State Party and the Slorc which commenced on 30 December 1993 were inconclusive and another round of talks was begun on 18 March. According to the NMSP, the second round of talks became deadlocked and were again inconclusive. Following that the Thai authorities announced a plan to relocate the refugees at Pa Yaw also to a new site, at the border, inside Burma. It could be concluded that the refugees were being made hostages. A third round of talks in June/July also ended in deadlock. On 21 July, the 62nd Infantry Battalion of the Burma army attacked the Halockani refugee camp, beating a number of camp leaders and taking captives. The 6,000 refugees fled from Halockani across the border into Thailand.

The incident, taking place as it did during a Bangkok meeting of ASEAN foreign ministers attracted a great deal of attention and was extensively reported. It brought about the first active, high profile intervention by the UNHCR which expressed serious concern for the

⁸⁰KNU Mergui-Tavoy, 1994, *Development and the Cry of the People*, December 1994; Earthrights International/SAIN, 1996, *Total Denial*, Bangkok; New Mon State Party, 1994, *Ye-Tavoy Railway Construction: Report on Forced Labour in the Mon State and Tenasserim Division in Burma*, April 1994; Mon Information Service, 1996, *Forced Labour on the Ye-Tavoy Railway Construction during the year 1996*, Bangkok.

⁸¹Mon National Relief Committee, 1995, *Mon Refugees: Hunger for Protection in 1994*, (MNRC).

safety of the refugees.⁸² The issue came to focus on whether the refugees would now be allowed to establish a new camp inside Thailand or would be forced by Thailand to return to the recently attacked Halockani. It was wet season and conditions at the temporary camp were bad. Facing acute international criticism, the Thai authorities stepped up their pressure on the refugees and effectively blockaded it from outside visitors. Finally, despite protests from UNHCR, NGOs and foreign embassies, the Thai authorities cut off supplies to the temporary camp and the refugees returned to Halockani.

In June 1995, the NMSP finally reached agreement with the Slorc concerning a cease-fire. Since most of the Mon refugees were already inside Burma, new moves to repatriate the Mon refugees directly affected about 3,000 refugees at Pa Yaw. They were allowed to delay the return to Burma until the beginning of 1996 and a deadline was set on 30 April for ending NGO deliveries of supplies. In mid-March, resignedly the Mon refugees moved out of Pa Yaw and a few days later the camp was burned by the Thai authorities. By agreement with the Thai Ministry of Interior, the NGOs which had supplied Mon refugees while they were in Thailand and those who were at Halockani, continued to supply the newly repatriated refugees from Pa Yaw. Observers were uncertain whether or not to acknowledge that the refugees had been repatriated; and although it was clear the refugees were not happy to return to Burma, no overt force had been used.⁸³ Clearly a very important precedent had been established with regard to possible future Thai approaches to the repatriation of the Karen.

6.1.2 The Karen: the problem of security

The lack of protection of Karen refugees became an issue not long after the incident with the Mon refugees at Halockani.

It was argued at the time that the Mon who had fled across the border from Halockani should be regarded as subject to international protection, that repatriation should occur only in accordance with international protection principles and that the 21 July attack on the Halockani camp by Burma army soldiers had proved that the security of the refugees could only be achieved by allowing them to remain in Thailand. After the repatriation, it was still assumed that, whether or not there could be effective international protection from repatriation, location inside Thailand was the key to physical security of the refugees.

A new crisis arose in early 1995 when it became clear in the Karen refugee camps that being inside Thailand was not a guarantee of security. At that time there were approximately 75,000 Karen refugees in camps inside Thailand. This included approximately 10,000 recent arrivals who had fled Burma as a result of the new military offensive by Burma army troops against the KNU and the resulting withdrawal of the KNU from its headquarters at Manerplaw and its base at Kawmoorah.

Before that offensive, security of the Karen refugees was not a major problem because the KNU controlled most of the Salween-Moei river border. Undoubtedly their loss of control of the river totally changed the situation. Immediately following the offensive, Burma army troops, together with renegade Karen of the DKBA, began intruding into Thai territory, harassing unarmed refugees, distributing leaflets urging Buddhist refugees to return to Burma, threatening to destroy refugee camps and even abducting refugees. A number of deaths occurred as a result. As attacks and threats to attack the camps unfolded causing fear and confusion among the refugees, the Thai government came under pressure to defend the

⁸²Jesuit Refugee Service, 1996, *Compassion and Collusion: The Mon repatriation and the illusion of choice*, Bangkok.

