

THE ROLE OF ENVIRONMENTAL ATTRIBUTES IN THE THAI GOVERNMENT'S POLICY TOWARD DISPLACED PERSONS FROM MYANMAR*

Nicole Ostrand

Thailand hosted over 150,000 displaced persons from Myanmar between 1984 and 2004 (Burmese Border Consortium, 2005). Generally, the Thai government was accommodating towards these people, however the government's course of action fluctuated overtime (Banki and Lang, 2008; Sciortino and Punpuing, 2009). The following paper attempts to appreciate alterations in the course of action applied by the Thai government regarding displaced persons from Myanmar. It does this by considering alterations in environmental attributes which surrounded the situation. It is argued that the Thai government's desire to minimize the negative consequences of housing forced migrants, shaped their policy toward displaced persons from Myanmar. It is further proposed that different environmental attributes affected the perceived outcome of providing shelter. As these attributes shifted and the consequences for providing shelter changed, the government's course of action has reflected this. Notably, this resulted in a response that was less consistent with the human rights principles and standards.

The environmental attributes considered are: the security setting on the Thai-Myanmar border, the number of displaced persons in Thailand, and the relations between the central governments in Myanmar and Thailand. Specifically, the paper looks at the course of action by the Thai government during 1997. To identify alteration in the government's response, 1997 is contrasted to the mid-and late -1980s.

* Whether to call the country 'Burma' or 'Myanmar' provokes controversy. In July 1989, the State Law and Order Restoration Council (SLORC) changed the name of the country, along with several other large cities and administrative divisions. The United Nations and many governments recognized these name changes, although some countries (such as the United States, several European countries and Australia) continued to refer to the country as Burma. The opposition movement called a boycott of the name 'Myanmar' as a form of protest against the central government. Nevertheless, Myanmar is more commonly used in Southeast Asia and will be utilized in this paper.

1. Introduction

The story of refugees is intertwined with the evolving political and military context of the border, and it is not possible to understand the refugee predicament without detailed consideration of this context in which sanctuary is configured (Lang, 2002:159).

Thailand hosted over 150,000 'displaced persons'¹ from Myanmar between 1984 and 2004² (Burmese Border Consortium, 2005). Generally, the Thai government was accommodating toward these people, however the government's course of action fluctuated overtime (Banki and Lang, 2008; Muntarbhorn, 2004; Sciortino and Punpuing, 2009). What influenced the government's response toward displaced persons from Myanmar? How did environmental attributes shape the level of shelter available?

The paper attempts to appreciate alterations in the policy³ applied by relevant Thai authorities regarding displaced persons from Myanmar. It does this by considering alterations in environmental attributes which surrounded the situation. It is argued that the Thai government's desire to minimize the negative consequences of providing shelter shaped their response toward displaced persons from Myanmar. It is further suggested that different environmental attributes affected the perceived outcome of providing shelter. As these attributes changed and made the provision of shelter more arduous, the government's course of action altered. Notably, this resulted in a course of action that was less consistent with human rights principles and standards. The environmental traits considered are: the security setting on the Thai-Myanmar border, the number of displaced persons requesting shelter, and official relations between the central governments in Myanmar and Thailand.⁴

One aspiration of this paper is to demonstrate the important role of context when considering government policy towards displaced persons. It endeavours to achieve this by illustrating how environmental attributes shaped to the degree of shelter by influencing the perceived cost of sheltering displaced persons. Specifically, the following paper looks at the course of action by the Thai government during 1997, a year marked by notable

1 The term 'displaced persons' will be used throughout this paper except when citing a direct quote. 'Displaced persons' and 'temporary shelter areas' are the official parlance used by the Thai government for people from Myanmar seeking shelter in Thailand (Tangseefa, 2007).

2 The number of displaced persons from Myanmar continued beyond 2004. The population was recently estimated at 135,619 in June 2012 by the Thailand Burma Border Consortium.

3 Both the term 'course of action' and 'policy' will be used throughout the paper. It ought to be noted that formal policy was difficult to ascertain. According to Muntarbhorn (2004), the Thai government rarely detailed specific policy regarding displaced persons from Myanmar in publicly available ways (i.e. Cabinet decisions). Instead, there was a tendency to have low profile policies set between the key security agency and relevant ministries with a 'policy acquiescence' to allow displaced persons from Myanmar stay temporarily in Thailand (Muntarbhorn, 2004: 28).

4 It is acknowledged that these are not all of the attributes which may have influenced the Thai government's behaviour toward displaced persons from Myanmar. For instance, both domestic and international pressure likely contributed as well. These additional traits are not considered in detail.

alteration in the government's response. To illustrate alteration in the government's response, 1997 is contrasted to the mid - and late -1980s, the period when the first semi-permanent temporary shelter areas were established.

First, a section detailing the analytic framework describes the underlying assumptions throughout the paper. Constraints of this paper are also identified in this section. Second, the courses of action applied by relevant Thai authorities toward displaced persons from Myanmar are described. Specifically, a comparison between the 1980s and 1997 is considered. It was assumed that the differences in the degree of shelter between these two periods indicated variance in the Thai government's inclination to accommodate displaced persons from Myanmar. Degree of shelter is determined by: 1) the characteristics of temporary shelter areas, 2) the reported accessibility of temporary shelter areas for displaced persons, and 3) accounts of repatriation. Secondary sources were utilized to ascertain this information.

Third, evidence to indicate relevant Thai authorities acted to mitigate negative repercussions of housing displaced persons will be presented. The Thai government's desire to abate the negative cost was exhibited by communications, such as letters and guidelines, from the Thai government to the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT) (Burmese Border Consortium, 1988). As the perceived costs and benefits of housing displaced persons altered, the Thai government's course of actions also reflected this. Generally, individuals were not accorded the rights and protections required by human rights principles and standards. This included their rights to: 'life, liberty and security of person' and to 'seek and to enjoy asylum from persecution' (Universal Declaration of Human Rights, articles 3 and 14).

