



Competing forms of sovereignty in the Karen state of Myanmar

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Introduction

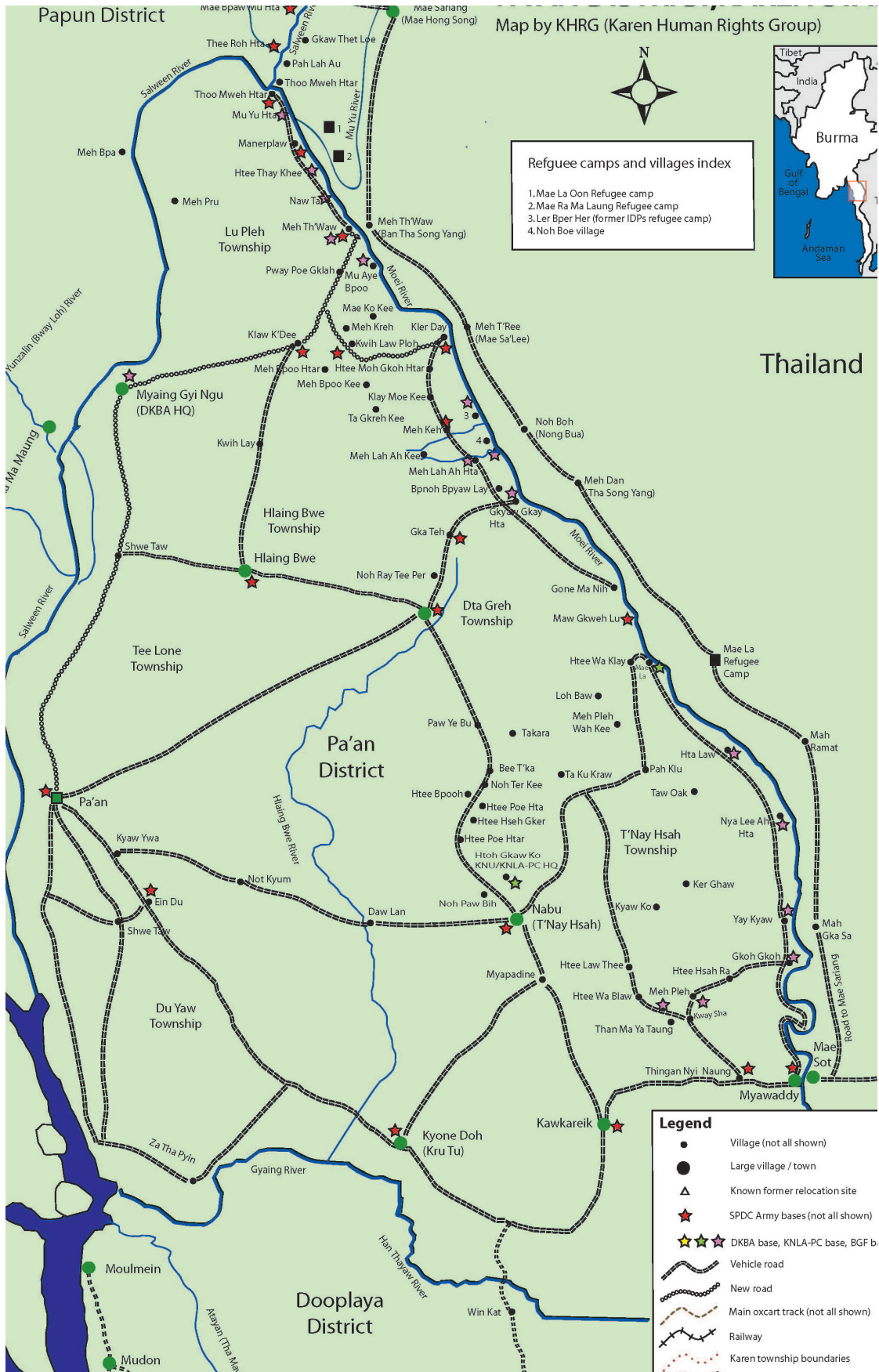
The Thai-Burmese border, represented by an innocuous line on a map, is more than a marker of geographical space. It articulates the territorial limits of sovereignty² and represents the ideology behind the doctrine of modern nation-states. Accordingly, every political state must have a definite territorial boundary which corresponds with differences of culture and language. Moreover, territorial sovereignty is absolute, indivisible and mutually exclusive, as set out by the 1648 Treaty of Westphalia.

However, as the map of Pa'an District in the Karen state shows (Map 1), in 2011, the region was controlled by a handful of Karen groups and the Myanmar army (KHRG 2011), revealing the mosaic of territorial control along this strip of land bordering Thailand. Within the Karen movement, there are competing claims³ to territory and legitimacy such that this space and its border with Thailand are constantly being reconfigured militarily, politically and economically. Some Karen groups work in collaboration with the government but may also work against it at other times. Map 2 gives details of the various Karen-related political and military groups that controlled parts of the borderlands in 2011.

The Myanmar government has juridical or state sovereignty, usually defined as supreme public power with the right and capacity to impose its authority within a defined territory (Hall 1984, pp.17-18; Thomson 1995, pp.219-223), and as the relation between a state and the global community (Giddens 1981, p.263). However, the legitimacy of its juridical sovereignty has been contested by various Karen armed groups operating along the borderlands. As this paper shows, the Myanmar government uses various strategies in this region to undermine the operational capacities of Karen forces so as to infiltrate semi-autonomous areas. These strategies - military, concessionary resource extraction, ceasefires and development projects along the Thai-Burmese border - have enabled the state to enforce its sovereignty over territory that is physically controlled and contested by local actors.