⁸³The NGOs supplying the Mon inside Burma continued to include the Mon camps, which were now all inside Burma, on their regular summary of refugee numbers.

camps. At the height of the 1995 attacks, a considerable show of force by the Thai army was mobilised for a short time while debate over the appropriate policy response ranged from rapid repatriation, to effective defence, to relocation of the camps.

Heavily ostracised for hot-headed statements about the need to repatriate the refugees, the Thai army raised the prospect of the relocation of all the refugees to a large camp which could be made secure. At the same time the UNHCR put forward its view, in line with UNHCR policy, that the camps should be relocated away from the border in order to be able to make them secure. While there was a consensus that security had to be enhanced, there was disagreement on how it could or should be done.

The Thai government made it clear that while it would contemplate camp consolidation, it would not contemplate involvement of the UNHCR in the camps. NGOs also argued against the establishment of a mega-camp considering it an over-reaction which would not be in the interest of the refugees. What emerged over time was a pragmatic plan to relocate certain sites regarded as most vulnerable and at the same time consolidate the camps into a smaller number which could be made secure. No guarantees were provided by the Thai authorities with regard to the securing of the camps. In fact what became clear was that, despite the embarrassment of large scale cross-border incursions, the Thai army was unwilling to undertake defence of the camps. A token security presence would be provided by the Thai authorities, but effective defence of the camps would have to be undertaken by the refugees themselves, i.e. effectively the KNU. Understandably, however, the Thai authorities were unwilling to allow the refugees to be sufficiently armed to be able to satisfactorily defend themselves. This ensured that the camps would remain targets for attack and indeed a high level of tension and fear prevailed in most camps through 1996.

The 1995 policy-debate was repeated in January 1997 when intruders from across the border invaded and burned the Don Pa Kiang and Huay Kaloke camps leaving some 8,000 refugees without shelter. While camp consolidation had been carried out during 1995, camps remained close to the border, with some, such as those burned in early 1997, very close. In 1997 the UNHCR resumed its call for relocation of refugees to new camps further from the border, with a possible hidden agenda of bringing any such new camps under UNHCR protection.

The February 1997 Burma army offensive then unrolled in Doooplaya and Mergui-Tavoy districts, with new influxes of refugees into Thailand opposite these two areas. The situation inside Mergui-Tavoy district is directly affected by the same large-scale development projects affecting the Mon. The Thai side of that part of the border is subject to the 9th Division of the Thai 1st Army, which had always pressured the Mon to sign a cease-fire and for the refugees to return to Burma. In the past an arrangement had been in place between the 9th Division and the KNU in that area that if there was fighting close to the border, those fleeing the fighting were allowed into Thailand at agreed places on the assumption that once the clash was over, the refugees would be happy to return to their places, i.e. still under KNU control. The 1997 offensive was different as it resulted in the Burma army occupying KNU territory and the KNU not being able to restore control. The refugees had fled from a new situation. The 9th Division, however, acted this time in some cases to prevent refugees entering Thailand and in other cases to push them back into Burma, claiming there was no fighting in that area.

When there was an international confrontation over this, with the US playing the leading role, the Bangkok authorities reasserted that their policy was to provide temporary refuge and humanitarian assistance until the dangerous situation had subsided. The Bangkok authorities (and even the 9th Division) appeared willing to acknowledge that some bad things occurred,

which was internationally embarrassing to Thailand, and stated that temporary refuge would be provided a little away from the border. However, the new 'temporary sites' were not like any of the existing camps on the Thai border. They consisted of very closely spaced tent-like housing of small pole structures covered with heavy grade plastic. This apparently reflected a policy to maintain a high level of awareness among the refugees that only temporary refuge was being allowed. This raised questions regarding the Thai intentions regarding the future of the Karen refugees given the changed military situation.

The emergency brought about by attacks on Karen camps, like the barely disguised pressure on the Mon to repatriate, dramatically highlighted the absence of institutionalised international refugee protection on the Thai-Burma border.

