

CHAPTER VII

Analysis: Constructive Engagement, National Security and Refugee Rights

Constructive Engagement

The Royal Thai Government's policy toward Burma has been accused by various journalists, particularly in the English press, as being incoherent and ambiguous. One constant that runs through all analysis of Thai policy toward Burma is that the policy has been identified with the term "constructive engagement." But what is the origin of this term? Who introduced it and what did it mean? To answer these questions, the first section of this essay shall explore the history of "constructive engagement."

Constructive engagement originated in the 1980s, first as Ronald Reagan's policy toward South Africa and then, unofficially, as George Bush's toward the People's Republic of China (PRC). Reagan and Assistant Secretary of State Chester Crocker decided that engaging in trade and soft diplomatic relations would be the best means for limiting Soviet and Cuban influence in the region, initiating a dialogue and reconciliation between South Africa and its neighbors, and eliciting an internal settlement to the political concerns of minorities in that nation.¹ The policy they enacted was called "constructive engagement," whereas the authors envisaged

¹Baker. "United States Policy in South Africa." *Current History*. 193.

substantial change in the Southern African region through support of the moderate P.W. Botha regime.

Crocker, the principle advisor in this approach, first presented the argument for his policy in an article of the journal **Foreign Affairs** while he was still a professor at Georgetown University. He asserted that "constructive engagement" was the proper diplomatic path for the United States to follow for a number of reasons. Crocker wrote that P.W. Botha, a moderate of the Afrikaner dominated National Party, "... and his coalition have been carrying out the equivalent in Afrikaner nationalist terms of a drawn-out coup d'etat."² To evidence this statement, Crocker noted the following reforms enacted by the Botha administration:

1. Botha had established a solid coalition of reformers (modernizers) and personal political allies;
2. Botha had constructed a reformist Cabinet;
3. There was a move to reduce the pro status-quo bureaucracy so as to pass reforms;
4. Botha moved toward centralization which would be beneficial to reforms;
5. The South African military was becoming more professional and less nationalistic.³

In essence, Crocker believed that the South African administration was on a path toward "modernizing autocracy."⁴ He saw moderates and others willing to

²Crocker. "South Africa: Strategy for Change." **Foreign Affairs**. 334.

³Ibid., 334 - 336.

⁴Ibid, 337.

cooperate and move away from protective nationalist/racist policies of previous Afrikaner administrations.

Though making some concessions, Crocker wrote "Although there is no substantial mandate for major change yet, lesser reforms are widely accepted".⁵ The Assistant Secretary of State meant that no significant reforms in the legal structure had taken place to reduce apartheid, but there were nonetheless positive signs in economic liberalization transpiring.

On the side of black African political organization, he noted relative confusion and disorganization to the extent of internal conflict coupled with the absence of any real direct military threat to the central government.⁶ The African National Congress (ANC) and its detained leader, Nelson Mandela, could potentially play a unifying role if it was able to include the Zulu majority Ikatha Freedom Party but Crocker, nevertheless, predicted further conflict in the future of black South African politics.

It was thus that Chester Crocker argued for constructive engagement. He wrote that "The problem is that the land of apartheid operates as a magnet for one-dimensional minds"⁷ and that "...too often our focus is on the wrong issue: the ultimate goal, instead of the process of getting there".⁸ Policy makers and South Africa watchers tended to be polarized on the two sides of the argument: full trade and political relations with South Africa or sanctions. Those on the sanctions side wanted to see the South African government step down immediately to be replaced by

⁵Ibid, 333.

⁶Ibid, 340 - 344.

⁷Ibid, 323.

⁸Ibid, 327.

a black African or shared administration while those on the full relations side wanted to maintain the status quo and not disturb economic and strategic interests in the region.

Crocker argued that instead a pragmatic global initiative be utilized in southern Africa. The existing building blocks for "constructive engagement" to which he drew attention were:

1. U.S. adherence to the U.N. arms embargo and refusal to use South African defense facilities as demonstrating a lack of support for the apartheid regime;
2. Western refusal to apply economic sanctions as engagement in the economy is beneficial to the majority of South African citizens;
3. American-European cooperation and mutual respect for future operations.⁹

"Constructive engagement," Crocker wrote, "is consistent with neither the clandestine embrace nor the polecat treatment".¹⁰ The suggested policy, was to be one of pragmatic diplomacy not taking sides. He went on to list a number of steps to be taken toward the dismantling of the apartheid system and again cautioned to think of the process to sustainable change instead of focusing on the final product alone. Most importantly, he notes, "Pressure also has a role to play in a policy of constructive engagement...Pressure can communicate to various audiences...recognition of the unacceptability of current policies..."¹¹

⁹ Ibid, 346.