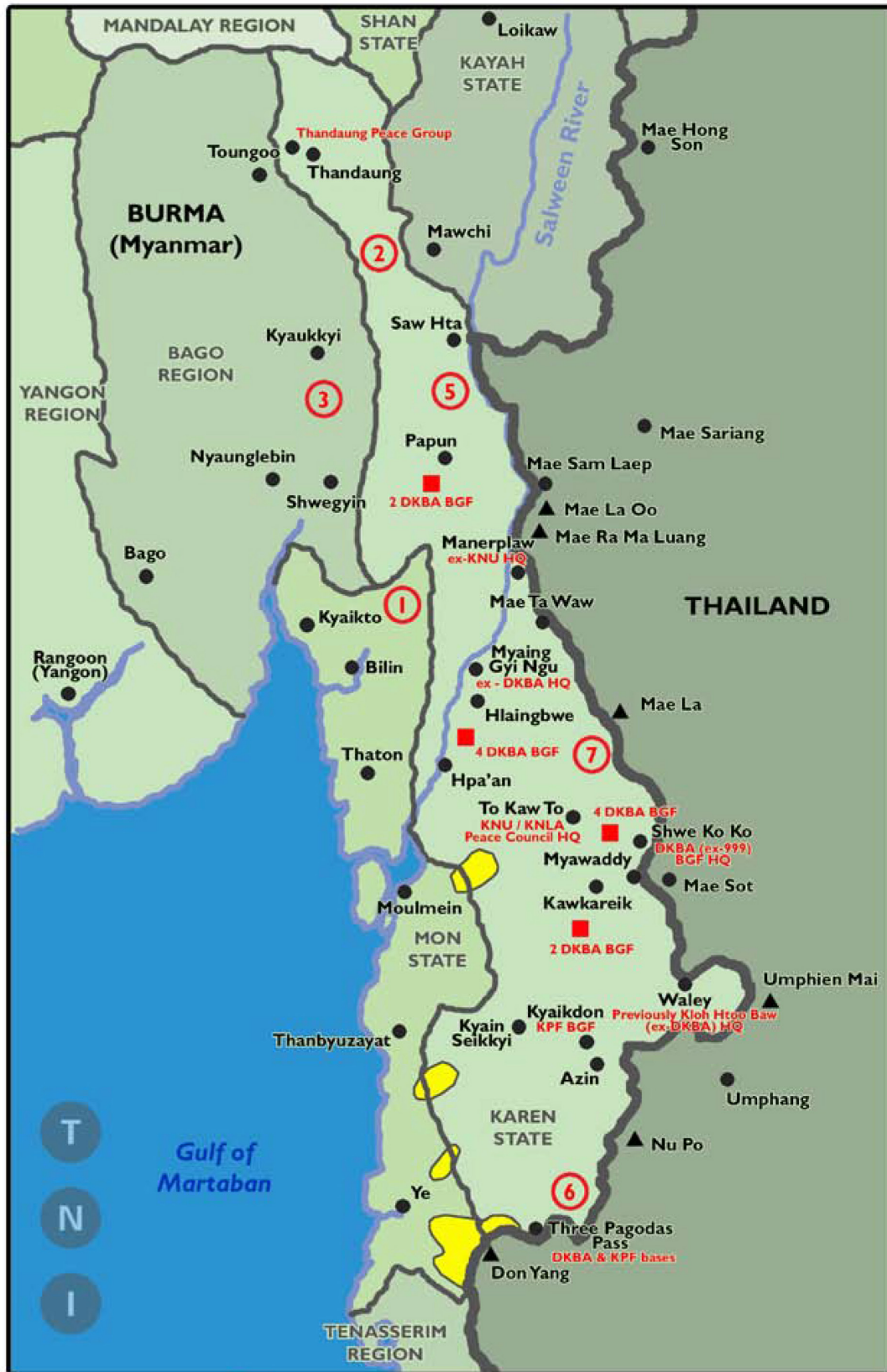
The main Karen political organisation, the Karen National Union (KNU), legitimised its claim for a nation state based on the principle of state sovereignty. The rationale was that a Karen nation had already existed and therefore, the Karen⁴ had a right to a state referred to as Kaw Thoo Lei. However, this was abandoned in 1976, and the claim changed to that of autonomy and federalism. The discussion of sovereignty in this region tends to focus solely on the state and the Karen-related armed groups. This paper includes the responses of people caught in these armed contestations: do the civilians in the Karen state want to live under KNU rule, Myanmar state rule or be left to rule themselves? This raises the issue of two related definitions of sovereignty: popular sovereignty - the principle that the legitimacy of the state is created and sustained by the will or consent of its people - and local sovereignty power and authority at the local level (village level, even), and juxtaposes them against juridical sovereignty.

MAP 1: PA'AN DISTRICT, KAREN STATE



Source: Karen Human Rights Group (2011) <http://khr.org/maps/2011/paan_2011w4.jpg> Accessed 17 October 2012

MAP 2: LOCATION OF KAREN-RELATED POLITICAL AND MILITARY GROUPS



Source: South (2011) p.11. <<http://www.tni.org/sites/www.tni.org/files/download/Burma%27s%20Longest%20War.pdf>> Accessed 17 October 2012

It is not insignificant that these territorial bids are enacted along the Thai-Burmese border. Borders are strategic footholds, where political, economic and social differentials between two states can be exploited, providing power and profit to those who control them. Just as states manipulate borders, so do those who live around them. Borderland communities construct and maintain social and cultural systems which transcend the state boundary, reproducing, refashioning and undermining borders, thereby actively participating in the construction of their states (van Schendel 2005, p.46). The Thailand-Myanmar border has borne witness to manifestations of overt defiance (insurrection, unauthorized cross-border movement) and covert defiance (smuggling, civilian resistance, assistance given to illegal immigrants, and unauthorized trans-border production and trading).

The political and geographic limits of sovereignty imply the presence of competing authorities, whether other states or non-state ideological affiliations, and thereby constitute foundational crises of authority... Such spaces formed by the intersection of multiple competing authorities are categorized as the "borderland" (Abraham and van Schendel 2006, p.23).

Using this framework of borderlands, this paper considers how claims and counter-claims to space articulate the relations between territory and sovereignty at the margins of the Myanmar state (Horstmann, c2004, p.7).

THE KAREN NATIONAL MOVEMENT

The KNU's claims and armed opposition epitomise an overt contestation of territory (and borders), sovereignty and nationhood. The seeds of the Karen (and other ethnic) insurrections were sown when the British set about identifying, classifying and codifying the peoples living in the uplands into ethnic groups using nineteenth-century European paradigms of biology and race. It was assumed that fixed and mutually exclusive boundaries could be set up around each race or ethnic group, and that racial identity was the only significant factor in determining political allegiance (Lieberman 1978, p.456). Leach has effectively shown that ethnic categories can usefully be regarded as roles vis-a-vis other groups, and in that sense are only indirectly descriptive of the empirical characteristics of particular groups (Leach 1954). Further, the conflation of 'race' and political power did little to explain the actual dynamic of power and geographical location in pre-colonial Burma.