There appears to be a good case to the claim that non-internationalisation of the original relief operation was vindicated in the short-term as it helped preserve the continuing integrity of the refugee communities. They were not overwhelmed by impersonal, international agencies, and they retained much of the subsistence lifestyle, their political connections with their community in Burma and the opportunity to manage their own affairs. The NGOs which provided assistance, however, had a mandate to do only that. As protection was not an issue, but assistance was, the lack of institutionalised international protection was not considered important. Once protection was an issue, it became clear that while NGOs could monitor the situation and foster international interest in the refugees and understanding of the problems, since they do not have a protection mandate, they could not alone provide the protection which UN agencies are mandated to do.

Once protection, both physical protection from attack, and legal protection, especially from refoulement, becomes an issue, as it has on the Thai Burma border in recent years, protection for refugees, however, is essentially protection against persecution from inside Burma and extension of that persecution across the border.

The consequence of the Burma army's recent military success is that it may now be within the grasp of the SPDC (Slorc was reorganised and renamed SPDC in November 1997) to persuade Thailand that the insurgency has now been suppressed, and for Thailand to clutch at the proposition that the conditions have been achieved for repatriation of the refugees.

It is important to anticipate and combat such a development now, to insist that while voluntary repatriation is the undoubtedly appropriate durable solution to be pursued, that the root cause of the refugee influx must be acknowledged and dealt with first. It is important to insist that the preconditions for a genuinely voluntary repatriation are satisfied, namely fundamental change in the conditions which caused the refugees to flee from Burma, i.e. to effectively stop abuses by the Burma army or, preferably, bring about the withdrawal of the Burma army from areas designated for repatriation.

It is the nascent problem of protection from coercion to repatriate prematurely which most underlines the need for effective international monitoring of the Thai-Burma border by the UNHCR. Ultimately it should be the aim to achieve a capacity to monitor the situation inside the Burma border. A first step is to win acceptance from the Thai authorities of the inescapability of an effective UNHCR monitoring presence to complement the hopefully more secure system of border camps.

6.2 Assistance and protection: refugees and IDPs

There are almost 50 million displaced civilians around the world. Of these, possibly 14 to 16 million are refugees and well over half are internally displaced.⁸⁴

There is close to international consensus that the international community must accept responsibility for providing humanitarian assistance to refugees. Because of the dire circumstances of the internally displaced, there are groups within the international community which also support the provision of humanitarian assistance to the internally displaced. Even in the case of refugees, however, where the international community has a clear sense of responsibility, there is not consensus on the need for making host country agreement to international protection of refugees mandatory and the UNHCR does not automatically have access to refugees or significant influence over governments concerning their response to refugees.

The international community expresses its concern for refugees through a series of international and regional treaties and conventions. These define who is to be considered a refugee and their legal status and they establish organisations to provide care and protection for refugees. The major international convention is the 1951 Convention and its 1967 Protocol and the major international organisation is the UNHCR established in 1951.

In simple terms, the 1951 convention and 1967 protocol define refugees as persons who because of well-founded fear of persecution ... have left their own country. The most important norms for protection of refugees prescribed by the Convention and UNHCR concern:

1. the obligation of states to allow people to seek refuge, i.e. access to refuge, and
1. the obligation of states not to return refugees against their will to the place they have fled from, i.e. to refrain from 'refoulement.'

The Convention and the UNHCR reflect an attempt to protect refugees by prescribing standards for the treatment of refugees by governments. States voluntarily sign the convention and protocol, i.e. voluntarily agree to observe the standards set by them. Further, there is a strong argument that certain key provisions have become so widely accepted that they can be considered as international customary law, i.e. should be observed by all states including non-signatory states. Attractive as this view may be to human rights advocates, there is no means and little will among governments to enforce such law.

With IDPs, the situation is far worse. There is only an embryonic international framework through which the international community expresses its responsibility to assist and protect IDPs. However, it cannot be said that the situation of dislocation inside a country (which causes internal and external displacement) is entirely beyond the international purview. For a start, where there are major concentrations of refugees, the situation from which people have fled as refugees, i.e. from which they seek protection, and the situation to which they might return or be returned is technically (some would say legally) an integral part of the refugee situation. Since by recognised international norms organised voluntary repatriation cannot be contemplated without regard for the situation inside the home country, international access to the home country to assess the situation prior to and after voluntary repatriation should be acknowledged as an essential prerequisite for such repatriation. Given the clear responsibility of UNHCR with regard to organised voluntary repatriation, if and when a government begins to contemplate such repatriation, it should be the responsibility of the UN and its agencies to negotiate agreement with the home country to allow international access to the home country so as to inform the refugees of the conditions and to monitor the

⁸⁴UNDHA, 1997, see above.

well-being of returning refugees. The situation of IDPs should be of immediate concern to any such monitoring.