The fourth section details how different environmental attributes augmented the perceived negative consequences of harbouring displaced persons. The environmental attributes which shaped the perceived costs and benefits include: 1) the security setting, 2) the number of displaced persons, and 3) the relations between the central governments. It is argued that as these traits altered the negative costs increased. Subsequently, the inclination of the Thai government to provide the same degree of shelter previously available decreased. This resulted in a course of action that was less consistent with the human rights principles and standards. As negative costs increased, displaced persons from Myanmar were not accorded the rights and protections required by human rights. Finally, the paper closes with a brief conclusion.

2. Analytic framework and constraints

The following paper was grounded on an article written by Karen Jacobsen (1996) detailing factors influencing the policy responses of host governments to refugee influxes. Her article indicated that the policy making process was influenced by a range of considerations, both international and domestic, and the government weighted the costs and benefits of these

considerations when making decisions. A similar type of reasoning was utilized in this paper. It was assumed the Thai government evaluated different conditions when determining implications for the state⁵ regarding displaced persons from Myanmar. Furthermore, this evaluation shaped how they responded. Fundamentally, the government weighted the costs and benefits of various circumstances to minimize the negative consequences of the situation. The factors Jacobsen considered were: the positives and negatives of accepting international assistance, relations with the sending country, political calculations about the local community's absorption capacity, and national security considerations (1996). This paper deviated from these factors slightly. It took into account the security setting on the Thai-Myanmar border, the number of displaced persons requesting shelter, and the relations between the central governments of Myanmar and Thailand.

Three challenges encountered during the research for this paper deserve mention. They were: 1) determining the actual perception of the Thai government, 2) inaccessibility of primary sources and 3) deciding which environmental attributes to include in the analysis. First, it was impossible to know the actual perception of relevant policy actors without direct contact and involvement in the process. Since this was not the case, claims about the perception of the Thai government could not be verified and may not reflect the intentions of the policy actors. This analysis assumed the Thai government's perception and course of action was discernible by the degree of shelter available for displaced persons from Myanmar. The degree of shelter was determined through secondary reports on: the characteristic of temporary shelter areas, the accessibility of these areas, and accounts of repatriation.

The second challenge was the limited availability of primary sources. This was likely a result of both language constraints and the general absence of transparency and availability in documents relating to policy decisions on the Thai-Myanmar border. The research for this paper relied solely on material written or translated into English. It is acknowledged that these sources may have been biased. In addition to language constraints, in general there appeared to be limited transparency and availability of primary documents regarding decisions about displaced persons on the Thai-Myanmar border. For instance, Vitit Muntarbhorn (2004) said, the Thai government rarely delegated specific policy regarding displaced persons from Myanmar in publicly available ways such as Cabinet decisions. Instead, there was a tendency to have low profile policies set between key security agencies and relevant ministries with a 'policy acquiescence' to allow displaced persons from Myanmar to stay temporarily in Thailand (Muntarbhorn, 2004: 28). This was reinforced by an interview with Veerawit Tianchainan⁶ in August 2012. He said,

5 The term 'state' throughout the paper refers to a perceived unitary interest for the country. Thus, it is assumed the interest of the Thai government and all of the citizenry coincided. The problem with this assumption will be briefly discussed in this section.

6 Veerawit Tianchainan was the founder and executive Director for the Thai Committee for Refugees. He also worked with UNHCR in Thailand for 9 years (1999-2008) and spent five of those years working specifically on the Thai-Myanmar border.

official policy documents on displaced persons in Thailand were kept largely confidential and he identified an absence of transparency in decisions relating to displaced persons on the Thai-Myanmar border. Consequently, secondary sources were relied on. In an attempt to verify the information used, when possible, the material applied in this paper was validated among two or more sources.

The last challenge that will be mentioned, was deciding which environmental attributes to include in the analysis. Even though it is acknowledged by scholars that external attributes contribute to policy decisions⁷ (Malkki, 1995), it is difficult to determine which and to what degree these characteristics impacted the government's course of action. It is expected various attributes contributed in different ways depending on the specific context of the country and situation. As previously mentioned, three environmental traits are considered in this paper (security, number of displaced persons, and interstate relations). It is recognized other environmental traits influenced the decision making process, such as domestic and international pressures. It is infeasible, however, to cover all the environmental qualities in one paper. It is also unrealistic to determine the degree of influence or draw direct causal relationships between the government's course of action and the environmental attributes.

The purpose of identifying the limitations of this paper is to highlight practical constraints of policy analysis relating to displaced persons on the Thai-Myanmar border. As Jacobsen pointed out, a multitude of factors create countervailing pressures which lead to clashes between different actors and the 'end result is not a neat solution yielding a rationally evolved refugee policy' (1996:647). This statement underpinned the difficulty and challenges of understanding different attributes which influence policy. Policy making is not a precise or simple process, nor does it necessarily produce 'rationally evolved' outcomes. Recognizing the limitations also underscore the need to consider state action, via the government, from many different angles. One analysis is not sufficient to provide a comprehensive understanding of the government's course of action.

The central argument of this paper is external context matters when evaluating policy applied by governments. In theory, it is easy to reconcile this claim. In practice however validating the role of specific environmental attributes proved more problematic. It is proposed that environmental attributes contributed to the course of action taken by Thai authorities because they shaped the perceived outcome of providing shelter to displaced persons. As these attributes shifted, the costs and benefits of the situation altered. The response of the Thai government reflected this. Regrettably, their course of action became less consistent with human rights standards and principles. The remaining portion of this paper tries to expound this.