Polities in Burma were characterised by "overlapping influences and interests, interpenetrating political systems and populations that did not 'belong' to one zone only" (Leach 1960, p.50). Moreover, identity in pre-British Burma was largely contingent on geography: lowland wet-rice agriculturalists almost always lived in states; upland swiddeners were beyond the reach of the states and considered wild and uncivilized by these states (Renard 1987, p.267; Scott 2009). Leach (1954, p.4) contends that what sets people apart has less to do with their language and culture than their framework of political ideas. Renard (1987, p.267) goes further to say that in so far as minority groups existed, they were characterised by people who had little access to power rather than people identifying with a particular ethnic background.

The British paradigm, with its unquestioned assumptions, could not adequately classify the groups of peoples in the mountains and borderlands and explain how their political and social lives were structured. However, this differentiation by ethnicity and the European conception of a state with clearly demarcated territorial boundaries became encoded and ingrained in Burma's collective consciousness and political structure, so that the ethnic categories introduced by the British have become a political fact and a social reality.

The British took advantage of pre-existing tensions within Burma to fully annex it, in particular using the Karen in their wars against the Burmans (Cady 1958, pp.42-43, 137-41). The Burman majority held strong anti-colonial sentiments whereas the uplanders welcomed the British after initial resistance. After the introduction of Christianity and script by missionaries, a nascent form of national identity emerged among the Karen peoples (and other ethnic groups) who had previously been dispersed across the country and who lacked sophisticated forms of political organisation. The Karen National Association (KNA), one of many cultural and political organisations that were formed in the late 19th century, later became the Karen National Union (KNU) (Smith 2002, p.7). British policies and administration served to widen the rifts between the Karen and the Burmans. The British administered the plains of Burma as part of India and the hills and mountains (where many of the 'ethnic' groups lived) separately, thereby creating an administrative structure based on ethnic difference. After the Burmese monarchy was abolished, a form of parliamentary home rule was introduced in the plains, while the frontier areas were mostly left under the rule of traditional authority figures (Smith, 2002, p.6). Moreover, the policy of providing missionary education and recruiting hill peoples into the army disproportionately benefited the Karen. This led to their overrepresentation in the military, police and schools, an outcome which added to the growing divide between them and the Burman (Cady 1958). In addition, in lowland areas, communal seats in the legislature were reserved for Karen living among Burmans, which made it unnecessary for Burman and Karen leaders to build inter-ethnic alliances (Tinker 1967, p.3).

The Burman nationalists regarded Christianity, as well as Indian and Chinese migration, as a threat to the nation. This crystallised even further as Burma underwent the process of decolonisation. In the post-war period, Burma became concerned with the relationships between pluralism, ethnicity and national identity. Burmese nationalists were confronted with diverse political groups jostling for political representation and autonomy. These tensions were aggravated by the fact that the nationalists and ethnic minority peoples had been on opposing sides during the Second World War when Burma was invaded by the Japanese (Smith 2007, p.9).

The Karen believed that the British would reward them with a separate independent state and other special privileges for their loyalty during British rule and the fight against the Japanese. However, the British cancelled their plan to retain the frontier areas under direct rule and instead allowed for the immediate election of a Constituent Assembly, paving the way for Burma to become fully self-governing within a year. The 1947 Panglong conference, where ethnic principles for a future Union were agreed on with Aung San, proved to be woefully inadequate. Only leaders of the Chin, Kachin and Shan attended. Karen, Karenni, Arakanese, Mon, Pao, Wa representatives were not present and their interests were therefore bypassed.

The final agreements regarding ethnic autonomy were made in the Constituent Assembly and ultimately in the Constitution for Burma's independence in September 1947. The Constitution was 'lopsided and riddled with inconsistencies' (Smith 1999, p.79): the Karenni and Shan states were created with a right of secession after a 10-year period and after certain conditions were met, while the Kachin state was established without the right to secession; the Chins received a 'special division'; no ethno-political recognition was given to the Mon, Palaung, Pao, Rakhine, Wa; and the exact demarcation of territorial rights for the Karen was left out, to be dealt with after independence (Smith 1999, pp.79-80).

While the issues of autonomy for ethnic groups and ethnically-defined regions were hammered out in the Constituent Assembly, the leaders of the KNU, like those of the Communist Party of Burma (CPB), began making their own preparations. Upon independence in 1948, the CPB and People's Volunteer Organisation (PVO), followed closely by the Karen and other ethnic armed groups began their insurgencies against the new state in opposition to the state's newly adopted sovereignty over both the Burman areas and the frontier regions (Smith 1999, p.106-112).

CONTESTING SOVEREIGNTY ALONG THE THAI-BURMESE BORDER

The 63-year history of the KNU insurgency against the Burmese state has been marked by battles over territory and resources, gains and losses, factionalism and splinter groups, and the introduction of new (read economic) forms of dominion and external actors from across the border. This section considers these shifts in chronological order to analyse the methods used and examine the significance of the border in the context of state sovereignty.

Conventional warfare, the 'Four Cuts' and the border

The civil war between the KNU and the state began in 1949 slightly less than a year after the Communist Party of Burma began their insurgency. Other ethnic group organisations followed and '[o]vernight the political map of Burma disappeared under an extraordinary mosaic of insurgent colours' (Smith 1999, p.119). Throughout the 1950s, much of the countryside and many ethnic minority regions remained under the control of the insurgent groups. It was only in 1953 that the key low-lying areas of south and central Burma were largely cleared of insurgents by General Ne Win's army, and a semblance of state governance was introduced in those areas (Smith 2002, p.8).

From the early 1960s, much of the country's hill areas were under insurgent control when diverse ethnic groups joined the Karen in their struggle against the Burmese central state, resulting in heavy fighting in these regions. However, the late 1960s saw the Myanmar military systematically applying the 'Four Cuts' in the Irrawaddy Delta against Karen and Communist insurgents. This strategy aims to eliminate sources of food, finances, recruits and intelligence for insurgent groups from their families and local villagers (Smith 1999, p.259) and has proven to be 'devastatingly effective' (ibid., p.261), not to mention brutal (ibid., p.260). The state has been able to penetrate rebel-held areas, referred to as 'black' zones, transforming them into 'brown' areas where

contestation takes place, thence into government-controlled or 'white' zones and keeping them from turning back into 'black' zones (ibid., p.259). From 1962 to 1988, the Four Cuts strategy was successful at pushing the insurgents from the Delta and Bago Yoma into the more remote border areas.

