Re-imagining the refugee camp
Sovereignty and time-space formation along the Thailand-Burma borderland
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CHAPTER TWO

Guested sovereignty and camp governance

INTRODUCTION

In recent refugee studies, scholars have analyzed camp governing systems mostly from a macro-perspective through state and humanitarian agency actions. Dominant debates on refugee camp governance tend to emphasize the sovereign power of the state, seeing the state as an absolute power operating in the camp realms, and defining camps as a space of exception (Agamben, 2005; Diken, 2004). Others argue that refugee camps are effectively run by humanitarian organizations, with limited involvement from the host state (Fassin, 2012). A third line of thinking argues that the camp is a space where multiple sovereigns play roles and thereby suspend the laws (Hanafi and Long, 2010; Turner, 2005).

All of these understandings of camp governance focus on the macro-level governance and fail to analyze the micro-level governance. It is, therefore, important to analyze how the actual day-to-day governance of the camp works and who responds to the day-to-day issues. In this chapter, I will show that for Mae La, these day-to-day issues are managed by the camp committee. It is a political body set up by the refugees themselves. It fills a particular space left at the camp management level, which the sovereigns leave open, and in which refugees are actually able to organize and govern themselves. Analyses in refugee studies often overlook such dynamics at the micro-level, the level of the refugee camp committee, even though it plays an important role in organizing and managing the camps. Especially in the context of the Thailand-Burma borderland, the refugee committee has existed even since before the formal establishment of the camp as a refugee camp thirty years ago.

Each sovereign actor has a different view on the space that is the camp in terms of
governance, depending on the role and function of the sovereign (for example, the Thai state thinks differently than humanitarian organizations). Yet since both have allowed the camp committee to remain in control of camp administration on a day-to-day basis and on an operational level, the camp committee has managed to carve out a space among the multiple sovereigns involved in the camp, in which it can exercise its own power and autonomy, functioning as an institution of their own. It knows how to navigate, negotiate and maneuver, and does so in a dynamic way. It sometimes explicitly claims its own power over certain affairs and contests other sovereigns, but at other times aligns itself strategically with one of the other sovereigns to secure and maintain its autonomy.

This space among multiple sovereigns may therefore be a gray space at the macro-level, because multiple sovereigns play roles, but it is not an opaque space. In order to understand what happens in this political arena, this chapter delves into this micro-unit of camp governance—the refugee camp committee.

SOVEREIGNTY IN CAMP GOVERNANCE

Agamben (1998;2005) suggested that a refugee camp is a space of exception. In his philosophical explanation, he points to the sovereign power of the modern state that is able to suspend the rule of law, declare a state of emergency, and coerce its population while at the same time giving them protection. However, refugees are categorized outside the nation-state system. They lost their protection when they crossed the national border and their political life was removed. The refugee, thereby becomes ‘bare life’, subjected to state power without any protection, such as is the case of the Guantanamo detention center. Turner (2005) confirms Agamben’s idea that the camp is an exceptional space. Based on his study in Burundian refugee camp in Tanzania, he points to the illegal status of refugees, which makes it impossible to govern the camp like the rest of the national space. Yiftachel (2009) referred to the Palestinian refugee camps as a ‘gray space’ where the set of laws that apply to refugees is unclear and suspended. He considers such gray space no longer much of an exception but rather as the norm in the daily life of refugees in the camps.

Agamben emphasizes state power over a political subject; however, his work does not explain how refugees live their life within this exceptional space, and whether the camp will remain a space of exception when it has been existing for a long period of time. His concept is derived from his observation on Guantanamo bay, which has
a different purpose and management from refugee camps, moreover, his analysis ignores the complexity of multiple sovereigns in the camp and possibilities of refugee’s agency (for example Ramadan, 2012; Owens, 2010). Agamben’s concept of exception is useful philosophically, but less useful for explaining the messiness on the ground (Peteet, 2015). Therefore, a more nuanced study of the camp is required, which is more sensitive to the particular characteristic of real camps: the politics, people, relations, and practices that constitute camps on an everyday basis (Sanyal, 2014; Ramadan, 2012).

In later work, Ramadan points to the ‘fractured, hybrid sovereignty practices’ that characterize the governing system of the Palestinian camps in Lebanon. He puts forward the notion of ‘hybrid sovereignty’ where state and non-state actors compete, but also collaborate to control the refugee camp (Ramadan and Fregonese, 2017). Horstmann (2011) documents the influence of Christian networks in the Thailand-Burma borderland and calls it ‘contested sovereignty’. Feldman (2008), in turn, emphasizes that the camp is rather a space of uncertain sovereignty where those sovereigns do not want to claim power over subjects.

In this chapter I build on the notion of multiple sovereignties as formulated in slightly different terms by Hanafi and McConnachie. Hanafi, studying Palestinian refugee camps in Syria, Lebanon, and Jordan, argues that the host state has a legitimacy to govern and manage refugee camps, but in reality the situation is diverse. Instead of one sovereign, camps are ruled by a multi-layered tapestry of multiple partial sovereigns (Hanafi, 2010:6). Moreover, he states that the complexities of governance in the refugee camps stem from the fact that local camp authorities are not recognized by the host countries. McConnachie refers to the camps as being governed by multiple sovereigns. She emphasizes the practices of the Thai government that allowed other sovereigns, specifically humanitarian agencies and the Karen National Union to provide camps and camp inhabitants with protection as an ‘outsourced sovereign’ (McConnachie, 2014:8).