¹⁰ Ibid, 346.

¹¹ Ibid, 351.

When he was appointed to Assistant Secretary of State by President Ronald Reagan, Crocker focused on resolving the question of Namibia, basically a territory of South Africa engulfed in a 20-year insurgency. Pauline H. Baker writes:

Crocker sought a diplomatic settlement that would link independence in Namibia with the removal of Cuban forces from Angola, a strategy that underscored common strategic interests with Pretoria, shifted the burden of responsibility for a settlement to Angola, and diverted attention from the issue of apartheid.¹²

The Assistant Secretary of State for African Affairs spoke of an “empirical relationship” between the removal of Cuban troops from Angola and South African troops from Namibia (it has been argued that South Africa would have been willing to give Namibia its independence without the linkage, but when the linkage was provided it in essence prolonged independence as Pretoria could wait for Angolan/Cuban initiative without criticism). Critics of the policy were quick to point at its deficiencies in reducing the internal conflicts of South Africa while it devoted attention to Namibia and Angola.¹³

The United States government did not wish to upset their allies in Pretoria for two principal reasons. First, the South Africans were supportive in U.S. anti-Soviet/communist operations in the region (South Africa being pivotal to the defense of shipping lanes around the Cape of Good Hope) and second, South Africa was rich in strategic minerals essential to the American nuclear program. Andrew Young noted “The prospect of Soviet hegemony over the resource-rich southern Africa region represented a serious strategic threat to Western interests...”¹⁴

¹² Baker, 193.

¹³ de St. Jorre, “Africa: Crisis of Confidence.” *Foreign Affairs*. 685.

¹⁴ Young. “The United States and Africa: Victory for Diplomacy.” *Foreign Affairs*. 648.

The policy, with a somewhat promising start, ended in failure with new South African aggression, failure by Pretoria to meet deadlines for the independence of Namibia, violent domestic opposition to apartheid at an unprecedented level, pan-African condemnation, and American covert support to the anti-Communist Jonas Savimbi in Angola. During Reagan's second term, bi-partisan opposition to "constructive engagement" defeated a presidential veto and promulgated the Comprehensive Anti-Apartheid Act of 1986 which imposed meaningful sanctions against South Africa.¹⁵

Inconsequential to its diplomatic failure, "constructive engagement" as it was defined by Chester Crocker in principle had merit in attempting to negotiate a solution to destabilizing conditions in southern Africa. The downfall of the policy was a result of the United States choosing a paradoxical relationship with Jonas Savimbi and UNITA and by trusting the Botha regime too far. Through this case study we find thus that "constructive engagement" during the Reagan administration was defined by the following:

1. Allocating sensitive issues to long term policy (Relegating apartheid to long term strategy so as to achieve regional peace and eliminate a strategic threat);
2. Maintaining strategically and/or economically vital interests (South Africa is a country possessing extensive reserves of strategic minerals and natural resources).
3. Prescribing conditions to be met for continued good relations (Basing non-sanctions on Namibian independence and qualitative improvement in the domestic political environment).

¹⁵Baker, 194.

Under President George Bush, "constructive engagement" reemerged, but not in relation to South Africa. This time it was with the People's Republic of China. Following the Tiananmen crackdown in June of 1989, U.S. public opinion of the PRC was in a low ebb. Nevertheless, President George Bush and his handful of close advisors chose to rescue Sino-American relations through a policy identified by some human rights groups as "constructive engagement".

The events in Beijing of that June propelled the majority of the international community far from the side of China. Human rights activists launched an intense barrage of condemnation at the elderly leaders of the country and the famous picture of a dissident standing erect barring the way of PRC tanks was plastered in magazines and newspapers worldwide. U.S. citizens following the events were incensed by the sinister attack on democracy.