As a result, the territory that insurgent armies controlled shrank and became centred on relatively well-defined territories. In the case of the KNU, this region bordered Thailand. At this point, the Myanmar army realised that the Four Cuts strategy was futile in the border areas, as the insurgents could flee across the border into neighbouring countries and operate from bases there⁵. The border, a political and symbolic marker of the sovereignty and territory of the Myanmar state, limited the state's military counter-insurgency options. On the other hand, the same border came to be viewed as a way for insurgents to thwart the sovereignty of the state, both in escaping its reaches and in appropriating its resources.

Resource extraction and trade

At this point, the KNU came to depend more heavily on forest revenue than in the past. In 1978, this revenue, amounting to more than 200,000 mature trees, was valued at US\$100 million (Bryant 1997, p.166), providing the KNU with funds for weapons and ammunition. The forests, which had previously been regarded as a minor resource by the KNU, came to be viewed as politically and economically significant. In fact, the forests were subsequently appropriated as a symbol of the Karen nation.

In the 1960s and 1970s, the Karen leadership moved from the Irrawaddy Delta, Yangon and Insein to the new 'liberated areas', assuming leadership over disparate Karen-speaking communities in the mountain strongholds (South 2012, p.14). As territory controlled by the KNU contracted, so too did the range of opportunities available for earning revenue. However, a combination of factors enabled the KNU to rally through border trade. The military coup in 1962 launched the 'Burmese Way to Socialism', introducing a closed door policy and bringing about a scarcity in consumer goods. The black market at the border proved to be extremely lucrative and became the lifeblood for the KNU (as well as other ethnic insurgent groups), providing badly needed income to purchase weapons (Smith 1999, p.99). The KNU already controlled customs gates at posts along the border around Myawaddy and opened two more in subsequent years. Large volumes of consumer goods were traded for cattle at the border, taxed at KNU-controlled customs gates and then transported into central Myanmar along KNU-controlled routes. In 1983, considered the year that the KNU had earned the highest amount of revenue, KNU Finance Minister, Pu Ler Wah, estimated that they had earned 500 million kyat (roughly equivalent to US\$75 million at the time) from border trade with Thailand. Added to this income was revenue from timber mills and tin and antimony mines run jointly with local Thai businessmen (Smith 1999, p.283). This increased the political clout of Bo Mya⁶, who was, at the time, in charge of the Eastern Division's 7th Brigade. His political manoeuvrings and ample coffers enabled him to transform the Eastern Division from one of the weakest into the KNU's strongest (Smith 1999, p.284-285), thereby reconfiguring

political power to his advantage within the KNU.

Although by the mid 1970s the Karen forces were largely confined to a thin slice of hills along the Thai-Burmese border, their fortunes and political strength increased during that period. Their strategic position along the Thai-Burmese border enabled them to control trade, to extract resources from their territory, to co-opt Thai business people in such activities and to be recognised by the Thai authorities as the de facto authority along the border. This was aggravating to the Burmese government for several reasons. First, it enabled the KNU to grow politically and militarily. Second, the black markets had a huge impact on the national economy of Burma. It is estimated that illegal trade in 1982/83 was 75 cent of total official trade (Takamura and Mori 1984⁷, cited in Mya Than 1992, p.58). According to Khin (1988, p.94), in 1985, about two-thirds of the goods in the black markets were smuggled in from Thailand, and it was estimated that the total illegal trade with Thailand had a turnover of up to 50 per cent of official trading. This flouted the law and deprived the state of revenue in the form of taxes.

Up to this point, conventional military strategies to seize territory had been employed by both the KNU and the Burmese army. However, KNU's amassing of revenue from the black market at the border was a symbolic and significant ploy in repudiating the power of the state and its legitimacy in the borderlands. Trade had inadvertently become the KNU's strongest weapon against the Burmese state's counterinsurgency campaign.

The question of whether this income and power were being used to maintain a civil war that was to the economic benefit of the leaders of the KNU and KNLA (greed) or whether it was for the greater good of the Karen people (grievance) is not as clear cut as Collier and Hoeffler (2002) would have us believe. Looking at 78 large civil conflicts which occurred between 1960 and 1999, Collier and Hoeffler (2002) found that opportunities for income generation from natural resource extraction was a greater indicator than inequality or political oppression in determining if civil conflict would arise. Undoubtedly, voluminous black market trade and access to natural resources enabled some leaders to profit for themselves and their brigades, and to use these funds to build their own fiefdoms. KNU's veteran strategist Skaw Ler Taw said, "Of all the problems the Karen Nation Union faced Ð military, political or financial Ð warlordism was the greatest" (cited in Smith 2007, p.19).

Given shifting front lines and loyalties, and the typical 'messiness' of war, players on all sides of the conflict became more concerned with the demands of maintaining their own territories than with working for political solutions. In fact, accumulating revenue, buying weapons, expanding their territorial and political clout and war became a way of life (Smith 2007, p.15). The motivations of KNU soldiers and leaders are diverse: some were forcefully recruited, others to rectify socio-political grievances, join friends, improve their economic position, and for others, it was a combination of these reasons (Thawngmung 2008, p.28).

On the other hand, the KNU has governance and management structures in the areas it controls in Burma (and in the refugee camps in Thailand) comprising a central administrative executive

supported by departments dedicated to health, education, security, justice and other functions. These provide civilians in Karen state and refugee camps various protection and other services which are not provided by the Myanmar state (McConnachie 2012). Thus, the question of whether the governance and protection services provided by the KNU to civilians in Karen state counterbalance the accumulation of wealth and power, in the eyes of the Karen, is a much more nuanced one.

RE-ASSERTING SOVEREIGNTY THROUGH RESOURCE EXTRACTION CONCESSIONS

Since 1988, the Burmese state has found ways to seize control over KNU (and other ethnic) territory and re-assert its sovereignty in combination with conventional military tactics. After crushing mass demonstrations and protests, the military established the military State Law and Order Restoration Council (SLORC) which was later superseded by the State Peace and Development Council (SPDC) in 1997. General Chavalit Yongchaiyudh, Thailand's commander-in-chief of the army and foreign minister at the time, went to Burma to meet the new government in order to secure lucrative timber and fishing deals for Thai companies in Burma.