The relationship between the Thai state as a sovereign and the camp committee is also informed by the historical context of statecraft in the Thailand-Burma borderland, where temporary incursions of refugees were often condoned, as long as they did not cause problems or claim citizenship rights: they were seen as guests. I will argue that that the camp committee in this context of multiple sovereigns functions as a ‘guested’ sovereign, meaning that the Thai government, as de jure sovereign over the territory, partially hands over sovereignty of camp space to the camp committee while
the refugees are accepted as guests (note that the Thai state is not a signatory to the UN Refugee Convention, so it does not officially recognize ‘refugees’), with the implied expectation that this configuration is temporary, although a period is not defined.

In the next sections I consider the governance system in the Mae La camp through the lens of sovereignty, building on the concepts and various forms it assumes in the literature as described above. I begin outlining the structure of the camp committee, the smallest unit of governance in the camp, including how it operates, functions, and is elected. Then I identify the multiple sovereigns involved and their influence on the camp governing system. I subsequently examine how the camp committee negotiates its roles, power, and autonomy among those sovereigns, through an illustration of case studies.

**THE CAMP COMMITTEE**

Each refugee camp on the border has its own camp committee, which is a local organization run by refugees themselves. As a governing body, it was first set up by Karen elites who had good administrative and language skills, and it initially operated under the umbrella of the Karen Refugee Committee (KRC), which is part of the Karen National Union (Rajah, 2002). The structure of the camp committee—with village heads, committees and sections—reflected, and still reflects, the traditional structure of village management within Burma (Lang, 2002). In earlier times, after the refugees from Burma had fled to the Thai side of the border, the camp committee facilitated aid received from Christian networks and provided some services to refugees, for example, food and rations distribution. Nowadays, the organization has clearly expanded its functions: the camp committee is in charge of day-to-day management in the camp, organizes meetings, and coordinates with humanitarian agencies and the Thai government, helping them on an operational level. While other actors come and go from the camp, the camp committee has become the main political body inside the camp dealing with refugees from birth to death, 24 hours 7 days a week. It is the ‘go to’ institution for refugees in Mae La.

The fact that the camp administrative system is still based on refugee participation and is maintained by refugee communities themselves rather than externally imposed on them by the Thai government or United Nations High Commissioner for Refugees (UNHCR) is remarkable, and it has led to an enduring operational autonomy for the camp committee. This is quite unlike the majority of refugee camps around the world where camp committees are typically set up by the UNHCR. Here, without the help
from the camp committee, the Thai government, UNHCR, and humanitarian agencies could not work with refugees in the camp.

Figure 2.1 Mae La camp committee administrative structure

Dealing with the 40,000 to 50,000 inhabitants of the Mae La camp (fluctuating over the years), it is necessary for the camp committee to divide work and responsibilities. Figure 2.1 shows that the Mae La camp committee is composed of the administrative head team (camp leader and two vice-camp leaders) and six departments (Education, Health, Security, Justice, Camp Affairs, and Food Rations Supply). The camp leader sits on top of the hierarchy and appoints the heads of the six departments. Within each department there are again sub-committees assisting work in different zones and sections, covering a wide range of camp administration from routine administrative work to solving legal cases, while at the same time dealing with other stakeholders at the camp organizational level and higher (for instance, the Thai government and humanitarian agencies).

The Camp Affairs subcommittee (see more details in the box ‘procedure of new arrival in Mae La camp’) deals with registration of the camp population: new arrivals, refugees leaving, births, and deaths. At the end of each month, they send a monthly report with the updated camp population to the Thai government, humanitarian organizations, the Committee for Coordination of Services to Displaced Persons in Thailand and the United Nations High Commissioner for Refugees. These numbers also need to be

4 The diagram is made by the author and is based on my interviews with the camp committee. It illustrates a visual picture of the camp committee and its administrative bodies.

5 CCSDPT is a communication network for non-governmental organizations working with displaced persons in Thailand. It acts as a coordinator, playing a role to provide information and inserting an agenda to the Thai government and other international organizations that have an interest in helping refugees.
communicated to the Food and Ration Distribution subcommittee for food provisioning throughout the camp. The Camp Affairs subcommittee furthermore needs to inform camp inhabitants whenever there is a new policy or regulation changing in the camp.

**Procedure of new arrival in Mae La camp**

Mu Naw, a camp ration distributor shared with me what new arrival refugees have to do. Once refugees arrive in the Mae La camp, the first thing they have to do is to register with the section leader. New arrivals to Mae La camp come from different places; they crossed the border from Burma or moved from other camps for study, training, or work. The section leader needs to know new resident members. Household registration is the most important process in order to stay in the camp. It relates to provisioning of food rations, legal processes, and access to camp welfare and other services. A new arrival who comes with or without family members first needs to register themselves and any family members who accompany them with the section leader at the area they stay. If they do not have a house, the section leader will assign them a plot of land that they can build their house on. Often, new arrivals will buy or rent a house from the former owner.

Inside the household registration book, it shows the house number, name of the head of the household and all family members with information of age, gender and ethnicity, refugee status, and location of birthplace/place from Burma. The house registration book is the most essential document for Mae La refugees. They need to show this book to identify themselves, receive food ration distributions, access school and hospital, apply for jobs, ask for the camp pass, apply for resettlement program, etc. Lacking this document causes limited access to any camp facility and services mentioned above. Refugees who were already in other camps, but move to Mae La for studying, one year training, working, or those who are following religious leaders need to go through the same process, but then via their organization. Meanwhile, refugees who want to leave the camp have to return the household registration book to the section leader as well.