7 Additionally, several scholars identified the political connotation connected to displaced persons (i.e. Haddad, 2008; Nyers, 2003; Newman, 2003; Greenhill, 2011; Zolberg, 1999). This suggested the environmental context in the form of political connotation mattered and played a role in a country's reaction toward refugees seeking shelter.

3. Change in shelter: 1980s and 1997

During 1997 the degree of shelter in Thailand, for the people fleeing from Myanmar, was more restricted than previously available.⁸ The level of shelter is determined by the characteristic of temporary shelter areas, the reported accessibility of these locations for displaced persons, and accounts of repatriation. It is proposed the reduction in the degree of shelter was a result of a decline in the government's willingness to accommodate displaced persons. This section identifies alterations between the 1980s and 1997.

The characteristic of temporary shelter areas was markedly different in 1997 than it was throughout the 1980s and early 1990s. Initially, temporary shelter areas were distinguished as safe and relatively small village-styled locations which promoted self-sufficiency and exhibited open movement in and out of the areas (Banki and Lang, 2008; Burmese Border Consortium, 1984; Burmese Border Consortium, 1995). These qualities altered in the mid-to late-1990s. Throughout this period, temporary shelter areas were: larger, more populated, and retained heightened security measures (Lang, 2002).

Noticeable alterations in temporary shelter areas developed in 1995, following the initiation of cross-border raids on these locations. As a result of these raids, security measures were progressively placed around temporary shelter areas and shelter locations were consolidated. This was an effort to protect both the Thai country and residents living in the temporary shelter areas from cross-border incursions (Ball, 2003; Lang, 2007). It was believed the larger temporary shelter areas and smaller number of locations would be more easily defended. From 1995 to 2000, shelter locations were merged into larger areas further away from the border. By 2000, the number of areas were reduced to twelve from the over thirty at the beginning of 1995 (Burmese Border Consortium, 2000:1).

In January 1997, following major attacks on two temporary shelter locations in Tak province, the Thai government implemented new security measures. Thai authorities applied fencing, security personnel, and strict control on movements in and out of all temporary shelter areas in Tak province (Burmese Border Consortium, 1998a; Burmese Border Consortium, 1999a; Lang, 2002). The smaller village-styled character of the original areas took on a larger, more strictly guarded, and aid dependent structure⁹ (Banki and Lang, 2008; Burmese Border Consortium, 1999; Lang, 2007:115).

8 It should be noted that alterations in the level of shelter gradually declined overtime especially starting in 1995 following the initiation of cross border raids on temporary shelter areas. For the purpose of this paper, the year 1997 will be focused on because several substantial changes were documented by refugee and human rights organizations.

9 The limited movement inhibited their ability to access supplementary livelihood methods previously available to them. Foraging for food in the surrounding forests or working in neighbouring communities were no longer viable options. In addition, ethnic opposition groups inside Myanmar were unable to provide the same level of support to the camp residents. This increased the aid-dependency of the camp populace (Burmese Border Consortium, 1999).

In addition to the shifted disposition of temporary shelter areas, reports of repatriation ensued throughout 1997. The Thai government appeared increasingly inclined to return people to Myanmar during this period.¹⁰ Amnesty International, for example, estimated the Thai military returned over 4,000 displaced persons from Myanmar during the months of February and March 1997¹¹ (1997:3). Additional reports from the Burmese Border Consortium (1997; 1998a; 1998b), and Human Rights Watch (1998) documented high levels of repatriation during this period as well. Repatriation, or the return of people to their homeland, reduces the number of people and the obligation of the host country.

The increased number of repatriations in 1997 signalled that the Thai government was less willing to provide shelter. Because repatriation reduces the number of displaced persons, the obligation of the host country is reduced. When conditions permit repatriation can be a desirable solution. However, this was not the situation in 1997. The international standard advocated by the United Nations High Commissioner for Refugees (UNHCR) is 'voluntary, safety and dignity' in the return of individuals to an environment in which 'the causes of flight have been definitively and permanently removed' (UNHCR, 1993:104). The environment which displaced persons from Myanmar were returned to, throughout 1997, proved to be unsafe in many occasions (Human Rights Watch, 1998). The Thai government's response was incompatible with human rights standards and principles.

Not only were a high number of returns documented throughout the year, but it was reportedly difficult to seek entry into temporary shelter areas during the second half of 1997. This was manifested by the small number of displaced persons admitted. The net increase of people living in temporary shelter areas, from the start of July to the end of December 1997, was only 61 people.¹² This was a marked contrast to the influx of 14,778 during the first half of 1997. Despite the small number of displaced persons admitted, there were accounts of an accumulation of persons from Myanmar along the Thai-Burma border. For instance, the Burmese Border Consortium extended provisions to an additional 7,000 people living outside the formal temporary shelter area structure (Burmese Border Consortium, 1998a:2). This demonstrated people still experienced insecurity in Myanmar during this period. Moreover, it revealed an inability by a number of people on the border to access temporary shelter areas.

The reduced accessibility for displaced persons to obtain shelter in Thailand during the second half of 1997 also suggested the government was less disposed to provide shelter during this period. Evidence of this was manifested by the closure of the border in

10 This is not to say incidents of repatriation did not occur prior to 1997. However, more incidents were publicized and reported than previously. This was especially contrasted to the 1980s when few reports on repatriation were made. One notable exception was the return of pro-democracy advocates to Burma/Myanmar between 22 December 1988 and February 1989 (Asia Watch, 1992: 2).

11 The report specifically accused the 9th Infantry Division of the First Army. The repatriated displaced persons were staying in Thailand's western provinces of Kanchanaburi and Raatchaburi.

12 The population was 116,203 at the end of June 1997 and 116,264 by the end of December (Burmese Border Consortium, 1997:2).

June 1997 (Human Rights Watch, 1998). It was also supported by reports of the Thai government strictly adhering to the criteria of 'displaced persons fleeing fighting'¹³ when admitting people into temporary shelter areas in 1997.