The convergence of interests on the part of the Thai and Burmese authorities concerning the large-scale exploitation of hardwood forests along the Thai-Burmese border enabled the Burmese authorities to achieve certain political and economic objectives. First, it generated badly needed funds to purchase military equipment to crack down on dissenters, particularly given a worsening foreign exchange situation. Second, it facilitated the Burmese army's counter-insurgency campaign - the construction of a network of logging roads and logging itself brought about two strategic outcomes: they deprived Karen armed groups of forest cover and facilitated Burmese troop mobility in contested areas (Smith 1994, pp.13-14). Third, many of the logging concessions granted to Thai firms by the Burmese government were located in KNU-controlled territory, thereby undermining KNU's key source of revenue.

All this spelled disaster for the KNU. There was little that the KNU could do to stop the advance of Thai loggers into their forests without alienating the Thai state, as the Thai logging firms were supported by the Thai military. Moreover, given their weakened straits, the KNU could not afford to antagonise the Thai military. It did however try to maintain forest revenue by charging a lower price than the SLORC for the right to harvest the same timber (Bryant 1997, p.179). However, this eventually depleted resources and finances. The final straw came when the DKBA, a splinter group of the KNU, signed a ceasefire with the SPDC and then led SPDC troops to capture Manerplaw (KNU headquarters) in 1995.

Since then, the KNU has been losing territory to the Burmese army, and has been weakened by factionalism, splits and dwindling resources. The KNU were unable to resist the concessions granted to Thai loggers given their need for political support from Thailand, while this inevitably led to the reassertion of Burmese state control over much of the forest and its resources. The Thai-Burmese border that it had previously profited from is now controlled by the DKBA, allied with the Burmese army since 1995 although one faction has since joined forces with the KNLA.

The granting of concessions by the Burmese state can well be considered a 'sovereign sleight of hand'⁸, where sovereignty was asserted over land and its resources in territory that the state did not physically control. In fact, the granting of concessions enabled the Burmese state to claim physical control over this land. This counter-insurgency measure has worked in the Burmese state's favour and is being replicated and expanded upon through ceasefires and border development.

CEASEFIRE AND BORDER DEVELOPMENT AS COUNTER-INSURGENCY

Between 1989 and 1997, General Khin Nyunt negotiated 17 ceasefire agreements with over 25 insurgent organisations (Zaw Oo and Win Min 2007, p.xi). Unlike the ceasefires brokered before 1988, these were generally focused on military issues and local administration in designated ceasefire zones, rather than political settlements. They allowed armed groups to continue their activities, hold arms and maintain territory. In addition, the deals included local development assistance and economic activities in exchange for giving up the armed struggle without giving up arms (Oo and Min 2007, p.11). In view of this, the ceasefires may be described as a holding pattern rather than an interim step towards peace.

In January 2012, after 63 years of armed struggle and several failed ceasefire attempts, a ceasefire agreement was signed between the KNU and the Burmese government. However, the peace negotiations broke down in early October, when the three KNU officials involved in negotiating the peace settlement were dismissed by the KNU's Central Committee for breaking organisational protocol in their individual bids to strengthen ties with Naypyidaw through the Norwegian-government sponsored Myanmar Peace Support Initiative (Asia Times Online 19 October 2012). At the time of the negotiations, the KNU's objectives for conflict resolution involved a ceasefire and the withdrawal of government troops from its territory, negotiations aimed at reaching a political settlement outside of Parliament, where it has no representation and ecologically sustainable development. The Burmese government's agenda, on the other hand, was to reach a ceasefire first, followed by development without political resolution, and then possible participation by the KNU in the political process through election and Parliament (The Irrawaddy 11 April 2012).

The three senior officials⁹ were dismissed because they had been negotiating a ceasefire agreement and peace accords in exchange for development assistance, leading the way for large-scale investment in the eastern regions of the Karen state (Asia Times Online 19 October 2012). KNU members opposed to this line of negotiations are apprehensive about making such a deal, and rightly so. Already in 2003, it was observed that ceasefire agreements signed between the late 1980s and early 1990s had brought about a considerable increase in areas where businesses operate within non-state spaces (ERI 2003, p.7). In addition, the Kachin experience in northern Burma has shown how ceasefires have been used by the Burmese government as a means to penetrate insurgent strongholds through the granting of resource extraction and land concessions for long-term agricultural purposes, often under the guise of border development. Woods (2011) and Dean (2012) argue that it was not until the ceasefire that the Burmese state was able to gain

greater territorial control of the ethnic border uplands in Kachin State.

Woods (2011) claims that the Burmese state is using 'ceasefire capitalism' to territorialise regions that had previously been controlled by ethnic armies and gaining greater control over them through the granting of concessions for resource extraction and long-term land use. This has been achieved by regional military commanders and relevant state agencies handing out concessions to business people from across the border (China) and/or working in conjunction with ethnic business and political leaders (Woods 2011, p.748). The end result is the creation of 'military territorialization', 'military state agencies and officers exhibiting power and authority over land and populations, and thus the creation of militarized territory' (Woods 2011, p.748).

The Burmese state has moved beyond resource extraction concessions in Kachin state: it is now granting land concessions which enable business people to clear forests and cultivate land for long-term agricultural products such as rubber. The outcome is the removal of forest cover (exposing insurgents), the appropriation of land from villagers, (relocating them to government villages for better control and use as labour) and the fragmentation of territory controlled by the ethnic armed groups. From the point of view of the Burmese government, this affords them economic and military advantages: it increases revenue, subdues ethnic rebellion and transforms 'de jure sovereignty into de facto territorial control' (Woods 2011, p.750), a strategy which has been used by various other Southeast Asian governments. In examining forestry and insurgents in Indonesia, Malaysia and Thailand during the Cold War, Peluso and Vandergeest (2011) argue that "jungles" as theatres of insurgency were subdued through large-scale rearrangements of property rights, land use zones, vegetative cover, and human settlements. The political violence provided a justification as well as a mechanism for intensive and extensive national state intervention in landscapes over which it had had only weak hegemonic power. Political violence preceded both forest enclosures and state territorializations (p.275).

The Karen state has already experienced the adverse impact of border development: infrastructure (roads, villages), natural resource exploitation (timber, natural gas, fishing) and social (health, education) development projects interweave the state's objectives of countering insurgency and increasing capital accumulation by replacing insurgent-held forests with roads and open land for resource extraction and permanent agriculture (in the case of the Kachin state). Social works such as government-funded education and health have been poorly resourced and are prohibitively expensive (Lambrecht 2008, pp.159-162). In fact, these development projects may be described as strategies to increase the army's control over civilians. For example, the expansion of the road network throughout Karen State has facilitated military attacks against civilians who are coerced into moving to army-controlled relocation sites where they become an accessible source of labour for use in, amongst other things, constructing more roads (KHRG 2007, p.3).