In light of the aforementioned incidents, George Bush set out with his advisors to build an appropriate policy towards the PRC. Robert G. Sutter writes:

At that time the president saw the prospect of a gradually changing China: a Communist country whose growing economic interaction with the United States and the industrialized world would inevitably lead to greater economic and political benefits and improved human rights conditions for the Chinese people. The president believed that the United States must be *constructively involved* [my emphasis added] with this process because of China's size, location, strategic importance in world affairs, and economic potential. He judged that serious disputes would continue between the United States and China because of the wide differences in political, economic, and social systems, but that United States *engagement* [my emphasis] should continue nevertheless.¹⁶

¹⁶Sutter. "Tiananmen's Lingering Fallout on Sino-American Relations." *Current History*. 248.

The president realized that a new perception of China, expanded from the traditional counterweight to the Soviet Union, must be developed as a result of the cessation of the cold war. In the latter half of 1989, Bush was criticized for his July and December missions to Beijing with little emerging from the Chinese to justify continued favors.¹⁷ The Oval Office, nonetheless, decided to maintain the relations structure and keep open a diplomatic channel for future dialogue with younger leaders.

In 1990, Chinese support for the UN Security Council's vote on the Persian Gulf operation against Iraq gave Bush some room to negotiate further reparation of relations allowing Sino-American trade to grow. In 1991, a number of accusations aimed at China foremost of which were the U.S. trade deficit (\$10.5 billion), and increased congressional awareness of the Tibetan problem moved public opinion against the PRC once again.

Bush responded by employing a number of measures aimed at both pressuring the Chinese government to reform and to assuage his critics. China was placed along with India and Thailand under the "special 301" section of the Trade Act of 1988 (this dealt with enforcement of U.S. intellectual property rights), barring of the trade in technical components for a Chinese satellite program in retaliation for Chinese missile sales, a diplomatic mission to discuss nuclear proliferation and human rights, and the most stringent of all, the threat of non-accordance of Most Favored Nation (MFN) status.¹⁸

¹⁷ Ibid.

¹⁸ Ibid, 250.

It was the threat of rescinding MFN status that Bush, and more particularly, Congress, utilized as a lever against the Chinese in this "constructive engagement" policy. The president, however, differed from Congress in his resolve to preserve Sino-American trade relations above all else. "Constructive engagement" towards China under the Bush administration thus consisted of the following principal elements:

1. Allocating sensitive issues to long term policy (the Tianamen Square issue);
2. Maintaining strategically and/or economically vital interests (Trade with China was increasing at a rapid pace with considerable U.S. investment and a considerable military force.);
3. Prescribing conditions to be met for continued good relations (Utilization of MFN status as a congressional lever for improving human rights in the PRC).

One is quite easily snared by the haphazard slinging of vocabulary practiced by politicians. It is easy to comfortably slip into the habit of applying the lexicon without really researching semantics. Because the precedent for "constructive engagement" was set by the two aforementioned American Republican administrations, the definition of the term should also follow that of the administrations. The conditions for "constructive engagement" are as follows:

1. Allocating sensitive issues to the long term;
2. Maintaining strategically and/or economically vital interests;
3. Prescribing conditions to be met for continued good relations.

If any one of these components is missing, then constructive engagement does not exist. In the Thai case, the third aspect was never applied. Never did the Thai state conditions or stipulations for a continuation of relations. There was a lot of carrot

being passed around, but no stick. Thai policy toward Burma has not in fact been “constructive engagement”, but rather normal diplomatic relations. Are there essentially any differences in the way Thailand approaches Burma with the way Thailand approaches Cambodia, or even Malaysia? The answer simply is no. If Thailand had suggested the release of all political prisoners in exchange for continued political/economic support then that would have been constructive engagement. No such demands were ever made. Just the endless progression of “we will move Burma towards democracy by increasing contact and allowing the system to progress naturally at an Asian pace” or some version thereof.

The application of the term “constructive engagement” under these circumstances was inappropriate. Constructive engagement may be a semantic ruse to initiate relations with a country deemed strategically salient by the initiating country. It is a step towards a domestically or internationally unpopular normalizing of relations with a given country. Apartheid South Africa, post-Tiennamen China and post-1988 Burma are all cases of such unpopular countries where the term constructive engagement was applied.