Overall, the degree of shelter provided by the Thai government diminished in 1997. The degree of shelter narrowed and accessing protection was more precarious than it was prior to this period. Displaced persons were no longer liberally permitted to stay temporarily in the country. The inclination by the Thai government to accommodate displaced persons from Myanmar appeared to decline and relevant authorities seemed more reluctant to continue the same level of accommodation previously employed.

What changed between the 1980s and 1997? Why did the degree of shelter diminish? This paper will contemplate the larger environmental context and consider why it was less favourable for the Thai government to shelter displaced persons during this period. First however, support for the assumption that the Thai government's interest was to mitigate negative repercussions for providing shelter is detailed.

4. Government interest: reducing the cost of providing shelter

Evidence indicates relevant Thai authorities' were concerned with the negative costs of housing displaced persons from Myanmar (Hyndman, 2001; Lang, 2002). This was exhibited in communications, such as letters and guidelines, from the Thai government to the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT). Specifically, the government expressed anxiety regarding both political repercussions and domestic problems (Burmese Border Consortium, 1988). It is believed the environmental attributes during the 1980s permitted government to abate the negative consequences and still provide sufficient shelter despite concerns expressed in official communications (Lang, 2002). In the mid-1990s the attributes changed and it was not as feasible to mitigate the negative repercussions of harbouring displaced persons (Lang, 2002). As the perceived negative costs of housing displaced persons increased the Thai government's course of action reflected this.

Beginning in 1984, the response of the Thai government indicated a desire to avoid interstate tension associated to harbouring displaced persons from Myanmar. From the perspective of the host country, displaced persons may be regarded as a visible diplomatic liability and potential source of strain between sending and receiving states (Lang, 2002:85). The circumstance in Thailand proved no different. Official strategy reflected this concern. For example, the Ministry of Interior in December 1984 stated:

13 According to reports from Amnesty International (1997), Burmese Border Consortium (1998a), Human Rights Watch (1998), and Lang (2002, p. 122) the official terminology of 'displaced persons' shifted to the more restrictive term 'displaced persons fleeing fighting'. However, no primary documents were found to verify this.

The Thai Government has considered the provision of assistance to the Karen and Mon based on humanitarian principles, while at the same time keeping in mind the diplomatic relations between the Thai and Burmese authorities (Ministry of Interior, 1984 cited in Lang, 2004:84).

This statement depicted concern about damaging relations between the two countries. Further, the emphasis on providing humanitarian shelter stressed the non-political character of the act.

Thai authorities attempted to keep their provision of shelter to displaced persons from Myanmar non-internationalized in order to evade unnecessary political connotation. International agencies were prevented from being involved in the border relief effort because it was believed they would draw unwanted attention and politics to the situation¹⁴ (Hyndman, 2001:44; Muntarbhorn, 2004:27). The Ministry of Interior guidelines regarding policies for NGOs dealing with displaced persons from Myanmar required all NGOs to be small local organizations. It also stated, 'assistance may be given to civilians only and there is to be no publicity' (Ministry of Interior, 1991: guideline 3.2).

In an interview conducted by Lang, Khun Wannida Boonprarong, Chief of the Displaced Persons Subdivision of the Ministry of Interior said, the Thai government pursued low-key sanctuary as it wished to prevent diplomatic 'misunderstandings' with Myanmar¹⁵ (Lang, 2002:92). The attitude of relevant Thai authorities was to avoid internationalizing provisions of shelter to displaced persons from Myanmar. The border relief effort was deliberately kept local and small scale, in part, to evade unnecessary disagreement with the central government in Myanmar.

In addition to evading political tension, concern for the domestic cost was also evident. Communications between the Ministry of Interior and the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT) highlighted the aspiration to minimize the domestic sacrifice. The 1984 Burmese Border Consortium report stated that the Ministry of Interior restricted aid to 'emergency provisions.' In part, this was applied to prevent resentment from the local community.¹⁶ The NGOs working on the border were required to consider the impacts of their aid on the surrounding populace (Burmese Border Consortium, 1988). For example, guideline 3.3 in the Ministry of Interior document regarding policies for dealing with displaced persons from Burma stated:

14 For example two major international organizations, UNCHR and ICRC, initially were not permitted a role. However, UNHCR was eventually allowed a permanent role on the border in 1998.

15 The interview was conducted in Bangkok, 9 March 1998

16 This was reinforced by unpublished meeting minutes from the Coordinating Committee for the Services to Displaced Persons in Thailand. 'Karen Emergency: Notes on a meeting in Mae Sot, August 10, 1984' (cited in Lang, 2002:84).

The social and psychological effects on (citizens of) the Kingdom of Thailand in the areas concerned must be taken into consideration. If necessary, assistance will have to be provided to the Kingdom of Thailand as well (1991).

Both the emergency aid restriction and guideline 3.3 illustrated concerns by the Ministry of Interior for the impact temporary shelter areas could have on its local constituents. By attempting to preclude resentment from the surrounding populace, the government acted to reduce the domestic repercussion of housing displaced persons from Myanmar.

Since the beginning, the Thai government revealed concern regarding negative repercussions for housing displaced persons from Myanmar. Despite anxieties expressed, in practice the Thai government provided sufficient space for people seeking refuge (Burmese Border Consortium, 1995; Lang, 2002). It was believed the environmental attributes during this period allowed the government to mitigate negative repercussions and still provide adequate shelter. As Lang (2002) indicated, during the 1980s and early-1990s Thailand was in a position which allowed it capacity to accommodate displaced persons as long as their presence remained unobtrusive. Throughout this period, the population size remained small¹⁷ and there were no security concerns connected to temporary shelter areas (Ball, 2003; Lang, 2002:9). These characteristics allowed the Thai government to abate negative consequences of harbouring displaced persons and at the same time provide adequate accommodation. By demanding low publicity around temporary shelter areas, the government could temper political tensions with Myanmar. In addition, the provision of basic aid helped the country pacify domestic resentment and reduce the economic burden connected to offering accommodation. While the localized, small-scale, and low-publicity atmosphere persevered, the Thai government maintained a flexible and obliging situation for displaced persons from Myanmar (Lang, 2002).