At present, the development project that has considerable impact on the KNU is the massive US\$50 billion Dawei port and industrial project scheduled for development on the southern coastline. The project, backed by a Thai conglomerate, will be connected by access highways, already under construction, that cut through territory controlled by the KNU's 4th Brigade. Other KNU battalions stationed close to the project and its extended infrastructure have resisted

construction of the road, with fighting erupting sporadically throughout 2011 between the KNLA and Tatmadaw troops in charge of protecting the highway (Asia Times Online 19 October 2012).

Looking at the experience of other regions, it appears that ceasefires have a differential impact on the stakeholders involved. For the Myanmar government, ceasefires have been effective as a counter-insurgency tool. They are not initiatives aimed at producing peace or a durable political settlement. Instead, they are battlefield-oriented strategies aimed at reducing military operational threats and at territorialising (both internally and externally) the 'porous and resource-rich borderlands' (Oo and Min 2007, p.1; Woods 2011; Dean 2012). Second, they have been used successfully as part of a divide-and-conquer strategy. For example, by brokering a ceasefire with the DKBA, the army was able to co-opt it in its counter-insurgency campaign against the KNU. In sum, the government, through ceasefires, has been able to weaken its opposition, while simultaneously enlarging its coffers from border trade and reinforcing ties with neighbouring countries.

For the ethnic political groups, some have seen an erosion of their control over territory (Dean 2102), while others have been able to reap the economic benefits of development projects. Nevertheless, there has been no guarantee of peace. The Kachin Independence Organisation (KIO) took up arms against the army in 2011 after a 14-year ceasefire, after the Myanmar army initiated an offensive attack when the KIO refused to join the Border Guard Forces. The conflict has since escalated and the KNU is keeping a close eye on the situation given its peace negotiations with the state.

For the local population, Oo and Min (2007) reported that ceasefires have enabled them to live in relatively safer conditions and that the most serious forms of human rights abuses have been significantly reduced. However, other forms of human rights abuses, e.g. forced labour for development projects, continue or have increased. According to the report, civilians in these areas have access to better health care, education, transport, economic opportunities and grassroots organisation than before (ibid., p.3).

CIVILIAN RESISTANCE, PROTEST AND LOCAL SOVEREIGNTY

As the army, paramilitary groups and ethnic armed groups struggle for control over territory and resources, civilians have literally been caught in the cross-hairs of this conflict. Burmese military tactics in the Karen State have resulted in civilians being used as a base of support since local military units are required to 'live off the land' to sustain themselves. Military operations and day-to-day sustenance are thus dependent on the exploitation of the local civilian population for labour, food, money and other supplies (KHRG 2008a). Warfare tactics and development projects ostensibly control the population by enforcing heavy restrictions on movement and forcible relocation of civilian communities into military-controlled sites (KHRG 2008b, p.13; 2009, p.10; Fink 2001, p.123; TBBC 2011, p.56), stripping away their livelihoods (BBC 2003, p.29), subjecting them to forced labour, arbitrary taxation, restrictions on trade and agriculture, and

killing them in shoot-and-destroy missions in semi-autonomous areas (KHRG 2007, 2008b; Smith 1999, p.260). Between August 2010 and July 2011, the Thailand Burma Border Consortium (TBBC) reported that 49 villages were destroyed, relocated or abandoned in the Karen State alone (TBBC 2011, p.57). According to a survey conducted by Physicians for Human Rights (2012), human rights violations – forced labour, restricted movement and so on - were up to 10 times higher around an economic development project than in other areas surveyed while war-related assaults (kidnapping, torture, rape, being forced to sweep for mines) were reduced (p.38).

The KNU and its troops survive on local civilian support, and more importantly, on civilians refusing to cooperate, whether covertly or overtly, with Burmese military forces. On its part, the KNU provides health and education programmes for civilians, fights against state penetration and protects those who go into hiding. It is, however, criticised for taxation and occasional forced recruitment. The DKBA, on the other hand, has a smaller support base, as it has demanded forced labour, extorted and forced recruitment from civilians. Moreover, it seldom protects civilians against government troops, and its cooperation with the state is viewed by many as incompatible with the Karen political movement (Malseed 2008, p.7; South 2010, p.79). However, civilians in certain areas have reported that some DKBA groups do have a desire to improve the lives of the people living in the areas under their control (KHRG 1996; Ball and Lang 2001, p.21). The other armed Karen groups in the region are small, co-operate with the state and are primarily focussed on extortion and local business (Malseed 2008, p.7; PHR 2012, p.29).

Faced with rival armed groups and competing systems of order, civilians face three options. First, they may attempt to continue their lives in their villages despite interference from the state or other armed groups. Second, they may decide that one system of order benefits them more or is less injurious to them than the other and therefore choose to live in that system. Third, they may abandon their homes and villages altogether in search of alternate systems. These options are not necessarily mutually exclusive.

In reality, it is difficult for civilians to continue their lives without interference from the state or other armed groups. When civilians are relocated to state-controlled spaces, i.e. areas under the control of the army and its paramilitary groups (such as the DKBA), they become subject to forced labour, arbitrary taxation, looting and ad hoc demands, all part of a systematic form of exploitation (KHRG 2008b, pp.43-76). In such circumstances, 'negotiation, bribery, lying, outright refusal, confrontation, various forms of discreet noncompliance, jokes and counter-narratives, and temporary evasion' (KHRG 2008, p.6; see also KHRG 2009, p. 6) are used as forms of resistance.