After registration, section health staff will visit newcomers for general health screening and provide them with basic health knowledge regarding hygiene, vaccination and infectious disease prevention. Young children and babies need to undergo malnutrition screening since many children who have gone through the process of migration are found to be underfed. Health staff will provide supplementary food to parents of any children who are in need. For the rest, refugees have to collect their own food rations, housing materials and other extra supports from the section office or section warehouse.
Camp security and internal or external camp conflicts form the responsibility of the Security subcommittee, while all camp social welfare, such as education, healthcare, water sanitation, and garbage management belong to the Education and Health subcommittee. The Justice subcommittee deals with the camp legal system and conflict resolution.

Although at first glance the camp committee might seem to be only a micro-political unit in the camp, it will be clear from these tasks and managing a large number of people that this is actually a rather complicated enterprise. As the only institution with its eyes and ears firmly on the ground, the camp committee and its subcommittees therefore enjoy a certain power and autonomy over their day-to-day operation and affairs amidst (arguably more powerful) stakeholders involved in the camp, such as the Thai government and humanitarian organizations, especially so because the committee is instrumental in effectively translating policies and regulations to and from these other stakeholders.

Who is the camp committee?
The camp committee is comprised of refugees. They are either elected or appointed by political authorities, such as the Senior Advisory Board (see figure 2.1) or the Karen National Union (KNU). In Mae La camp the camp committee is entirely elected by the camp population. The election system borrows from the American electoral model. It can be divided into two levels. The lowest level is that of the section leaders. There are 22 section leaders in Mae La, one for each section in the camp. Every camp resident who is 18 years and older can vote for their section leaders. They stay for a four-year term. The elected section leaders will then, in turn, vote for a camp leader on behalf of their section. The election is facilitated by the Karen Refugee Committee and the Committee for Coordination of Service for Displaced Persons in Thailand. The camp leader serves a three-year term. The camp leader appoints the Vice Camp Leaders and the heads of each department. All together, they form the camp committee. Although one term is three years, the total time one can work as a camp leader or as a member of the camp committee varies. A popular camp leader will often get elected for a second or third term. Usually, camp leader candidates are well-known persons in the camp; they may already work as a section leader, be a former village headman, school head master, or retired political leader in another function. So, the camp leaders are often the ones who are ‘traditional and charismatic’ in character.

The camp committee itself claims to be the government for the Mae La people which is run by refugees and for refugees, but not everyone can run for camp leader or be in
a high position in the committee. Since the organization was set up by the Karen, the system is strongly based on Karen’s traditional rules and regulation as well as cultural organization. This has resulted in the fact that a majority of staff in the camp committee is Karen. Meanwhile, other ethnic groups in the camp feel that the organization is dominated by the Karen and works for Karen, but not for them. The camp committee has tried to solve the problem by recruiting from other ethnic groups, but still, all high positions are held by Karen.

Moreover, a position in the camp committee requires a person with considerable cultural and social capital. Saw Tha, the Vice Camp Leader, is a good example. He is a well-known and charismatic person with large social networks, and the way he dresses himself is similar to a typical local Thai authority, which ordinary refugees in the camp would not do. Apart from that, he speaks Thai very well. Therefore, he can communicate well with local Thai authorities, unlike other Karen committee members. This kind of cultural capital clearly shines through his appearance and performance.

He served as the Vice Camp Leader for two terms and has worked in the camp committee for twenty years. He planned to run as a candidate for Camp Leader for the next election. Since Tha has worked there for a long time, he knows the organization the best. What makes him succeed in his career is not only that he has a good relationship with the Karen National Union, but also a well-established relationship with local Thai authorities working inside and outside of the camp. He has a wide knowledge regarding local Thai authorities and the governing system in Tak province.

He often meets with the Thai government regarding camp issues. Saw Tha explained to me:

A position of camp leader or section leader is quite undesirable because they have to work with many pressures, including ensuring the well-being of camp residents, resolving social problems, distributing rations equitably, and negotiating with the Thai government and humanitarian reliefs.

According to information from the Karen Refugee Committee, a member of the camp committee receives around 3,000- 6,000 baht (90-180 USD) per month depending on the position. It is not a well-paid job compared to their large responsibility, but Saw Tha plans to run for re-election. If this job is undesirable, why did one want to run for the camp leader position? In fact, I believe that while not well compensated...
monetarily, being a camp leader is a privileged position. One is placed in a high socio-cultural status, recognized and respected by camp inhabitants. Leaders likely do not run only for altruistic reasons of serving the refugee community; they also do it for their own benefit, and work hard to preserve their own power and position.

**MULTIPLE SOVEREIGNTY IN THE MAE LA CAMP**

There are multiple sovereign powers and other actors involved with the camp governing system and interacting with the camp committee. Figure 2.2 shows the governing structure and multiple sovereigns in the Mae La camp.

**Thai government**

Let us start with the left side of the flow chart, the Thai government. The Thai state and its government is the de jure sovereign power. However, this actor only actually came to operate in the camp after the consolidation of camps at the border in 1995. As mentioned in the Introduction chapter, the reasons for late entry were (i) the historical context of the Thai state dealing with refugees from neighboring countries, (ii) maintaining a diplomatic relationship with the Burmese government, and (iii) a hesitation to address questions of potential integration if more involved.