In the mid-1990s these characteristics changed and it was not as feasible to lessen the negative repercussions of harbouring displaced persons (Lang, 2002). The attributes which permitted the Thai government to hedge some of the negative costs for sheltering displaced persons altered. The next section will look at the context surrounding shelter in more detail.

5. The context surrounding shelter

This section details how different environmental attributes augmented the perceived negative consequence for harbouring displaced persons. The attributes focused on include: a continued influx of people entering the country, heightened security dimensions on the border, and a shift toward official diplomatic relations with the central government in Myanmar. Specifically, it addresses how these environmental traits changed the perceived consequence for housing displaced persons from Myanmar.

17 The population sized ranged from 9,502 in 1984 to 19,675 in 1988 with an average shelter population around 2,000 people (Burmese Border Consortium, 1989).

The altered security atmosphere along the Thai-Myanmar border had substantial impact on the context surrounding temporary shelter areas in Thailand. As a consequence, it influenced the Thai government's course of action toward them. Prior to the mid-1990s Thai-based temporary shelter areas were stable and presented no security concern for the government (Banki and Lang, 2008; Lang, 2002:91). During this period, the Thai-Myanmar borderland was comprised of territories controlled by different ethnic insurgent armies opposed to the central government in Myanmar. The ethnic minority groups had amiable relations with the Thai government and security personnel.¹⁸ Furthermore, many of the ethnic minority groups were linked to displaced persons residing in temporary shelter areas.¹⁹ These attributes enabled relative security within the temporary shelter areas and along the Thai-Myanmar border.

The transition in the borderland security was particularly striking when the *tatmadaw* obtained a permanent foothold in the formerly ethnic minority controlled borderland periphery. This was achieved by the overthrow of two ethnic insurgent bases, Manerplaw and Kawmura, in 1995. After the fall of Manerplaw and Kawmura, the *tatmadaw* and its 'proxy' army, the Democratic Karen Buddhist Army (DKBA),²⁰ subjected the previously stable temporary shelter areas in Mae Hong Son and Tak province to regular attacks and raids. One source estimated 152 cross-border incursions into Thailand between January 1995 and April 1998 (Images Asia & Borderline Video, 1998:2).

As a result of raids, temporary shelter areas presented a major security concern for the Thai government in the mid-to late-1990s (Ball, 2003; Banki and Lang, 2008). This was exemplified by initiatives to consolidate temporary shelter locations as it was believed the larger shelter areas and fewer locations would be more easily defended (Ball, 2003; Lang, 2007). It was also demonstrated by Thailand's official Ministry of Defence report for 1996. This report specifically identified the suppression of minorities by the Myanmar government as a security threat to the country (Ministry of Defence, 1996:8).

In 1997, security dimension on the border amplified as *tatmadaw* forces gained effective control over the entire border region for the first time in history. In January 1997, following major attacks on two temporary shelter locations in Tak province, new security

18 For instance, many of the ethnic insurgent groups assisted Thailand in its fight against communism (Chongkittavorn, 2001). See Litner (1995) for more information on the relations between Thailand and the ethnic insurgent armies along the border.

19 For example, displaced persons in temporary shelters received support from the ethnic resistance groups inside Myanmar who traded on the black market and grew crops (Burmese Border Consortium, 1995).

20 The recently established Democratic Buddhist Army (DKBA) was a breakaway fraction of the Karen National Union and it played an important role in the capture of Manerplaw at the end of January 1995. It was also involved in the assault and occupation of Kawmura in February 1995. The DKBA was known to function as a proxy army for the *tatmadaw* in some situations and to function independently in others (Lang, 2002: 155).

measures were employed by Thai authorities.²¹ They applied fencing, security personnel, and increased control on movements in and out of all temporary shelter areas in Tak province. Consequently, the smaller village-styled character of the original camps took on a larger, more strictly guarded, and aid dependent structure (Burmese Border Consortium, 1998a; Lang, 2007: 115).

Anxiety by the Thai government regarding security associated to temporary shelter was expressed by new 'emergency procedures' which were implemented in 1997 for NGOs working on the border. The Thai government required all organizations who provided relief efforts in 'sensitive areas' to submit monthly supplies for the approval from both the Ministry of Interior and the Thai army²² (Burmese Border Consortium, 1998a: appendix a). Previously, the Ministry of Interior had sole discretion over the approval and administration of supplies to displaced persons. However in 1997, the 9th Infantry Division had the mandate to override the Ministry of Interior in matters relating to temporary shelter areas and, according to the Burmese Border Consortium report, on occasion exercised this prerogative (Burmese Border Consortium, 1998a: appendix a). The 'emergency procedures' represented concern by Thai authorities and illustrated the heightened role of the Thai military regarding temporary shelter areas. The temporary shelters areas were 'sensitive high-priority security matters' for Thailand making the army one of the strongest actors in displaced person policy (Lang, 2002:97).

Displaced persons from Myanmar were a central part of national security for the Thai state. Temporary shelter areas were identified by both the *tatmadaw* and DKBA as being connected with opposition armed groups. Consequently, raids and attacks ensued and they presented a direct security liability for the Thai government. Not only were temporary shelter areas deliberately targeted for cross-border incursions, but the intrusions endangered local Thai citizens, and security personnel as well²³ (Ball, 2003; Lang, 2007). As an outcome of the altered security environment, the responsibility of providing shelter for displaced persons was more onerous for the Thai government. Consequently, the degree of shelter provided was restricted.