UNHCR explicitly acknowledges the need to monitor the continuing safety of repatriating refugees.⁸⁵ By extension, it is argued that UNHCR must establish or strengthen its field/protection presence in the areas of return well in advance of voluntary repatriation.⁸⁶ UNHCR also acknowledges the need to take into account the situation of IDPs in the home country and whether or not they are able to return home must be taken into account when considering whether or not the conditions have been achieved for voluntary repatriation.⁸⁷ Technically, it is the responsibility of the ICRC to provide assistance and protection to civilians affected by internal armed conflict. However, in situations involving IDPs in close relationship to refugees, it is assumed that UNHCR and ICRC will reach agreement. Moreover, the UN has a well-developed view expressed through General Assembly resolutions on conferring a mandate on the UNHCR to undertake humanitarian assistance and protection activities on behalf of IDPs.⁸⁸

Clearly therefore, there is potential for UNHCR to extend assistance and protection to IDPs as an extension of their work with refugees. In the case of Burmese refugees on the Thai-Burma border, although since 1994 UNHCR has slowly increased its monitoring presence in the border area, it has not yet been permitted by the Thai government to open an office or base staff there. Similarly, while UNHCR in Rangoon has requested permission to open an office in Mon State so as to make monitoring on the Burma side of the border possible, this has not been agreed to by the Burmese government.

There is a second challenge to the ability of the international community to play an effective protection role with regard to the Karen refugees which overlaps with the situation of the Karen IDPs. It arises out of the circumstances of their displacement. Not only does the international convention framework for the protection of refugees cover only those outside their own country, it is further restricted in not covering those fleeing war.

There have been some attempts to extend protection to those displaced by war -- eg. the OAU African regional convention which recognises those fleeing war as refugees -- just as under certain circumstances, the UNHCR is able to provide assistance and protection to the internally displaced.

This study has confirmed that the situation of generalised violence against the Karen civilian population by the Burma army has caused massive displacement inside Kawthoolei according to a number of clear patterns, including escape into Thailand. Those seeking refuge in Thailand are displaced by the same complex pattern of harassment and persecution, impoverishment by labour demands and looting by the military as much as by armed combat associated with offensives by the Burma army against the Karen army.

The Thai authorities frequently argue that their policy is to provide shelter to those 'displaced by fighting' in neighbouring countries until the fighting has finished and it is safe for the displaced persons to return home. As a result of this policy, Thailand on the one hand has generously provided shelter to many thousands of Karen and other Burmese fleeing the

⁸⁵On UNHCR's role in the country of origin, see UNHCR, 1996, UNHCR Handbook, Voluntary Repatriation: International Protection, Geneva, chapter 6.

⁸⁶UNHCR, 1996, see above, p. 68.

⁸⁷UNHCR, 1996, see above, p. 21, p. 77.

⁸⁸UNHCR, 1996, see above, p. 75.

situation in Burma but has refused to acknowledge these people as refugees or to allow the UNHCR to fulfil its mandate. Effectively, Thai policy fails to acknowledge the effects of the years of insurgency and counter-insurgency on the civilian population and the level of disruption of community life. It ignores the systematic attempts by the Burma army to destroy Karen and other ethnic communities. This means that the complexity of the persecution of civilians associated with the counter-insurgency campaign of the Burma army is ignored. Consequently, Thai policy ignores the persecution and fear of persecution which makes the Karen genuine refugees in Thailand.

Presumably Thai policy is directed at minimising international interference in its decision making regarding the eventual return of the 'displaced' Burmese to Burma, but ironically, it is the lack of commitment by Thailand to observe international norms regarding access to refuge and repatriation, and the limited role which it accords the UNHCR which most threatens to bring the Thai authorities into direct confrontation with the international community and with the refugees themselves. The response of the new government of Chuan Leekpai to the incident at Umphang described in 4.5 above was positive -- "it won't happen again." However it is not clear whether the new government is willing to review the policy of 'cold comfort' adopted by the Chavalit government after the 1997 Burma army military offensive against the Karen.