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6 The flow chart of relationship between camp committee and multiple sovereigns in the Mae La camp is made by the author.
In 1995 the Thai government became more involved with the refugee situation. The Ministry of Interior became the main institution dealing with refugee policy and regulation. They set up the office at every refugee camp and assigned a special officer as a mayor of the camp known as the ‘camp commander’ or known in Thai language as *Palad*. The camp commander mainly takes care of camp external affairs and ensures that the camp is peaceful, as well as facilitating cultural events. For example, the refugees have to attend and celebrate the Thai King’s birthday ceremony, and when the camp inhabitants organize the New Year ceremony the camp commander attends. The Volunteer Defense Corps, (*Or Sor* in Thai), assists the camp commander on issues related to security and protection. The Thai government demanded the refugee camp security to be unarmed.

Moreover, the Thai government issued decrees to all refugee camps as to general camp regulations, such as a prohibition of drinking alcohol in the camp area, limited refugee movements outside of the camp beyond the allowed time, and a prohibition on picking up forest products and destroying forests nearby the camp. These regulations are implemented by the Camp Affairs Subcommittee. Outside of the camp, the Thai government set up several checkpoints on the road starting from the camp to Mae Sot border town as well as along the border. These checkpoints are a tool to control and screen flows and mobility of refugees and migrant workers.

**UNHCR and other Humanitarian Agencies**

The situation at Mae La was never a situation of a ‘blank-slate’ camp created at the border to receive refugees, isolated from the rest of the borderland, and managed by humanitarian organizations. In fact, the humanitarian organizations arrived only much later.

The United Nations High Commissioner for Refugees (UNHCR) has worked with refugees on the Thai-Burma border since 1984, but it took ten years after the camp was formally established before they were able to set up their offices at the Mae Sot border and in refugee camps. The entrance of the UNHCR brought international attention to this refugee population. Yet UNHCR also came with their own mandates and policies, which challenged the power and practices of both the refugee camp committee and the newly instigated control of the camp by the Thai government. UNHCR, for example, requested permission to register refugees in all nine camps and proposed three durable solutions to the refugee problem to the Thai government: voluntary repatriation, local integration and resettlement to third countries. The Thai government was open to two of the solutions, but rejected the proposal of integrating refugees into the Thai society.
In 2004, the UNHCR, with permission from the Thai government, started a survey to assess the refugee population and conducted a refugee registration for all nine camps. The UNHCR also negotiated with the Thai government to promote a formal agreement to allow refugees to work outside of the camps; they introduced and piloted a labor card program to refugees, but the program was stopped by the Thai government citing concerns of national security. Refugees do work outside the camp on a regular basis, and the Thai government knows this very well, but they prefer the informal nature of this arrangement.

Apart from UNHCR, there were 26 humanitarian organizations working inside the camp (when I did my fieldwork in 2014); currently it is reduced to 15 organizations. These humanitarian organizations cannot operate in the camp without permission from the Ministry of Interior, so mostly they have to follow the MoU agreement (for all humanitarian organizations operating in Thailand) and mandates from the Thai government. Although UNHCR and the other humanitarian organizations play an important role in supporting camp welfare and services, their operations are very fragmented and they do not fully participate in the camp affairs. The camp was merely a formal structure more or less overlaid on existing Karen communities. Granted, at that time there was a considerable influx of new refugees from across the border, but these were largely absorbed into long-time existing Karen settlements and networks already present at the Thai side.

The Border Consortium (TBC)
The Border Consortium is the most powerful among humanitarian agencies. Only The Border Consortium actually plays an important role in camp internal affairs because it has been working closely with the Karen Refugee Committee uninterruptedly since the early times. It was the first humanitarian organization helping the refugees from Burma. The organization was formerly composed of network of Christian churches, and now it is still funded by Christian networks. Their role in the camp is to provide food and shelter to all nine refugee camps in Thailand including Internally Displaced Persons camps in Burma. Therefore, they have a strong influence on camp management and internal affairs.

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7 The list of current humanitarian agencies: 1. ACTED (Agency for Technical Cooperation and Development); ADRA (Adventist Development and Relief Agency); 3. ARC International (American Rescue Committee); 4. COERR (Catholic Office for Emergency Relief and Refugees); 5. DARE (DARE Network); 6. HI (Handicap International); 7. IRC (International Rescue Committee); 8. JRS (Jesuit Refugee Service (Asia Pacific); 9. MI (Malteser International); 10. RTP (Right To Play); 11. SCI (Save The Children); 12. SVA (Shanti Volunteer Association); 13. TBC (The Border Consortium); 14. WE (World Education); 15. WEAVE (Women’s Education for Advancement and Empowerment). The information was retrieved from Committee for Coordination of Services to Displaced Person in Thailand (CCSDPT) http://www.ccsdpt.org/ last accessed 16 May 2017.
Karen National Union (KNU)
The Karen National Union (KNU) is the political entity representing the Christian Karen and their struggle for independence. Along with its military wing, the Karen National Liberation Army, the KNU is itself still residing in Karen state in Burma, but it plays a powerful role in camp governance. It has a direct influence on camp internal affairs since the camp committee was set up with a similar governing system as run by the KNU. Moreover, many camp inhabitants have fled from areas governed by the KNU, so they still believe in the power of the KNU. When the camp was first being set up on the Thai side, the KNU provided camp security and protection. The KNU worked with the Camp Committee (Security department) to guard the camps from cross-border attacks. The Karen National Liberation Army would fight when there was an attack from the Burmese military. The central Thai government and UNHCR had not yet entered the scene at that time. While the settlements were still small, the central Thai government let the local authorities at the border deal with the inflow of refugees. For the Thai state, the KNU acted as a buffer zone and helped it fight against drug trafficking (Lang, 2002).