Relevant literature reinforces this assertion and scholars maintain that security threats are likely to make authorities less willing to admit displaced persons and more prone to expel those admitted.²⁴ For example, Caballero-Anthony noted, when the security of the state was seen as vulnerable by the influx of non-citizens, individual security of the individuals

21 During the night of January 28th, the DKBA attacked and destroyed Wangka and Don Pa Kiang camps in Tak province. The attacks left around 7,000 refugees without homes inside Thailand (Burmese Border Consortium, 1997).

22 The 'sensitive areas' were the Kanchanaburi, Ratchaburi and Prachuap Khiri Khan provinces. Specifically, monthly supplies were submitted to the 9th Infantry Division of the Thai 1st Army.

23 For example, reportedly 53 villagers and 5 security personnel were injured and 23 villagers and 9 security personnel died as a result of cross-border incursions between 1995 and 1998 (Images Asia & Borderline Video 1998:2).

24 For more literature see Davies, 2007; Grundy-Warr and Rajaram, 2005; and Lohrmann 2000.

was often compromised (2008:168-169). Jacobsen further argued security negatively affected displaced persons because it often meant the army became more influential. Army personnel tend to be more concerned with containing security threats than with the welfare of displaced persons²⁵ (Jacobsen, 1996:673). All of these traits were exhibited in Thailand throughout 1997.

As the *tatmadaw* occupied greater control of the border region in Myanmar, Thailand's border environment was substantially impacted (Lang, 2007). It positioned temporary shelter areas as a prominent element in a deteriorating borderlands' security environment (Ball, 2003). The Thai military's role regarding displaced persons increased and it prompted the Thai government to implement security provisions around the temporary shelter areas (Lang 2002). Furthermore, the government was less inclined to admit displaced persons and more prone to return them to Myanmar. Clearly, the altered security attribute influenced the Thai government's course of action toward displaced persons from Myanmar.

At the same time the security dimension on the Thai-Myanmar border transformed, the number of displaced persons continued to increase. From 1995-1997, the number of displaced persons rose from 77,107 people in January 1995 (Burmese Border Consortium, 1995:2) to 116,264 by the end of December 1997 (Burmese Border Consortium, 1998a:4). The first half of 1997 saw one of the largest influxes in displaced persons from Myanmar since 1984. The refugee population increased 14,778 from January to June 1997 (Burmese Border Consortium, 1997). As the influx of displaced persons from Myanmar grew, the perceived affliction for providing shelter also increased. A member of the Ministry of Foreign Affairs demonstrated this. He wrote:

... the influx of displaced persons has entailed huge cost for Thailand in terms of administration and personnel, environment degradation, deforestation, epidemic control and the displacement of the affected Thai villages as well as the psychological impact on the local population' (Kbun Surpong Posayanond, 2000 cited in Lang, 2001:5).

The burden placed on Thailand cannot be ignored and the continued rise in the number of displaced persons only augmented this weight. As the cost of housing more people rose, the Thai government was less disposed to provide the same level of shelter. According to a Human Rights Watch report, the Thai government was more concerned with preventing a massive influx of refugees than protecting displaced persons from Myanmar (1998).

The last environmental attribute considered is official state relations between the governments of Thailand and Myanmar. It was believed the warming of relations between the two nations put displaced persons from Myanmar in a more 'negotiable' position (Buszynski, 1998; Hyndman, 2001; Human Rights Watch, 1998). A reorientation in relations between the central governments occurred during the late-1980s and early-

²⁵ Jacobsen believed containment frequently meant controlling displaced persons by denying admission, restricting them to camps, and/or practicing repatriation (1996:673).

1990s. Previously relations were marked by a period of distant association between the two governments. In 1962, General Ne Win gained power in Myanmar through a military coup. He remained effectively in control until 1988.²⁶ During this period, formal dialogue and bilateral relationships, for the most part, were non-existent between the central governments (Chongkittavorn, 2001). Thailand's cross-border relationship focused largely, albeit unofficially, on supporting various armed ethnic minority groups inside Myanmar.²⁷

In 1988 the dealings between the governments in Thailand and Myanmar reoriented itself away from distant relations to one of greater official interaction.²⁸ Following the 'crackdown' on pro-democracy protests and the initiation of the State Law and Order Council (SLORC) in Myanmar, Thailand was the first state to develop positive official ties with the new SLORC government²⁹ (Lang, 2002).

The diplomatic rapprochement between the central governments in the two countries was tied to business opportunities in the border region. On 14 December 1988, Thailand's General Chavalit Yongchaiyudh, then Commander-in-Chief of the army and foreign minister, met with the new SLORC. The primary reason for General Chavalit Yongchaiyudh's trip was to negotiate 'lucrative timber and fishing deals' for Thai companies in Myanmar. The Thai government's rapprochement was predicated on the pursuit of 'constructive engagement', a policy associated with closer business and military ties between Thailand and the SLORC³⁰ (Buszynski, 1998; Lang, 2002).

The reorientation of relations coincided with a shift in Thailand's priorities which emphasized economics over politics. The 1988 Prime Minister Chatichai Choonhavan explained his foreign policy rationale as one in which 'politics will take second place to economics' (Innes-Brown and Valencia, 1993:334). Thailand was interested in establishing a strong economic position in the region and the enormous resource and economic potential in the Myanmar border region fit this objective (Innes-Brown and Valencia, 1993).

26 Ne Win retired as president in 1981, but continued to be powerful as Chairman of the Burma Socialist Programme Party until he stepped down on July 23, 1988.