The assumption underlying policy at that time seemed to be that the KNU were militarily finished and that the Karen people simply had to accept Slorc control of their area. Those who had made policy up to that point may have felt that they had 'encouraged' and waited long enough for the KNU to make an agreement with the Slorc and that when that failed the Slorc had no choice but to end the situation by force. It is likely that a high-level Thai/Slorc understanding had been reached that conditions had now been achieved in the Burma border area which would be mutually beneficial and which would encompass a repatriation of refugees without too much international complaint.

Needless to say, such a view does not accord with the reality of the continuing war being conducted by the Burma army against the Karen civilian population as it proceeds to occupy the area once controlled by the KNU. While it is understandable that the Thai authorities are anxious to seize an opportunity to try to resolve the refugee problem, it is essential that there be a willingness to examine the reality of the situation.

What needs to become clear is that what we *call* what it is that the Karen are fleeing, whether it is called persecution, human rights abuse or fighting, is of no consequence. **What is important is for there to be agreement as to what it is they are fleeing from, the complex mix of causes related to ethnic grievances, armed uprising and the anti-insurgency measures of the Burmese army. If that is clear, then it can also become more open for investigation on what must happen in order for that complex mix of causes to be addressed and so that the Karen, ultimately are able to care for and protect themselves.**

IDPs require assistance and protection just as do refugees. Assistance to refugees, by definition, does not depend on the home country (although protection does, as soon as we consider protection as involving creation of a durable solution to facilitate repatriation).

For IDPs, however, even the provision of assistance depends on the home country providing access. Francis Deng, in his report to the UN on IDPs⁸⁹, states that, "it is primarily the responsibility of the states to provide humanitarian assistance to their internally displaced

⁸⁹UN Economic and Social Council, 1995, *Internally Displaced Persons*, Report of the Representative of the Secretary General Mr. Francis Deng, E/CN.4/1996/52/add.2,5, December 1995.

persons"⁹⁰ and he goes on to point out that if the situation is beyond the capacity of the state, it "will call on the international community to perform these humanitarian functions." The crucial point follows:

"If, however, a Government is unable or unwilling to provide these services and does not request, or rejects, an offer of humanitarian relief by competent external organisations, the questions arise whether internally displaced persons have a right under international law to request and receive protection and assistance from the international community and/or international humanitarian relief organisations and whether the same have a right to obtain access to persons in need of protection and assistance."⁹¹

Deng's recommendation to the UN is that in situations of armed conflict, internal or international, it should be,

"the duty of States not to arbitrarily refuse offers of life-sustaining relief by external actors ... and reaffirm the duty of States to grant and facilitate the free passage of humanitarian relief to internally displaced persons wherever they are located."⁹²

However, the question remains -- if Rangoon denies humanitarian access to IDPs, despite the moral case against its denial, what action can be taken? At present, the Karen IDPs are being accessed across the border from Thailand with or without the approval of the Thai authorities. However, relying on the tacit approval (or ignorance) of the Thai authorities so far, has been highly limiting. **Again what seems necessary is for there to be international authorisation (with the endorsement of the Karen themselves) of an effective, independent assessment of the scope and nature of the problem, which confers on the IDPs recognition of their rights to seek and receive assistance and which develops a strategic plan for the provision of such assistance.**

How can IDPs be provided with protection? Again it might be inferred from the concept of protection of refugees. Protection of refugees can be thought of as of two kinds or at two levels. First, protection involves providing temporary refuge and second, protection against refoulement. In the case of mass flight such as the Karen, there is a responsibility to seek to bring about fundamental change in the situation of the Karen community in Burma so as to make possible voluntary repatriation.

What are the forms of protection for IDPs which might parallel the two forms applying to refugees? Like refugees, ultimately the appropriate protection for IDPs is the insistence by the international community that the underlying problem is addressed and fundamental change achieved. An equivalent of the refugee's provision with temporary refuge and protection from refoulement, lies in the provision of an internationally controlled safe haven, an idea which has already been put into practice in special circumstances. However, **with the highly problematic situation of IDPs with regard to humanitarian assistance (as compared to refugees), it could be argued that the most significant protection which can be offered by the international community, (and prior to any further protection role) is to secure recognition of the IDPs' rights to seek and secure assistance. In practice what is required is for the international community to create the opportunity and the capacity of the Karen community to assess and address the needs of Karen IDPs.**

⁹⁰UN Economic and Social Council, 1995, see above, para. 360, p. 89.