In non-state spaces, the Burmese army refers to populations that resist relocation to military-controlled areas as 'peace villages' and 'hiding villages'. The former have informal agreements with local military authorities that they will cooperate with the army's demands without going into hiding. In return, they will not be forcibly relocated or have their homes burned down. The latter are communities which refuse to submit to the demands of the army and choose instead to hide away (KHRG 2008b, pp.118-9). Under such circumstances, villagers and their children (KHRG 2008a, p.5) have resorted to

- Establishing hiding sites in preparation for expected displacement
- Hiding food stores in the forest
- Monitoring troop movements and employing advanced warning systems to alert villagers to approaching army patrols
- Retrieving food and other supplies left behind at villages during flight
- Cultivating covert agricultural fields
- Establishing temporary 'jungle markets' to covertly trade with villagers from SPDC-controlled areas (KHRG 2008b, p6-7)

The KHRG has argued that these strategies are not solely 'coping' strategies but rather resistance strategies of a political nature which undermine state authority and sovereignty. These covert ploys may be conceptualised as 'everyday forms of [peasant] resistance' (Scott 1985, p. xvi), which is

the prosaic but constant struggle between the peasantry and those who seek to extract labor, food, taxes, rents, and interest from them. Most forms of this struggle stop well short of outright collective defiance. Here I have in mind the ordinary weapons of relatively powerless groups: foot dragging, dissimulation, desertion, false compliance, pilfering, feigned ignorance, slander, arson, sabotage, and so on' (Scott 1985, p.xvi).

There is, however, a slight difference between the setting of Scott's work and that of civilians in the Karen state. Civilians in the Karen state face an added dimension they are being used either to further the army's anti-insurgency campaign or to support the opposition movement.

Undoubtedly, there is a blurred line between resistance and self-preservation. However, both have the effect of undermining the repression imposed by armed groups (Malseed 2008, p.21). As discussed, the resistance strategies employed by villagers in the Karen State vary according to whether they are enacted in state spaces or in non-state spaces.

Another form of resistance, labelled 'avoidance protest' (Adas 1981, p.217), has been widely used by villagers to evade the abuses and excesses of the Burmese military (KHRG 2007, 2008b, 2009). Protest is manifested more dramatically than everyday resistance through flight, withdrawal, or other activities that minimize conflict with those viewed as oppressors. These forms of protest are usually an act of desperation arising from escalating oppression, and reflect the failure of everyday resistance 'to hold elite exactions at a tolerable level' (Adas 1986, p.69).

It may be argued that villagers' resistance and flight, rather than a form of protest, is a way of evading work and taxes. However, there is a distinction between ordinary taxation and forced taxation in the form of systematic exploitation through labour and other demands. In one case, the tipping point for flight seemed to be villagers' inability to produce or obtain enough food for themselves and their families because of the exacting labour demands placed upon them by local military units (KHRG 2008b, p.132). More research needs to be conducted on what exactly triggers flight and obversely, what persuades civilians to stay.

The Army has, for the past 15 years, been gaining ground in its fight against the KNU and the KNLA. As more land is transformed into state-controlled spaces, fewer areas are available for civilians to flee to within the eastern borderlands. It is estimated that 450,000 people are in hiding¹⁰ in Southeast Burma (Shan State, Karenni/Kayah State, Northern Karen/Kayin Areas, Central Karen/Kayin State Mon Areas, Tenasserim/Tanintharyi Region), of whom 106,800 (about 24%) are in Karen State (TBBC 2011, p.56). Of these, 36,100 went into hiding between August 2010 and July 2011 (TBBC 2011, p.56).

Yet flight in general is contingent on low population density, a refuge territory or a relatively weak state (Adas 1986, p.64). These three factors exist in the eastern Burmese borderlands. The porous border between Thailand and Burma makes it possible for civilians to seek refuge in Thailand when hiding in the jungles is no longer tenable. At present, about 140,000 Burmese reside in nine official refugee camps in the Thai borderlands. Many more have entered as migrants, melting into the estimated 2 million Burmese living and working in Thailand.

Writing about assumptions between place, space and belonging, Malkki (1992) demonstrates how the construction of nation-states is intertwined with sedentarism through the use of botanical metaphors thereby naturalising notions of people, culture and national identities as being rooted to place. This 'directly enables a vision of territorial displacement as pathological' (p.31). However, the experiences and actions of people in hiding suggest that jungles, border towns, villages and refugee camps are deterritorialised spaces where the exiled may enact local sovereignty (Hepner 2006, p.ii) over their livelihoods and identity, if not over their land. Writing about women activists on the Thai-Burmese border, O'Kane (2006) argues that

'[t]ransgressing borders is the act by which new, transversal space is created for encountering others and making new connections for change and transformation. In this case, the potential that the Burma-Thailand borderlands holds for women activists is the possibility to access space beyond the total control of the state in which to pursue their political struggle. Transversal space is made actual by women activists' capacity to avoid or negotiate states' attempts to control their movements in order to connect with, for examples, global women's and human rights networks' (p. 228).

Criticisms have been levelled at the KNU regarding the exploitation of refugee camps and refugees as bases of support and material resource, as a conduit to channel international aid towards insurgency activities inside Burma (South 2011, p.4; Thawngmung 2008, p.22; Callahan 2007, p.37), and as an extension of revolutionary politics (South 2007, pp. 61-3). This implies that the refugees are passive subjects, easily manipulated and indoctrinated. The evidence runs contrary to this. The governance structures and civil society organisations that provide services and protection to the residents were set up and are actively maintained by the residents (Bowles 1997, 1998). The camps are unique in that they are not run by the United Nations High Commissioner for Refugees (UNHCR) but by the refugees themselves. In addition, MacConnachie (2012) argues that 'constructive dividends in areas such as management skills, political networks and

organizational capacity' (p.31) have been the outcome of the relationship between the KNU and the refugee population.

Civilian resistance and protest strategies serve to highlight the various ways in which territorial sovereignty of the state is contested in state and non-state spaces at the local level, and demonstrate that the struggle is not just over territory but over sovereignty of people's lives, livelihoods (Malseed 2008, p.22) and identity. Thus, Malseed (2008) argues that state-enacted territorial sovereignty is merely an objective of the state, rather than a given (p.12), thereby calling into question territorially-bounded and state-defined notions of sovereignty.

UNDER CONSTRUCTION: SOVEREIGNTY ALONG THE BORDER AND IN THE BORDERLANDS

This paper has explored the exercise, manipulation and forms of sovereignty along the eastern Burmese borderlands, as enacted by different actors - the state, armed ethnic groups and civilians. The outcome is a patchwork of territorial and sovereign zones (some mutually exclusive and others with overlapping spheres of power), and shifting patterns of governance and spatial identities. These various forms of sovereignty are played out in the borderlands and re-shaped in the interstices of the border. In the process, new social and political spaces are created, reshaping the symbolic, discursive and political meanings of the border.