It was only when the cross-border attacks forced the Thai government to firmly establish their grip along the border and set up a camp commander in each refugee camp that the role of the KNU was officially diminished. The relationship between the KNU and the entire camp population became sensitive when the international community criticized KNU involvement that seemed to turn the refugee camp into an extension of revolutionary politics. The KNU, therefore, officially announced that they are no longer involved in any camp affairs (Callahan, 2007). However, a strong connection between the KNU, the camp committee, and refugee camps remains until this day. The KNU still benefits from the camps for healthcare, doctors, food supply, and recruitment of young people. Some officials and relatives of the Karen National Liberation Army also live in the camp and receive protection (Brouwer & Van Wijk, 2013).

In terms of the camp governing system, the KNU influence now officially runs through the Karen Refugee Committee (KRC). The KRC acts as a liaison organization with connections to the KNU, the Thai government, humanitarian organizations, and the camp committee. Their liaison work is like a think tank: to think about, formulate, and promote particular overall camp policies concerning the refugees. It is divided into different departments, each responding to different issues regarding the refugee population. For example, the Karen Refugee Committee on Education Entity (KRCEE) is responsible for the Karen camp education system and community development. KRCEE produces and standardizes school curriculum and general tests. The KRC also has the
responsibility to organize camp committee elections in all seven Karen refugee camps.

The KNU’s influence is also visible in the many camp-based organizations, such as the Karen Women Organization, Karen Youth Organization, and Karen Student Network Group. All these organizations, while representing and advocating rights for various groups in the camp, are at the core informed by Karen ethno-nationalist ideology, as promulgated by the KNU. This also manifests itself in seats in the organizations’ boards: the Karen Women Organization president is a daughter of General Bo Mya, the former president of the Karen National Liberation Army. The line between KNU, KRC, camp committee and supporting organizations is thus very thin; although now officially and administratively separated, the ideology and even the people are often the same.

**Religious leaders**

Religious leaders play a role as conflict resolvers in the camp. The camp population is generally quite strongly religious, either adhering to Christianity (the majority), Buddhism, or Islam. When Muslim refugees are in conflict, for example, they choose to consult and report the case to their religious leaders before contacting the camp committee. Cases are often resolved on that level if the conflict is within one religious population. When it is an inter-ethnic conflict, it often escalates to the camp justice level. The religious leaders are therefore influential persons in terms of camp governance, but they are not officially part of the camp committee. The camp committee invites them, however, to participate when there are issues of adultery, sexual relations before marriage, or inter-ethnic conflicts. Apart from that, the Christian network in the camp also helps and supports new arrival refugees and students who migrate to study in the camp by providing them food and shelter. This is linked to the larger Christian networks in the border region.

The balance of power and roles of each sovereign are often in flux – sometimes the power is shared in a way that all agree with and there is a spirit of cooperation. At other times, power is contested, each vying for their own power or for a certain action or policy. For example, when the Thai state authority and UNHCR came in long after the camps were originally formed, the power of the camp committee was indeed challenged and the camp committee had to adjust and adapt their ways to deal with those powerful actors.
POLITICS IN THE CAMP

The following cases on rations cuts and laws depict the practices of the camp committee on a day-to-day basis, showing their management of camp conflicts, as well as their dealing with multiple sovereigns in order to maintain their power and autonomy.

Sitting at the canteen with students, Albert, an English teacher who also serves as senior staff in the camp committee, and I were talking about Thai politics as well as the coming general election in Burma. He raised the question to me that:

What would you do if there was a reduction of food rations, but you had to divide it between 50,000 people in the camp? Meanwhile, you knew that there are some refugees who are well off and some whose lives are relying on the rations, how would you do it? (He continued after I gave a basic answer) I, as a decision maker, decided to stop giving rations for those refugees who are able to stand on their feet in order to give to those who are in-needed.

Yet the camp inhabitants whose rations had been stopped gathered in front of the main entrance of the camp demanding a meeting with the camp committee, the camp commander and the Border Consortium (the humanitarian organization responsible for food supply) to understand why their rations had been cut and to demand that they get the rations back. The protestors argued that the camp authorities treat people unfairly. They are also refugees, even though they were able to open a shop to earn some income, but what they earned was not enough for feeding a whole family. The ration distribution staff, however, argued that some of them were already far better off, since some were able to send their kids to Thai school or owned a pick-up truck, and thus did not need to rely on these rations.

More people joined the protests each day. On the third day, the camp commander was unhappy with the situation that around 80 protestors were standing in front of the camp gate, and he worried it may create a nuisance and a bad atmosphere, which would show that he lacked the power to control the situation in the camp. So, the camp commander demanded the refugee camp leader and the Border Consortium deal with this issue as soon as possible and ordered his Volunteer Defense Corps to clear those people out of the main gate. The case was brought for discussion among camp authorities (Camp Commander, The Border Consortium, Rations distribution staff, Camp Affairs and Senior Advisory Board) to find a solution. At the end, the rations
department had to back off and continued distributing rations to those protesting people in the same way as before.