27 See Lang (2002:139-142) for a detailed account of Thailand's border relations prior to 1988.

28 Despite the renewed engagement the relationship between the two countries fluctuated and at times remained tense. Some of the matters which contributed to hostilities from the Myanmar side included: dissatisfaction with Thailand as an 'insurgent sanctuary', boundary disputes, and illegal fishing across maritime boundaries. From the Thai perspective two issues of particular concern involved: periodic cross-border incursions by *tatmadaw* and DKBA forces and the large drug flow into Thailand from Myanmar (Lang 2002:153).

29 The 'People's Uprising', for restoration of democracy and human rights, on 8 August 1988 was followed by the killing of hundreds of protesters and a military coup led by the Burmese army. See Lang (2002:166) for more detail on SLORC instalment and the 'pro-democracy' movement.

30 Constructive engagement was a policy which advocated political coexistence rather than enforced isolation of Myanmar. It was based on the assumption that constructive engagement was the most effective means to influence positive change in the country. The policy also promoted Thai and ASEAN economic strategy interests by disregarding sensitive issues in the short-term including the refrainment of international condemnation for the SLORC's human rights record.

Logging enterprises in Myanmar overlapped with a domestic problem in Thailand's natural resource base. Within Thailand there was strong local pressure to cease logging because of flooding caused by excessive deforestation. Engagement with Myanmar's vast logging resources permitted Thai authorities to appease the domestic critics of logging while maintaining the burgeoning timber industry in the country.³¹ Thai-Myanmar relations corresponded with Thailand's need to find alternative sources for its timber. Engagement with Myanmar was an ideal solution. Subsequently, increased interaction between the two countries ensued.

It is suggested that increased economic interest in Myanmar by Thai authorities, inclined the government to appease the government in Myanmar and, consequently, be less disposed to provide shelter for displaced persons. This assertion was supported by Human Rights Watch (1998). For instance, they accredited a 'lack of protection' for displaced persons from Myanmar to strategic and economic interests of the Thai government (1998:47). Furthermore, Buszynski and Hyndman argued the engagement with the Myanmar's central government negatively shaped policies toward displaced persons seeking shelter in Thailand (Buszynski, 1998; Hyndman, 2001).

6. Conclusion

This paper argues the degree of shelter provided to displaced persons from Myanmar altered in response to environmental attributes which evolved during the mid-1980s and early-1990s. The attributes specifically discussed included: the number of displaced persons entering the country, the security dimension on the border, and official relations with the central government in Myanmar. It is believed these attributes shaped the cost of harbouring displaced persons from Myanmar. The parameter of shelter for displaced persons was predicated on the government's aspiration to abate the negative impact of housing displaced persons. Subsequently, as the perceived negative outcome for housing displaced persons increased, relevant Thai authorities' predisposition to accommodate these people diminished and the degree of shelter lessened. Essentially, the context around displaced persons in temporary shelter areas affected, to some degree, the course of action applied by the Thai government.

Significantly, the changes in the Thai government's course of action had negative implications for the human rights of displaced persons seeking shelter in Thailand. Individuals' safety and dignity were not accorded the rights and protection required by human rights standards and principles. As aforementioned, repatriations during 1997 did not abide by the international standard advocated by UNHCR. There were not conducted

31 After Thailand received concessions with Myanmar, the country imposed a logging ban in Thailand on 15 January 1989. The nation-wide logging ban effectively closed Thailand's forest frontier and Thai companies 'scrambled for access to Myanmar's forests' (Buszynski, 1998: 293). The logging concessions with Myanmar enabled the country to impose a moratorium on the felling of its hardwood trees and still keep its timber mills running (Lintner, 1995: 290).

in 'voluntary, safety and dignity' to an environment in which 'the causes of flight have been definitively and permanently removed' (UNHCR, 1993:104). Furthermore, access to safety in temporary shelters was precluded for many individuals in 1997. Displaced persons from Myanmar were excluded from their rights to: 'life, liberty and security of person' and to 'seek and to enjoy asylum from persecution' (Universal Declaration of Human Rights, Articles 3 and 14).

The central argument of this paper is external context matters when evaluating policy applied by governments. Policy is frequently a compromise between different pressures. Importantly, a comprehensive understanding of the government's course of action facilitates the ability to establish persuasive counter arguments. Counter arguments based on an understanding of the context surrounding policy decisions are more likely to be received by relevant policy makers. Subsequently, such arguments could positively shape governments' responses toward displaced persons making their course of action more humane and one which abides by human rights.

In theory, it is easy to reconcile the claim that context matters in shaping government policy. In practice, however, validating the role of specific environmental attributes proves more problematic. The constraints and qualifications of this paper were identified to illustrate this. As Jacobsen pointed out, a multitude of attributes create countervailing pressures (1996). There are considerable difficulties and challenges in understanding attributes which influence policy. The traits which mould decisions are varied and not easily identified. Moreover, policy making is not a precise or simple process, nor does it necessarily produce 'rationally evolved' outcomes. This underscores the need to consider government action from many different angles. One analysis is not sufficient to provide a comprehensive understanding of the government's course of action and more research needs to be undertaken.