It may be difficult for weak states, and sometimes strong states, in a system of complex interdependency to apply true constructive engagement with quantifiable change linked to continued relations. Constructive engagement requires that State A have some form of leverage to apply against State B and a willingness to endure the costs of that leverage. Dependent states often do not possess sufficient leverage, or more importantly will, to act unilaterally against a state to which they are dependent (equal or weaker). Even the United States, a supposed world power, backed down to

linking economics and human rights. Ironically though, the Burmese government was willing to taste the bitter pill of temporary economic loss to accomplish its policy goals. They did not hesitate to close all three of the main trade gates with Thailand and set conditions for their re-opening. With alternative sources of income and confidence in the fact that the Thai business/political nexus will produce enough pressure to force the requested actions, the SLORC has allotted trade with Thailand as second priority.

But what shall we call Thai policy toward Burma? The new Thai policy replacing that of buffer states truly began in 1988 when General Chavalit traveled to Rangoon to meet with Saw Maung shortly after the fateful popular democracy demonstrations. Though some problems along the borders did emerge, there was no substantial drift away from this policy from 1988 to 1994. It was only in light of continued criticism by Western nations, particularly the United States, and their allies over Thailand's relationship with the SLORC that the term constructive engagement emerged. This term was not being used so much to describe the policy as it was to defend it. In effect, the Thai administration was saying "look, the American's did the same thing in South Africa and post-Tianamen China, so what is wrong with us doing it with Burma?"

What Thailand has for reasons of comprehensive national security, are normal diplomatic relations with Burma.

National Security and Refugees

As noted in Chapter II, the concept of comprehensive security will be employed instead of the more narrowly defined conventional security. If the refugees are a security threat, which is one of the questions to be examined by the thesis, then comprehensive security would provide for the most thorough analysis through its multiple components of conventional, economic, environmental and health security.

This chapter will utilize the security framework established in Chapter II by first presenting the Thai context for each heading and then analyzing whether or not the Burmese displaced persons pose a threat to this variable.

The Thai concept of security was until quite recently centered singularly around the issue of protecting itself from external threats. In ancient history, as Siam was a powerful state, it often came into conflict with its relatively powerful neighbors. Therefore, Siam was periodically at war with either Vietnam or Burma in competition for dominance over the region and its manpower. After the reign of King Chulalongkorn, whence the King followed a path of centralizing power into an absolute monarchy and defined the space which constituted Siam, tensions over borders emerged, most often with French and British colonial powers. During World War II, it was the Japanese who posed a serious external threat to Thai sovereignty, some arguing that Japan in fact colonized Thailand. But perhaps the most serious threat came during the nationalist/communist upheavals in Indochina, most particularly, the events of the Vietnam War and the Vietnamese expansion.

As the fires of the cold war dwindle away with attendant normalization of ties with Vietnam, Laos and Cambodia, Thailand is for perhaps the first time in its history,

free of any immediate external threat to her sovereignty. This would understandably be perplexing for the generals who for so long have manipulated both domestic and foreign policy on this basis. The result has been for military strategists to search for a new identity without completely abandoning the old.

What needs to be noted immediately when discussing refugee military capabilities is that asylum seekers in Thai territory are supposed to be non-combatants. This is not to deny the existence of soldiers within the camps or relationships with armed camps in Burma proper, but when soldiers enter the Thai camps, they generally leave their weapons behind in Burma. In actuality, as is common in many conflict situations along borders, many of the refugees are family members of combatants. With their families relatively safe from harm in Thailand, soldiers are free to fight. They do not need to worry that their actions will endanger their family or that wives and children might be attacked or accidentally shelled by Burmese units. On the basis that the displaced persons are non-combatants, they pose no direct threat to Thai sovereignty.

The possibility of future attacks on refugee camps, akin to those of early 1995 where a Buddhist splinter group of the KNU, the Democratic Karen Burmese Army, crossed into Thailand and staged a series of raids on Karen camps, are a concern which should not be taken lightly. The attacks, though not initially aimed at the Thai, brought the allies of the Burmese military into open confrontation with Thai border security units and strained relations between the states. To avoid future conflict, the Thai military, on a number of occasions, expressed their intention to move the Karen

camps a further ten kilometers into Thailand thus removing the military target from the equation.