This case reveals the complexity of camp governance. The camp committee exerted its own autonomy and made decisions impacting refugees on an operational level, based on specific knowledge on the ground, and at the same time was held accountable for its decisions by the refugees, as seen from the protest. The Thai state does not interfere in any of this; The Border Consortium only sets the norms. The messiness of needing to deviate from the norms for the actual, current refugee situation in the camp, the implementation, and the resolution of subsequent conflicts are the camp committee’s responsibility.

The camp committee, as a consequence, has taken control of all aspects of camp administration, including the registration of camp population, the security of the camp and the camp population, and the coordination and negotiation with the Thai government and UNHCR. They constitute a quite powerful actor by themselves. They strive to maintain their own autonomy, making sure that the camp still exists and continues to operate in the Karen way, and that their ethnic identity does not disappear. The Thai authorities and humanitarian agencies have to rely on the camp committee for organizing meetings, translating, training new staff, and enforcing and implementing policy and regulations. One member of the camp committee told me that she felt that the camp committee’s work is only to serve the Thai government and humanitarian agencies. Yet in reality, the Thai authority, UHNCR, and humanitarian agencies could not function in the camp without the camp committee.

Whose laws?
Before the Thai state and the UNHCR arrived on the scene in Mae La camp, the camp committee used Karen traditional laws for all legal cases in the camp. If a conflict occurred, refugees needed to contact the section leader to report a problem. If the problem was simple, such as a dispute between wife and husband, or when an animal raised by one house created a nuisance for the neighbor, this could be solved by the section leaders. If it was more complicated, such as a robbery, problems arising from lending money, or inappropriate sexual conduct, the section leader had to report to camp security office, and the camp justice and camp leader would resolve the dispute or give an appropriate punishment. The following three cases show how the camp committee dealt (and still mostly deals) with conflicts and crime in the camp.
Case 1
Adolescent Karen refugees got alcohol from a Thai village nearby and brought it back to the camp to drink. They were drunk and started to fight with another group of refugees. Adolescents from both sides were quite badly injured and the camp security found out about it. They did not report the tussle to the Volunteer Defense Corps. Instead, the young refugees were put in the camp prison for a night because of violating camp regulations. The case was taken very seriously. It was managed by the head of the camp security, a camp judge, and staff from the senior advisory board. To send a clear message that such behavior is not tolerated, the young refugees were put in prison for 1 month and they had to make merit by doing community work for 3 months.

Case 2
A group of three Karen adolescents bullied two refugees from another ethnic group. They followed the victims from school back to their houses, threatened them with verbal violence and threw stones at their houses at dark. The camp security and camp justice staff were notified by the section leader because the parents of the victims reported the case. The head of camp security then went to talk to parents of the offenders. Camp security subsequently sent the three Karen adolescents to work and be re-educated at a Karen National Liberation Army basement camp in Karen state (on the Burma side). They were allowed to return to the camp when the army determined that they had been reformed.

Case 3
A family of Muslim refugees experienced bullying by Karen youth gangs. The gangs threw stones at the walls of their houses, shouted to them that they should return to Burma, that they did not belong there. The son of one of the families was insulted and stabbed on his arm during the fight, while returning from outside the camp at night. The case was brought before the camp justice subcommittee. The camp judges found the youth gangs guilty and gave a punishment of one year in prison. The family of the injured son was however unhappy with the verdict and wanted to appeal. They did not trust the camp justice system because members of the jury are Karen and they applied Karen traditional laws, while they were not Karen themselves. They also believed that the offenders were lying during the interrogation. In their opinion, the offender should receive a higher punishment and pay their son a compensation. They therefore took the case to the Legal Assistance Center (IRC-LAC) to further the case in a Thai court, but it took quite a long time for the Tak provincial court to accept and proceed with the case. Meanwhile, the family and the offenders secretly fled out of the camp.
The three cases show that the camp committee plays an important role as a main actor in conflict resolution in the camp since they are the first actor that refugees seek help from when they have a problem. Cases 1 and 2 clearly show an autonomous position and power of the camp committee to deal with camp conflicts. They have the power to punish and put camp inhabitants in prison or even move them to be trained at the Karen army battalion. However, case 3 illustrates the complexity of the multiple sovereigns involved in camp governance. The presence of multiple sovereigns interrupted the power of the camp committee as it existed before and may create tension among those actors.

In terms of camp internal affairs, the Thai government had stated clearly that they did not want to intervene in refugee internal affairs as long as the camp committee is able to take control over its own population. The camp commander is there to ensure that the camp population follows the camp regulation. Some scholars have called the way in which the Thai government has been dealing with camp affairs ‘laissez-faire’ governance at the camp management level (Maccarthy & Vickers, 2012). What I experienced is actually more of an ‘indirect rule’ governing system similar to the colonial system. The Thai government allows the camp committee do the dirty jobs and explicitly does not want to be involved in the internal camp politics. The government is only involved when there is a big problem that cannot be solved at the camp level.