⁹¹UN Economic and Social Council, 1995, see above, para 360, p. 89.

⁹²UN Economic and Social Council, 1995, see above, para. 380, p. 95.

6.3 The need for leverage

Ultimately the Karen need a political solution which ends the armed conflict with a durable solution. Unfortunately, while successive Thai governments have shared with the Slorc a desire to end the fighting, they have not apparently appreciated the need for a durable solution, neither initiating, nor backing efforts from the Karen, to pursue one. There are signs that the Slorc, during the period starting in April 1992 saw the advantage of appearing to end the conflict, with its invitation to cease-fire. There is little evidence of any willingness on the part of the SPDC to explore a durable political solution. Having since then sought to impose a military solution and having won from the Karen virtually all of the area which at that time they controlled, what might bring the Burmese government now to go in search of a political solution? That is the responsibility of the international community, and ideally would be the ultimate goal of the providers and would-be providers of assistance and protection to refugees and IDPs alike -- states, international organisations, non-government organisations, academics, think-tanks, peace-makers -- in common with the Karen themselves.

The problem can be presented as one of leverage: how to persuade Rangoon that it is necessary to contemplate a durable political solution which provides the Karen with the autonomy and resources necessary for them to feel secure in Burma.

It is also a problem of finding a formula, not only for a final agreement. Ultimately that is important but there may be many steps on the way and there is a need to find a formula for a real process of transition away from the armed conflict.

6.4 Transition from the armed conflict.

It is the restoration of democracy to Burma which captures the international imagination, especially of those most anxious to put pressure on the Slorc. There is wariness on the part of the international community regarding ethnic conflict, which is shared by the West and ASEAN. The West place their confidence in the installation of a democratic government under the leadership of Aung San Suu Kyi as opening the way to the solution of the country's problems including the ethnic problem. For at least some in the region, including many Thai leaders, it is the fear of Burma's potential for ethnic explosion which leads them to conclude that Burma needs a strong central power, the army if need be, to hold the country together. Unfortunately this leads both groups to favour the postponement of any serious attempts to address, directly, the ethnic problem.

Focusing on the ethnic issue may open the way for ASEAN with the West, to constructively persuade the Slorc to contemplate significant political change in the ethnic periphery which it would not contemplate in Rangoon and the more populous heartland. On the other hand, reluctant to contemplate concessions to pressure the introduction of democratic reforms, the Slorc and now SPDC, has tried to win recognition for its role as peace-maker in the ethnic border areas, i.e. laying claim to 'solving' the ethnic problem. Some observers may be taken in by such claims and in the interest of wanting to explore any way out of the political impasse with Burma, may be willing to contemplate economic backing for the government's model of development in the ethnic border areas. Conditions in Kawthoolei revealed by this preliminary investigation of the situation of IDPs suggest that there is a humanitarian crisis of a very large-scale brought about by the Burma army's approach to peace and development and that the precondition for peace and development, and for resettlement and reintegration of displaced persons, refugees and IDPs, is in fact neither cease-fires nor military solutions but demilitarisation as a practical step towards a political solution.

APPENDIX I -- TABLES

Data contained in the following tables is that which was made available to the study and is correct as of November-December 1997. Lack of data and inconsistency between districts indicates the difficulty of collection. Lack of data should not be taken to indicate an absence of population displacement.

‘Village’ may indicate a village or a village-tract.

APPENDIX II -- MAPS

The maps are intended to illustrate population displacement in the districts of Kawthoolei. Data is limited to what was available to the study -- lack of data in any one township/district should not be taken to indicate that there is no displacement of the population.

Location of IDPs where marked, is as at November-December 1997.

Spelling of village names has been standardised, the same locations may be referred to in other reports spelt differently.

Certain boundaries of Kawthoolei have never been exactly demarcated, in such cases the approximate line has been drawn.

APPENDIX III -- INTERVIEW AT MAE LA

Name	Saw NH
Age	37 years
Sex	Male
Marital Status	Married
Date of birth	1960
Ethnicity (sub-group)	Karen (Sgaw)
Religion	Christian
Where born	Paingkyone village, Hlaingbwe township, Karen state
Occupation	Farmer

Just before I became a refugee the last place I lived at was Pi Te Ka, the Burmans call it Takarah village.