References

- Amnesty International, 1997. Fear for safety / fear of refoulement. Document released on 12 March 1997. Bangkok: Amnesty International.
- Ball, D., 2003. Security developments in the Thailand-Burma borderlands. *Working Paper Series: Working Paper No. 9*. Sydney: Australian Mekong Resource Centre University of Sydney.
- Banki, S., and Lang, H., 2008. Protracted displacement on the Thai-Burmese border: the interrelated search for durable solutions. In: H. Adelman, ed. *Protracted displacement in Asia: no place to call home*. Hampshire: Ashgate Publishing Limited, pp.59-82.
- Burmese Border Consortium, 1984. Burmese border consortium refugee relief programme: programme report for period January to December 1984. Bangkok: Burmese Border Consortium.
- Burmese Border Consortium, 1989. Burmese border consortium refugee relief programme: programme report for period January to June 1989. Bangkok: Burmese Border Consortium.
- Burmese Border Consortium, 1995. Burmese border consortium refugee relief programme: programme report for period January to June 1995. Bangkok: Burmese Border Consortium.
- Burmese Border Consortium, 1997. Burmese border consortium refugee relief programme: programme report for period January to June 1997. Bangkok: Burmese Border Consortium.
- Burmese Border Consortium, 1998a. Burmese border consortium refugee relief programme: programme report for period July to December 1997. Bangkok: Burmese Border Consortium.
- Burmese Border Consortium, 1998b. Burmese border consortium refugee relief programme: programme report for period January to June 1998. Bangkok: Burmese Border Consortium.
- Burmese Border Consortium, 1999. Burmese border consortium refugee relief programme: programme report for period July to December 1998. Bangkok: Burmese Border Consortium.
- Burmese Border Consortium, 2000. Burmese border consortium refugee relief programme: programme report for period January to June 2000. Bangkok: Burmese Border Consortium.

- Buszynski, L., 1998. Thailand and Myanmar: the perils of constructive engagement. *The Pacific Review*, vol. 11, no. 9, pp. 290-305.
- Chongkittavorn, K., 2001. Thai Burma relations. In: *Challenges to democratization in Myanmar: perspectives in multilateral and bilateral response*. Stockholm: International Institute for Democratic and Electoral Assistance, pp.117-130.
- Davies, S., 2007. Seeking security for refugees. In: A. Burke and M. McDonald, eds. *Critical security in the Asia-Pacific*. Manchester: Manchester University Press, pp. 152-166.
- Freeman, G., 2005. Political science and comparative immigration politics. In: M. Bommers and E. Morawska eds. *International migration research: constructions, omissions, and the promises of interdisciplinary*. Burlington: Ashgate Publishing Company, pp. 111-128.
- Greenhill, K., 2010. *Weapons of mass migration; forced displacement, coercion, and foreign policy*. Ithaca: Cornell University Press.
- Grundy-Warr, C. and Rajaram, P., 2005. Protection or control?: global migration policies and human rights. In: F. Bertrand, ed. *International migration and human rights*. Singapore: Asia-Europe Foundation, pp. 72-109.
- Haddad, E., 2008. *The refugee in international society; between sovereigns*. New York: Cambridge University Press.
- Human Rights Watch, 1998. Burma/Thailand unwanted and unprotected: Burmese refugees in Thailand. *Human Rights Watch*, vol. 10, no. 6.
- Hyndman, J., 2001. Business and bludgeon at the border: a transnational political economy of human displacement in Thailand and Burma. *GeoJournal*, vol. 55, pp. 39-46.
- Images Asia & Borderline Video, 1998. *A question of security: a retrospective on cross-border attacks on Thailand's refugee and civilian communities along the Burmese border since 1995*. Chiang Mai: Images Asia.
- Innes-Brown, M. and Valencia, M., 1993. Thailand's resource diplomacy in Indochina and Myanmar. *Contemporary Southeast Asia*, vol. 14 no. 4, p. 332-351.
- Jacobsen, K., 1996. Factors influencing the policy response of host governments to mass refugee influxes. *International Migration Review*, vol. 30, no. 3, pp. 655-678.
- Kibreab, G., 1991. Integration of refugees in countries of first asylum: past experienced and prospects for the 1990s. *Paper commissioned by the Program in International and U.S. Refugee Policy*. Medford: Tufts University.
- Lang, H., 2001. The repatriation predicament of Burmese refugees in Thailand: a preliminary analysis. *New Issues in Refugee Research Working Paper No. 46*. Canberra: Australian National University.

- Lang, H., 2002. *Fear and sanctuary: Burmese refugees in Thailand*. New York: Southeast Asia Program Publications.
- Lang, H., 2007. Freedom from fear: conflict displacement and human security in Burma. In: A. Burke and M. McDonald, eds. *Critical security in the Asia-Pacific*. Manchester: Manchester University Press, pp. 105-120.
- Lintner, B., 1995. *Burma in revolt: opium and insurgency since 1948*. Colorado: Westview Press.
- Lintner, B., 1995. Building new bridges with a former foe. *Jane's Defense Weekly*. 9 September 1995.
- Lohrmann, R., 2000. Migrants, refugees, and insecurity: current threats to peace? *International Migration*, vol. 38, no. 4, pp. 3-20.
- Malkki, L., 1995. Refugees and exile: form "refugee studies" to the national order of things. *Annual Review Anthropology*, vol. 24, no. 1, pp. 495-523.
- Minister for the Deputy of Interior Ministry, 1991. The provision of assistance to Burmese Minorities who have fled into Thailand. Ministry of Interior letter to CCSDPT 31 May 1991 (unofficial translation).
- Ministry of Defence, 1996. *The Defence of Thailand 1996*. Bangkok: Ministry of Defence Strategic Research Institute.
- Muntarbhorn, V., 1992. *The status of refugees in Asia*. New York: Oxford University Press.
- Muntarbhorn, V., 2004. *Refugee law and practice in the Asia and Pacific region: Thailand as a case study*. Bangkok: UNHCR.
- Newman, E. and Selm, J., eds, 2003. *Refugees and forced displacement: international security, human vulnerability, and the state*. New York: United Nations University Press.
- Sciortino, R. and Punpuing, S., 2009. *International migration in Thailand 2009*. Bangkok: International Organization for Migration.
- Tangseefa, D., 2007. Temporary shelter areas and the paradox of perceptibility: imperceptible naked-Karens in the Thai-Burmese border zone. In: C. Grundy-Warr and P. Rajaram, eds. *Borderscapes: hidden geographies and politics at territory's edge*. Minneapolis: University of Minnesota Press, pp. 231-262.
- UNHCR, 1993. *The status of the world's refugees: the challenges of protection*. London: Penguin.