One other remote strategic note would be potential terrorism in Thailand by the minorities or students. Hijacking planes, demolition of boats, and explosives thrown into embassy compounds border dangerously on terrorism and endanger the lives of Thai citizens. Attacks against Thai economic targets inside Burma can also not be ruled out if certain groups continues to follow contemporary policy or if Thailand decides to forcibly repatriate displaced persons.

The second heading under comprehensive security involves the economy. "Economic security" wrote Barry Buzan, "concerns access to the resources, finance and markets necessary to sustain acceptable levels of welfare and state power."¹⁹ Perhaps it is the first of these concerns that is most salient to Thai policy towards the Burmese displaced persons. After the floods of 1988 in Southern Thailand which were attributed to extensive deforestation, Prime Minister Gen Chatchai Choonhaven and his supporters installed a nationwide moratorium on logging. The scramble for new sources of essential timber supplies began with Chatchai and Chavalit approaching Laos, Cambodia and Burma with varying degrees of success. Though slightly before the disastrous flooding, Gen. Chavalit Yongchaiyudh, his family involved in the logging business which certainly made him aware of the shortage his country was experiencing, made his November visit to Rangoon which paved the way to never before negotiated logging concessions.²⁰

¹⁹ Buzan, Barry. *Peoples, States, and Fear*. 1991. 19.

²⁰ *Far Eastern Economic Review*. 22 February 1990. pp. 16-18. This article draws links between politicians and military and the logging business and also discusses on Gen. Chavalit's trip.

Fish stocks were also dwindling within the Thai exclusive economic zone and missions to sign fishing contracts with Rangoon soon followed Gen Chavalit's visit. Thailand relies on fish as one of its primary exports and controls the seventh largest fishing fleet in the world. With the SLORC in desperate need of foreign capital, a profitable arrangement was negotiated whereas rights to fish within Burma's territorial waters to the Thai while the Burmese gained capital and legitimacy.

Sources of energy were also needed from the Burmese as rapid economic development has placed severe strain on the Thai energy producing capacity. The energy situation in Thailand was so dire that it led the Ambassador to Burma to say that Thailand would be dependent upon Burma for energy in the future.²¹ The Royal Thai Government thus approached Burma for supplies of natural gas to be supplied via a pipeline from the Gulf of Martaban through Three Pagodas Pass in Kanchanaburi Province in Thailand. A series of hydroelectric dams on the Salween River are planned to supply electricity to the Thai. And third, a project to divert waters from the Salween River into the depleted reservoir behind the Bhumibol Dam in the northern province of Tak was proposed.

It is under this category that the most substantial perceived threat to Thai national security lies. The refugees themselves do not pose a direct barrier to Thai economic concerns, but they do, particularly with their relationship with the resistance groups and in the students' case, participation in political activities in Bangkok, remain a point of contention between the Burmese and Thai governments. At times when Thai-Burmese relations are strained, Rangoon consistently points to continued Thai

²¹ Matichon. 1995.

support for the ethnic minorities and students as spurious behavior which requires immediate resolution. In 1995, the Burmese closed two border points for alleged Thai complicity in the retreat of the ethnic minorities.

The Yawana gas pipeline under construction from the Gulf of Martaban to Three Pagodas Pass, which will supply Thailand with natural gas from Burma, has been plagued by outcries of human rights abuses largely focusing on forced labor. What is important to note about the pipeline is that the minority groups, particularly the Mon and the Karen are vehemently opposed to its construction. The reasons are twofold: first, Mon and Karen villagers are forced to work under conditions similar to those of prisoners for no pay, and second, the pipeline will provide the SLORC with the capital to further cement its hold on the nation.

For the Mon in particular, the pipeline has been a source of irritant for many years. SLORC assaults on their territory as well as relocation and repatriation of refugee camps by Thai authorities have coincided with the territory through which the gas line will pass. In 1994, Loh Loe Camp was moved from the Thai side of the border to Halockhani which straddled the border. The move was interpreted to be, in one instance, pressuring the Mon to negotiate with the SLORC as many in the camp were family members of Mon combatants and to have them on Burmese soil, vulnerable to attack, served to further burden the Mon both psychologically and logistically, and in another, for clearing the camp from the path of the pipeline.