In the past few years, in particular for the serious cases, however, the traditional Karen laws have become increasingly contested. Camp residents complained that the judge did not give a fair treatment. Some inhabitants believed that laws were unjust, and too ancient to deal with the modern, complex situation in the camp. When the International Rescue Committee with the UNHCR arrived and assessed the situation in the camps, they intervened to address this problem. They set up a legal assistance center (IRC-Legal Assistance Center) in the Mae La camp and other camps to help refugees sort out legal cases, especially for these serious crimes like sexual harassment, rape or murder, because they found out that there were victims from sexual harassment and rape in some Karen camps. The UNHCR and IRC-LAC were also dissatisfied with the legal process and justice system run by camp judges. The judges did not have proper knowledge on law; many of them did not graduate from law school. The IRC doubted the accuracy, transparency and up-to-datedness regarding Karen traditional laws since they received many complaints from refugees and also the Karen laws did not fit well with refugees who are from different ethnicities. Moreover, they reasoned that since refugees stay in Thailand now, it may be better to use the Thai laws. The camp judges
disagreed and wanted to continue the same laws, so this became a big discussion and conflict among camp judges, the UNHCR and IRC.

For the legal case, a solution was eventually found. The UNHCR/IRC, the Thai government, and the camp committee (and in extension, although not officially acknowledged, the KNU) agreed that if crimes fall into one of four categories—murder, rape, domestic and sexual violence/harassment, and human/ drug trafficking—refugees are to be subjected to the Thai laws and have to appear in a Thai court. Apart from that, for petty crime and minor offenses, the camp committee was free and left alone to apply Karen traditional and customary laws. It was a win-win for all: the UNHCR resolved its main problem by lifting the severe cases out of Karen traditional law; the Thai state could largely retain its hands-off approach to the camp; the camp committee sustained its autonomy and local sovereignty over most affairs in the camp. And as became apparent from Case 2 above, the KNU did not lose any informal power, because the camp committee still refers some punishments to the KNU.

This agreement does not mean that everything always runs smoothly and works according to said protocol. Camp inhabitants also complain about nepotism and corruption, and it is risky for them to take any action on that. One could argue, however, that this is not exceptional, but actually common to many judicial systems (and governance) outside of refugee camps, too.

In 2015, due to more experience resolving legal cases in Karen camps and contradictory regulation and guidelines on dealing with disputes, the Karen Refugee Committee, the UNHCR, the International Rescue Committee on Legal Assistance, and the Thai government (after much preparation, discussion and negotiation) released the Mediation and Dispute Resolution Guidelines to all Karen refugee camps. The front page of the book states that

The Royal Thai Government has jurisdiction over all matters in the camp and therefore, Thai law governs all dispute resolution in the camp. Camp leaders may not take any action that is contrary to Thai laws and all dispute resolution outcomes must comply with Thai laws. All disputes that arise in the camps can be referred to the Thai justice system at any time.

In reality, it is however still quite difficult to implement Thai laws. First, many refugees can neither speak nor read Thai, and even those that can do so, rarely have the ability to read and understand the formal language in Thai laws or Thai jurisprudence. Second,
in my interview with the head of the prison in Mae Sot, he told me that the prison was already at capacity—more than half of the prisoners were illegal migrants—and the system could not easily handle more prisoners from the camp. The IRC-LAC working with the referral cases to the Thai court also said that refugee court cases required considerable resources as it was necessary to have a translator, legal administrative resources and judges that can understand the complexity of the camp. Even then, it may take a long time for the case to proceed through the entire Thai judicial court system.

**GUESTED SOVEREIGNTY**

I believe the sovereignty discussion for the Mae La case cannot be seen separately from the historical Thai context of dealing with refugees and the long-standing motives of the Thai state in (not) governing them. Whenever there were refugees crossing the border to the Thai side, the Thai government did not actually see refugees as ‘others’, but as ‘neighbors’, and it had always treated refugees (since mid-16th to 18th century the Mon people) coming from its Western border with Burma as guests (van Roy, 2017). According to van Roy, in the mid-sixteenth century, during the Ayutthaya era, there were thousands of Mon refugees and militaries from Burma seeking refuge in Thailand. According to Guillon:

> The Thai kings always greeted these refugees with good will, using them as colonies for the population of territory (granting land to the exiles) or making allies of princes who were on the run and using them against the Burmese. (Guillon, 1999:194)

The Thai king allotted them a piece of land to build houses and stay around in a suburb of the capital, letting the Mon governor take care of their own people and its military. This practice of ‘autonomous governing system’ has continued with the recent cases of the Khmer Rouge camp in Kao I Dang, and Hmong people in Bann Vinai, which were also autonomous in governing their own affairs (Ong, 2003; Robinson, 1998).

While, the Thai government was aware that hosting Karen refugees might create a diplomatic rift with the Burmese government, these historical precedents should not be overlooked. Indeed, it appears from the data coming out of the Mae La camp in this research, that the Thai state still views the Karen refugees in a similar way as their historical predecessors, only now not dispersed in pockets along the border, but in consolidated camp spaces. Seen in that light, I would propose that a better term
for the way that the Thai government manages the Karen refugees by allowing the
camp committee (and by extension the Karen National Union) to govern their own
population in the camp would be *guested sovereignty*: it accepts the camp committee
as a guest (and thereby the Karen) to govern themselves in a designated territory (the
refugee camp), provided by the Thai state, similar as before. Outside the designated
area of the camp, the Karen refugees are under the purview of the Thai state. The
Karen who self-relocate themselves outside of the camp are obliged to follow the
Thai laws. The ‘guested’ sovereign is therefore restricted to the territory. The special
power arrangement of the Thai government with the camp committee occurs in this
specific condition.