Although the state only possessed de jure sovereignty over the Burmese borderlands, it was able to acquire de facto sovereignty using military tactics, and by granting concessions for resource extraction and long-term agriculture use to external actors on territory that it did not physically control. The act of internal territorialisation is as powerful as external territorialisation in asserting de facto sovereignty, as we have seen from concessions granted by the Burmese government in the Karen State and in the Kachin State.

On their part, the KNU has sought to gain political recognition for a Karen nation through the control of land and the management of natural resources, economic oversight of the revenue from these resources (Bryant 2000), and an affirmation of nationhood based on ethnic identification (Rajah 2002). Until the mid 1990s, the KNU had de facto sovereignty over the eastern borderlands and the border with Thailand, but that has since been eroded by the (in some cases literal) inroads that the state has made into KNU territory, and the organisation's fragmentation into various other Karen armed groups.

The peace negotiations between the KNU and the Myanmar government were restarted in January 2013 when General Mutu Say Poe, newly elected chairperson of the KNU, along with military chief General Saw Johnny and general secretary Kwe Htoo Win were invited to meet President Thein Sein in Naypyidaw. One of the requests of the KNU is to be accepted by the state as a legal organisation. Its plan is to transition into a political party only when the 2008 military-drafted Constitution is amended.

The concern for the KNU would seem to be recognition by the state as a legitimate political

player. Moreover, whether the KNU will be able to negotiate with the government to bring about lasting peace and benefits for the Karen and the people in the Karen state is uncertain. The re-emergence of armed conflict between the Kachin Independence Organisation/Army and the army is testament to the cycle of political change and rebellion that has played out along the borders for decades.

Civilians, the third part of this sovereignty equation, differ widely in their views of the KNU as their legitimate representative. According to Thawngmung (2008), the views of the Karen living in the Delta, overseas, in the Karen state and in refugee camps differ considerably. While some denounce the actions of individual leaders, many perceive the KNU as a legitimate organisation which stands for Karen interests (p.38). South (2010, p.77) asserts that the KNU has lost touch with the majority of the Karen population in Burma, and faces the challenge of making itself relevant to non-Christian and Pwo-Karen speaking communities. On the other hand, Karen nationalists, particularly Christians support the KNU because of its historic role and continued struggle in the country's ethnic political landscape. Karen civilians' views on the other Karen-related groups, such as the DKBA, also need to be taken into account, given their control over much of the Karen state. While there are exceptions, the Karen in the border areas resent the DKBA for their widespread use of coercion and arbitrary taxation (South 2010, p.79).

Ultimately, civilians from the Karen state will, literally, vote with their feet. Looking at civilian acts of resistance and protest, we see that sovereignty is not a given and recognition as a legitimate authority needs to be earned. The ceasefire and peace talks may bring about the conditions for the reduction in structural violence, the increase in material benefits and the emergence of political groups that represent civilians' needs and views. However, the on-going conflict in the Kachin state is testimony to the fragility of ceasefire agreements and the volatility of competing claims along the borderlands.

NOTES

1. I would like to thank Tin Maung Maung Than, Robert Taylor , Nicolas Lainez, Jason Miller and the editor, Lee Hock Guan, for their help in improving this paper.
2. See Minghi (1963) for a review of boundary/border studies and Horstmann (2004) for borderland studies.
3. The KNU has experienced factionalism throughout its struggle for independence. In particular, the mutiny of 1000 Karen Buddhist troops in 1994 that subsequently formed the Democratic Karen Buddhist Army (DKBA) struck a huge blow. The DKBA led government troops into Mannerplaw, KNU headquarters, and enabled them to capture a large swathe of territory in the KNU's northern strongholds (Smith 1999, p.446). After the 2010 general elections, the DKBA ceasefire with the Burmese government was broken when the Burmese government attempted to persuade it to join the Border Guard Forces. A new ceasefire was brokered in November 2011, which was subsequently broken in February following a raid on a DKBA military base by a joint force of Burmese army and Border Guard Force (BGF) troops (The Irrawaddy 23 Feb 2012). Brigade 5 of the DKBA has since split from the DKBA (The Irrawaddy Aug 2010) and

joined forces with the KNLA. The 5th Brigade is now known as the Klow Htoo Bow Group. The other groups that split from the KNU are: Thandaung Peace Group (a.k.a. Leikto Group), P'doh Aung San Group (P'doh Aung San is a United Solidarity and Development party member who was elected to the Karen State Parliament (Thawngmung, 2011), Karen Border Guard Force (formerly known as Karen Peace Force/ Hongtharong Peace Group) and the KNU/KNLA Peace Council. The latter two were formed after a split in the KNU in the mid-1990s, and allied themselves to the former junta.

4. About 20 subgroups of Karen-people speaking peoples with diverse religious, cultural and geographical backgrounds are subsumed under the term 'Karen'. The Sgaw (mostly hill-dwelling Christians and animists), and the Pwo (mostly lowland Buddhists) account for 80-85 percent of the Karen. Karen communities are widely dispersed across Burma with only less than a quarter currently living in the Karen state (see Thawngmung 2008 for more on the political and social diversity of the Karen).

5. However, the Four Cuts campaign was re-instated along the border areas (Kachin State, Shan State, Karenni State, Karen State, Mon State and Tenasserim Division) in early 2011 following a resurgence of armed conflict by ethnic cease-fire groups who resisted joining the Border Guard Force (BGF) (The Irrawaddy, March 4, 2011 http://www2.irrawaddy.org/article.php?art_id=20880).

6. Based on successful economic and military operations, he eventually became president of the KNU in 1976 (Smith 1999, pp. 284- 285).

7. See Takamura, S. and T. Mori. *Kokkyo boeki Tonana Ajia kage no keizai* [The Border trade: a shadow economy in Southeast Asia]. Tokyo: Kobundo, 1984.

8. Quote from presentation by James Sidaway, Carl Grundy-Warr and Chih Yuan Woon at the 3rd Conference of Asian Borderlands Research Network Conference October 11-13 2012, Singapore.

9. Of the three dismissed senior officials, two have been reinstated to other positions in the KNU and one passed away.

10. Most reports use the term 'displaced' to describe people who have fled their homes and gone into hiding in the jungles. However, given the connotations of passivity imbued in the term and the argument made in this paper that villagers are in fact manifesting a form of protest rather than being subjected to circumstances outside their control, I use the term 'hiding' instead.

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