It has been thus that a tug-of-war has grown between the Thai government and the Mon. The Mon said that if the pipeline passes through their territory they will

sabotage it, but the Thai say if that happens there will be dire consequences. One obvious target for Thai frustration could be the displaced persons.*

A second threat would be against Thai logging concessions with the SLORC. When they were originally issued, the KNU immediately released a statement to the extent that these contracts would not be honored and that anyone trying to benefit from them would suffer the consequences, likewise for any fishing concessions. Instances such as Mon destruction of Thai logging equipment and threats from the Karen are perceived as immediate challenges to Thai interests which have encouraged policy makers in Bangkok to move forward with their strategy of cooperation with the SLORC to pressure the ethnic minorities into a cease-fire by progressively severing their links to the outside world through restriction of movement and limiting supplies. Again, Thailand could take action against the combatants by pressuring the refugees to return, thus burdening the resistance with their care.**

SLORC might also be moved to apply future measures against Thailand for its harboring of refugees which it considers insurgents in disguise. The Burmese Army does not distinguish between the combatants and the refugees as they see the two linked, one providing support for the other. The camps do fall under the administration of the various minority organizations and have acted as a source of the Four Rs: recruitment, resources, recuperation and retreat. In a series of four scathing editorials in the government-run *New Light of Myanmar* entitled *The Other Country*

* This means of pressure had become obsolete by the completion of this thesis as the New Mon State Party in negotiations with Rangoon, agreed to a repatriation of the Mon displaced persons beginning late 1995/early 1996.

** Cross-border relief assistance would not be available thus all provision of housing and food would fall on the ethnic minority armies.

(the traditional moniker for Thailand used by the Burmese government in the press), Pho Khwar lashed out at Thai support for the ethnic minorities and their support of non-refugees along the border.²²

For the third component of security, the Thai are concerned primarily with domestic environmental management/conservation and natural parks which attract tourist dollars. The government has not truly embraced environmental concerns as best illustrated by advocacy for fueling Thailand's development by exploiting the resources of its neighbors. If the Thai were truly concerned about preservation of watersheds and protection from soil runoff, they would not encourage the unregulated cutting of timber in cross-border forests which are part and parcel of one ecological system.

Thailand for years, exploited its natural resources at a rate to keep pace with its rapidly expanding economy. Wood, already utilized domestically for cooking, construction and furniture became a profitable export. Thailand went from nearly 75% forestation 30 years ago to less than 20% today. The problem, as previously mentioned, reached its height in November 1988 when floods in southern Thailand left hundreds dead and thousands homeless. Gen Chatchai Choonhaven's administration soon after announced a moratorium on logging to protect the Thai environment, but more importantly, to stem domestic protests.

Government cries of deforestation perpetrated by Hilltribes is not uncommon in Thailand. Some of the same criticism carries over into refugee policy. Thai officials

²² *New Light of Myanmar*. 8 May 1995.

frequently claim that the Burmese displaced persons are causing deforestation along the frontier in valuable watersheds and that they should be pushed out of the country.²³ Large communities in the frontier areas, lacking affordable options, are dependent on wood for both housing, cooking and heating. In the past, large expanses of wilderness were available to these people for their slash and burn type of agriculture. A community would cut a field from the forest raise crops for a certain period of time then abandon the field and move on. The forest growth could then regenerate.

At the present, in an effort to control migration and for other security reasons, the Thai Government has attempted to limit the Hilltribe communities' movement. Therefore, the Hilltribes are practicing their traditional methods of swidden agriculture but in a much more confined area. This leads to predictable environmental consequences of forest degradation and lowering of fertility of agricultural land as the plots were not allowed to revitalize for as long a period as formerly practiced. The displaced persons are in much the same condition.

The movement of a large number of people, who lack their own resources, into a forested area is naturally going to effect the environment. The Karen, though they are known to be traditionally respectful of nature, still must cut some wood for their domestic consumption. Some of this they draw from the Burmese side of the border, but the balance is taken from the Thai. *

²³Interviews with Thai military and public officials.

* The displaced persons, lacking a reliable alternative, do consume a considerable amount of wood for cooking, heating and construction though some supplemental supplies are provided by relief agencies in an attempt to deter this.