If there were peace I would like to return to my own village [Paingkyone].

I was born in Paingkyone village, grew up at Paingkyone, and married at Paingkyone.

I never attended any school. I tended cattle when I was a boy, and when I was grown up I worked in rice cultivation.

In 1988 I lived at Pi Te Ka village and lived by rice farming. I worked without trouble or anxieties at that time. I had two children then.

In 1989 there were no strange circumstances. I got a new child.

In 1990 I worked on my farm and there was nothing strange.

In 1991 I got a new child. Nothing happened unusual.

In 1992 there were some strange events. Burmese troops came and captured one villager accusing him as a Kaw Thoo Lei [KNU], but it was not true. He was a genuine villager. The Burmese troops abused him in several ways and then took him to their camp. Later on the village headman requested for him, repeatedly, to be released. When he was finally released he was almost dead. He could not work any more, he could no longer see things clearly.

In 1993 I faced great misery. In the same year two of my children died. One in the early part of the year, and another in the latter part of the year. However, I also got a new child.

In 1994 there were no unusual things.

In 1995 I had to face another misery. That same year, two of my children again died. Moreover, Slorc and DKBA entered and stayed in the village. We did not have time to work for our living. The villagers had to live with great difficulties. We, the villagers, had to serve as their lookouts, to investigate where KNU were and inform them. They said that if the KNU shot at them, they would burn the whole village down. Everywhere they went, villagers had to carry their ammunition and rations. Some villagers who could not stand any more, got out from the village and fled away to other places. If the soldiers learnt that a villager had got away, they fined the rest of us as much as 30,000 to 40,000 kyats. All of us had only to suffer.

In 1996 I got a new child again. Slorc and DKBA became more strict on the villagers than in the previous year. We had no right to stay where we wished in the village. We had to

dismantle our houses and were rounded up into the middle of the village. We had to build make-shift barrack-like shelters, and lived crowded in like cattle or poultry in a pen. We lived in fear and poverty. We, the villagers, thought this was our life's end, that we would die like that.

In 1997, January, my younger brother Saw Heh Wah, 25 years old, went to Konegalay village, met with a Slorc column and was captured. He was accused of being KNU and was tortured in several ways. Then he was taken to Paunyebo camp. Even when the village elders went to request his release, they did not allow it. Five days later we heard that he had been killed. It hurt our hearts. We were filled with fear of these arbitrary killings. I prepared a religious service and made an offering to God for my brother. After that, we decided that, do or die, prosperous or poor, we were going to flee away. At the end of January, Slorc ordered that we must not live in the village at all, that we must go and live at other villages. If we were seen in that

village they would understand us as their enemy and shoot us. So we left our village, after sleeping on the way for five days we arrived at Mae La refugee camp. We walked all the way [he arrived with his wife and six children].

After about four months in the camp, I decided to go back and get two bullocks I had left, to sell them. I went back and spent a night at Wah Klu Poo. The next morning I went on, and I arrived at the deserted village's monastery, close to Meh Pleh Wah Kee, and I cooked rice there. Then, Slorc soldiers approached suddenly and, without any questions, they kicked me and beat me. They then covered my head with plastic sheet so I could not breathe and I fainted. When I regained consciousness, I saw that my hands were tied round my back, my feet and my neck were also tied. After three days like that they took me to Loh Baw village. There, they kept me under a house tied to a post. They asked me questions then rolled my shins with a log, dropped burning plastic on me, stabbed me with a bayonet, rolled back the foreskin of my penis and covered it with hot ashes. My heart was almost split to pieces. They tortured me in several ways. They accused me of being a KNU man, asked for a gun from me, asked for a walkie-talkie. I told them that I was a villager and I have nothing. They did not believe me and planned to kill me. Everytime I asked for water to drink, they gave it to me then struck my head once with the cup. For one meal they fed me only ten spoonfuls [of rice]. Being frightened, that amount was enough. After staying at Loh Baw village for a week, one evening a villager approached me and told me, 'Dear friend, I take pity on you, tomorrow they are going to kill you.' I decided that at this stage, it was not different for me to live or to die -- I must flee away. I tried to pull my hands slowly, one of my hands slipped out [of the rope]. After that I could untie my leg, I ran away with all my strength. They shot at me but I was not hit. For that, I can see my family. The suffering created by Slorc is unforgettable. For the rest of my life I do not want to see their faces again.