In a similar way, the Thai government accepts the UNHCR taking care of its guests at
the designated area of the camp space at a level it does not wish to be involved in:
protecting refugees and providing them refugee status, and with the power to move
refugees outside of the camp to resettle in third countries.

The metaphor of a host and a guest would help to understand the analogy of ‘guested
sovereignty’ better. In this case, the Thai government, the landlord of the geographic
area, allowed refugees from Burma to stay in their land. The Thai government still
holds ownership of the house and this is not disputed by anyone. For the refugees, they
moved their population, their government, and their ideology to live in another territory
of another nation-state. The Thai government neither intervenes nor relinquishes the
sovereignty of its laws, and in this way prevents the refugee camp from becoming
extraterritorial where the host would have no influence or power. As ‘a host’, the Thai
state is still involved whenever there is a larger problem in the guested sovereignty
space, while the ‘guest’, the refugees, solve any minor or internal problems on their
own (and within their designated territory). However, this kind of relationship between
the Thai government and the camp committee is still unequal and fragile. The guested
sovereign, the camp committee, has to maintain peace and order in the camp. If a
guest makes a serious problem and the camp committee cannot control this, the Thai
government has the power to re-take control from the guests. Moreover, the guested
sovereignty also occurs on the particular condition that the common understanding
is that the camp is temporary in nature; there being an unwritten agreement that one
day when the conflicts in Burma stop, the Karen refugees will return to their homeland.

Seen in this historical context, ‘guested sovereignty’ has actually been the usual
response of the Thai state and typical concerns about the Thai state giving up some of
its territory to host refugees on its soil are largely unfounded, because the Thai state
simply does not see it in this way and has never done so historically. It has been the
imposition of borders, the notion of the nation-state, and corresponding notions of territorial sovereignty, which have clouded and complicated analyses of governance of refugee camps in this region. The fact that the Thai state has not recognized the UN Refugee Convention is another reminder that it prefers ‘vague, unclear, or messy’ governance arrangements in regards to refugees. This stance aligns well with historical precedents and there seems to be a concern that where formal rights are established, obligations follow.

**CONCLUSION**

A fundamental element of sovereignty is whose laws are applied over a certain territory. In the camp territory, the Thai government is de jure sovereign. The presence of various other powerful actors, which are all involved in aspects of camp governance, however, indicates that de facto sovereignty in the camp is not so clear-cut and that the camp governing system, instead of being ruled by one sovereign, is ruled by a multi-layered tapestry of sovereignties (Hanafi, 2010: 6).

I have thereby argued that there is a particular space left at the camp management level, which the sovereigns leave open (and at a micro-level, which refugee studies also often overlook), in which refugees are actually able to organize and govern themselves, which for Mae La has taken the form of the camp committee. Especially in the context of the Thailand-Burma borderland, the autonomous refugee committee, which manages daily camp affairs, has existed even since before the formal establishment of the camp as a refugee camp thirty years ago. I have further argued that the Thai state has reverted to long-standing practices in the Thailand-Burma borderland as ‘guested sovereignty’ where the refugee camp committee is allowed to govern themselves, as the Thai state has traditionally done with other groups of war captives or refugees in the past.

In this governing structure, the camp is not characterized by a culture of exception where laws and regulations are unclear or suspended (Agamben, 2005). On the contrary, a well-defined governance system is in place and it is all rather clear to refugees. Refugees know the rules and regulations, including how to proceed when problems occur.

Refugees do not lack agency, nor is the camp like a blank slate. The case of the refugee camp committee has shown that refugees are rather political subjects and stakeholders
in the management of their own society. By labelling refugees as ‘conflict-induced displacement’, the humanitarian organizations ignore refugee’s capacities to respond to their situation. It is necessary to go beyond a stereotype of refugees as a simple and unsophisticated, and instead understand that they can be decision makers for their own future (Brooten, 2004). The following chapter will go from governance structures into how refugees use their agency to produce and transform camp space.
Zone C within Mae La Refugee Camp
the river network
main streets and
community open spaces
zone C periphery

1   Thai security guard office
2   Camp Committee office
3   Camp Commander office
4   KRCEE & UNHCR office
5   Karen Youth Organisation
6   COEER NGO
7   Library
8   Camp Justice office
9   Waterpump station
10  Bridge
11  Baptist Church and Baptist College
12  Cemetary
13  Agricultural area
14  Middle school
15  Hospital
16  All Baptist Church
17  Prison
18  Zomi Church
19  LMTC college
20  Nusery
21  Thirisanda pagoda
22  Dawah Mosque
23  Market and warehouse street

Checkpoints
Demarcation of camp territory
AH105, road outside the camp
Zone C within Mae La Refugee Camp
the river network
main streets and
community open spaces
zone C periphery
highway 105
gate
demarcation of camp territory

1   Thai security guard office
2   Camp Committee office
3   Camp Commander office
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21  Thirisanda pagoda
22  Dawah Mosque
23  Market and warehouse street

Checkpoints
Demarcation of camp territory
AH105, road outside the camp

Zoom-in map within zone C
Mae Ok Hu river
Zone C within Mae La Refugee Camp
the river network
main streets and community open spaces
zone C periphery
highway 105
zone C Mae Ok Hu river
Checkpoints
Demarcation of camp territory
AH105, road outside the camp
Zoom-in map within zone C
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