Pushing the refugees across the border would not alleviate the problem for the Thai as the refugees would continue to cut trees within the same ecological system, though this move may be politically less sensitive. Thai politicians are concerned not only with the security of the country but with the security of their positions.

Deforestation in Thai territory is a political issue but deforestation in Burma is not.

Another aspect of security which has been expressed by those in Thai security circles is that of health. Health security does not pose an immediate threat to a state's sovereignty but rather threatens those who are governed by the state and thus, in the Third World instance, the governing regime. The health of a state's population therefore should be a matter of concern on the security agenda. Illness can effect a family's or local area's productivity, especially if the disease is epidemic in nature. If workers in a given village are unhealthy and bed laden for any extended period of time, it is safe to say that at least the local economy will suffer.

Thai authorities point most often to the reintroduction of malaria and filariasis (elphantitis) to areas where it has supposedly been eradicated, while an additional worry has been water-borne intestinal parasites. Concern over the former two is relevant only if the vector for transmission of either of these diseases is to be found near the environs of the camp and affected Thai villages. In many areas of the Thai/Burma border it is.*

Nevertheless, security officials might consider the possible repercussions of forcibly repatriating displaced persons into an area that is not safe. These families will

* Malaria is caused by a nighttime feeding mosquito while filariasis is transmitted by a mosquito which lives in borken bamboo. The malaria mosquito is found commonly along the forested border while extensive tracts of bamboo forests can be found in northern Thailand.

not simply return to their villages in their insecurity. Instead, as in the case of Halockhani, the displaced persons will establish a temporary settlement near the border so that they may flee across if attacked.

Once across the international boundary into Burma, the refugees may no longer receive assistance of any nature from Thailand; to do so would be in disrespect of the sovereignty of the Union of Myanmar. In the present nation-state system in which international politics operate, this is a diplomatic impossibility. Supplies might be covertly supplied to camps but this becomes particularly difficult in the Burmese case if there is a concerted effort by the Thai to limit the activity and when the monsoon rains make passing forest tracks nigh impossible. In some cases, there have been internationally sponsored "safe areas" (not to be mistaken with the Safe Area in Ratchaburi Province) such as that for the Kurds in Northern Iraq, but there has been no indication that the international community and its mechanism, the United Nations, are interested in creating such an area within the territory of Burma. The country has for far too long been inconsequential in the state of world affairs.

In the light of the aforementioned considerations, it can be concluded that the absence of any substantial assistance to camps inside Burma will include that of public health treatment and medical supplies. Assuming that refugees would utilize for consumption, cleaning, and bodily waste disposal, streams, some of which run into Thailand, the health considerations, especially those of possible epidemics, are quite salient. If a displaced person village contracts a waterborne illness, it could pass across the border and into the Thai village water supply, thus spreading the epidemic to Thai citizens with related social and economic repercussions. Refugee villages tend to be

make-shift in nature in an unsanitary environment with little or no infrastructure for proper waste disposal. Therefore, disease is a common phenomenon which often spreads rapidly due to close proximity of living quarters. With no access to health care, the odds of contracting disease increases.

If, antithetically, displaced persons are permitted to remain in Thailand with access to medical care, the risks are considerably less. One military officer interviewed commented that though this might be true, there are still camps in Burma which pose this threat whether the government allows displaced persons to stay in Thailand or not. National security is concerned with reducing threats to sovereignty and citizens, thus increasing the threat would be paradoxical to this definition.

But more practically, if camps were allowed to stay in Thailand, health status of the refugees could be monitored and epidemics prevented. If they are in Burma with supposedly no monitoring and no access to medical care, an epidemic can manifest itself much more readily.*

Refugee Rights and Refugee Policy

With national security factors considered, it is necessary to measure Thai displaced person policy against international standards of treatment of refugees/displaced persons. National security and international refugee law, with its humanitarian base, are frequently at odds. National security focuses on the interests of a state while international refugee law, that of the rights of the individual. Refugees

* In actuality, there is some informal monitoring and health care in camps across the border, but this is extremely limited in comparison to those camps within Thai territory.

often pose a direct challenge to the security agenda and thus their well-being is compromised for the sake of state-state relations or security concerns. In Chapter III, the thesis presented a number of concepts of refugee studies, particularly those of asylum and protection and that of repatriation. This chapter shall utilize these concepts in a further analysis of Thai policy towards the Burmese displaced persons.

Protection

Protection, under the broader heading of asylum, is not a concept incongruous with Thai foreign policy or national security interests. It is one of the basic contracts between a state and its citizens, and should be extended to refugees who are not provided this right by their home country. Its implementation, however, has become politically sensitive in terms of the ethnic communities along the border and with students in Bangkok/Maneelay.

The best example is perhaps the 1995 issue of relocating camps in the face of incessant incursions by combined DKBA and Burmese troops into the camps. The Thai seemed not so much concerned about the refugees as they were outraged at the incursions and death of Thai citizens. Regardless, the issue of protection became one of debate with alternatives ranging from a forced return of refugees to moving camps further away from the border to not moving the camps but increasing the efficiency of Thai military response. The final compromise stemming from discussions between Thai authorities, relief organizations, and refugee representatives was that camps vulnerable to attack would be consolidated in more secure pre-existing camps.

Protection of the refugees has not be consistent but rather on an *ad hoc* basis. There are problems of abuse of refugees, and though not institutional, are serious nonetheless. The problem seems to lie in the vulnerable status of the refugees and the proportionately powerful status of officials responsible for them. Seldom are the opportunities for the displaced persons to avail themselves of the Thai justice system.

Another problem with the border communities is the lack of a UNHCR protection officer responsible for reporting human rights abuses to the UN and the Thai government. Efforts to this extent undertaken by NGOs and individuals, while commendable, remain limited in scope, lack consistent methodology and can not access the official channels available to the United Nations.

With all the external influence, the Thai have developed a tough skin such that criticism or insistence generally has little influence on their actions. There is also a lack of efficacy in the ability of some government organizations to effect the behavior of others. In fact, there is little communication between agencies.

In the final analysis, external actors may perform as a moral conscience, but if the Thai act within their sovereign right as non-signatory to the 1951 Convention, there is little that any of these groups can do, which only serves to make the issue of protection more problematic.

Repatriation

Repatriation is perhaps the area where Thai policy is weakest. There have been countless instances of Burmese displaced persons being forcibly returned to Burma. This practice runs counter to fundamental principle of *non-refoulement* codified in the

1951 Convention and to international norms. Be not mistaken, Thailand is certainly not alone in this - the United States, in 1995, pushed back both Haitian and Cuban boat people. This, however, does not in any way justify Thai actions.

Many of these forced repatriations have been at the initiative of local authorities. Previously, though not a voiced national policy, push-backs were used to manage refugee flows, particularly on the Cambodian border. It was not unusual on the Burmese border either, as demonstrated by several instances highlighted in the thesis.

A further area for potential conflict is that of returning refugees already resident in camps to a safe environment. The question of who will determine whether or not Burma is safe for the displaced persons to return is central to any discussion on the topic. Will it be the refugees, the Thai government, relief agencies, the UNHCR, the Burmese government or, as it should be, a combination of all of these?

The refugees may decide to repatriate themselves independent of a coordinating body in a spontaneous return. This should not be discouraged but accurate unbiased information about the current situation within the country of origin should be available for the refugee's consideration. In the Burmese case, much is available to them through their own chains of information and at present, without UN participation, this may be the only option available.

If a repatriation is to be coordinated, however, it should be done inclusive of all parties concerned, particularly the refugees. Too often are repatriations executed without incorporation of the refugee perspective. Other times, the UNHCR, which

should be acting as a neutral body in the interest of the refugees, compromises its mandate or openly cooperates with state initiated repatriation.

Ideally, an efficient monitoring mechanism as well as a coordinated reintegration program would be available upon return. There should be, theoretically, a smooth transition then from UNHCR's repatriation program to one of sustained development under the auspices of the United Nations Development Programme, the UN International Children's Emergency Fund, the World Health Organization and NGOs amongst others.

To reiterate, under only extraordinary circumstances should the displaced persons be forced to return. They will go when appropriate. Their presence in the camps alone is possibly the most telling testimony to that. Hundreds of thousands of other dissatisfied Burmese have opted to take positions in Thai factories and fishing boats, often earning an income and living in conditions superior to their brethren in the camps. If the displaced persons wished to live in Thailand permanently, they would not stay in the camps with their minimalist infrastructure and provisions.