Transversal borderings

 Territory and mobility for human rights activists in the Thai-Burma borderlands

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Abstract

In this article I use an interpretation of Saskia Sassen’s ‘cross-border geographies’ as a framing mechanism for the operations of human rights activists in the Thai-Burma borderlands. I argue that these activists use aspects of the national territories they traverse, such as who belongs and associated rights and obligations, as well as state capital and services. But they also act outside of state sovereignty, in particular through digital infrastructures and transnational networking that connect to other national territories, and their irregular movement across the national border. In this way, human rights activists both operate within national territories and in ways that violate their sovereignty. Activist operations are enabled by an informality attached to the Thai-Burma border, its marginal status to central control, its pragmatic approach to state operations, and its porous nature to flows of information and people. Tighter regulation of these territories, particularly as the adjoining states attempt to exert their authority, is likely to impact the ongoing operations of human rights activists in the Thai-Burma borderlands. Cross-border geographies therefore provide a means for the critical examination of activist operations that occur within and across state and non-state spaces.

Keywords: Burma, Myanmar, activism, human rights, sovereignty
Introduction

Saw Kyi\(^1\) has been documenting human rights abuses against the Karen for almost two decades. He calls himself a ‘community worker’ and a ‘human rights defender’. While he is a Karen man from Burma\(^2\), he has spent most of that time in and around the Thai town of Mae Sot. When I first spoke to him in 2005, he led a fairly transient life. He sometimes lived in Mae Sot, sometimes in Mae La refugee camp, about an hour north of Mae Sot. He was often inside Karen State documenting human rights abuses or conducting community organising training. In Mae Sot, he developed children’s education programs, wrote up human rights reports and networked with global human rights agencies, activists and sympathisers. He was devoted to his work, and the ultimate liberation of his people. When I asked why he didn’t seek resettlement to a third country like many of his peers were doing, he replied: ‘I love to stay here because it’s close to my community, my people’. It was a sentiment echoed by another human rights documenter who told me: ‘Because I can do something here for the people inside Burma and along the border, so I don’t want to resettle’. Saw Kyi had written a song about this connection, the importance of staying, of being an active agent. He talked about the land of Kawthoolei (a reference to Karen State)—rich in rivers, gold and teak—that had provided for its Karen people, yet was now under threat of destruction from the Burmese military and the drive to resettle the Karen in third countries, far from Kawthoolei’s gaze. For Saw Kyi, he needed to stay and protect his people and his land, he felt this as an obligation.

Central to Saw Kyi’s life, and his human rights activist work, is the Thai-Burma borderlands (Sharples 2018) and the international boundary that cuts through...
it. Saw Kyi refers to the Thai-Burma border as a communications channel, a conduit if you like, between displaced persons inside Burma and the international community. He is talking about the geographical location but also about the attributes of the space—in a pragmatic sense, its infrastructure, resources, accessibility, but also in a more abstract sense, its spatial aspiration as a site of refuge and activism. In 2007 he described the border like this:

"It’s something like a strategy plan. You stay here [Thailand], you plan here, you arrange every day here and then you go inside...Inside you do more effective work but in a different way...For example, human right documenters may do their work every day inside. Here along the border if you would like to do community organising training so you need the information. You can access the internet, do research, collect information, then you go inside and do the training, it depends on your work."

At the time he was speaking, Saw Kyi was capturing the Border’s utility; it had several functions relevant to his work. He was able to cross a national border and enter zones (inside Burma) where human rights abuses were known or expected and typically extracted or documented the information needed and then left again—to package that information in a way that could bring global attention to the issue. Being in the borderlands space provided close geographical proximity to these conflict zones but also to ‘home’, sustaining his connection to Karen land, people and culture. The border also had a tangible quality, for it represented a line where access to resources could be obtained. From the Thai side of the border Saw Kyi had internet access and therefore could connect into global flows around information, knowledge and resources. He had better access to skills and training that could help develop his work. He also had the opportunity to reach a wide global audience through international networks, digital platforms and transnational connections.

Human rights activists like Saw Kyi are deeply embedded in the borderlands space, and importantly they are most likely to be from an ethnic minority group who are the recipient of such abuses. They have a vested interest in documenting and resolving the conflict as well as providing invaluable access to and knowledge of the context in which these abuses occur. Regardless of who funds or uses their work—and this can be varied, from local community organisations through to international human rights organisations—human
rights documenters were mostly Karen activists who had fled persecution in Burma.

Human rights activists are present in the Thai-Burma borderlands for obvious reasons. Burma has been defined by its militarised conflicts for at least six decades. Successive military dictatorships have targeted ethnic minority groups, particularly in Burma’s border areas. This is largely to do with a combination of the violent repression of ethnic representation in Burma’s post-colonial political setting and a strategic directive to develop and control the border areas due to their economic potential, particularly the presence of natural resources which feed large-scale investment projects. These human rights abuses are well documented (see for example, reports by Human Rights Watch, Amnesty International, the United Nations and the Karen Human Rights Group), and they have, particularly since the 1980s, seen large refugee flows across Burma’s borders and into neighbouring states. According to recent estimates there are 96,000 refugees in camps along the Thai-Burma border (TBC 2019) and since 2017 more than 750,000 Rohingya refugees in camps along the Bangladeshi border (UNHCR 2019). Many of these refugee flows go undocumented, and there is a large body of displaced persons that remain inside Burma, meaning these figures under-represent the larger picture of persecution and displacement in Burma over the last forty years.

While the focus of this article is on the Karen and the Thai-Burma border, it should be noted that human rights violations can be found against the Rohingya in Rakhine State, the Kachin in Kachin State, and the Shan and Karenni also along the Thai-Burma border, among others. Recent reports show the ongoing nature of the conflict, over a million displaced Rohingya and more than 320 Rohingya villages destroyed in Rakhine State (ASPI 2019), Burmese military attacks on KIA outposts in Kachin State which have caused significant civilian displacement and deaths (HRW 2018) and ongoing displacements due to clearing and artillery operations in Karen, Shan and Kachin states (TBC 2018).

As a result, Burma’s borders with neighbouring countries have come to harbour a range of human rights documenters and activists. This ranges in formality and structure. There is the intermittent presence of large human rights organisations like Human Rights Watch (HRW) and Amnesty International and international
agencies such as the United Nations High Commission for Refugees (UNHCR) and the International Labour Organization (ILO). The more constant presence were the community-based human rights organisations such as the Karen Human Rights Group (KHRG), Burma Issues and the Human Rights Documentation Unit (HRDU) which produced the highly influential Burma Human Rights Yearbooks. Working across all these levels though, are the human rights documenters. These are the Karen people who go inside Burma to document the abuses, often at great personal risk, and whose raw material feeds back into the formal human rights reports of the global organisations mentioned above and international news reporting, but also through informal grassroots channels, particularly social media and other participatory digital formats and Karen-language reporting. It is the work of these human rights documenters which is the focus of this article, for they constitute a partial annexing of neighbouring territories for the purposes of human rights work, basing themselves in countries like Thailand and drawing on their resources and services. They traverse this space in ways that seem partially autonomous of the territories and mechanisms of the system of nation-states, though not entirely removed from it. I therefore use this article to examine the spatialisation of human rights activism along the Thai-Burma border, and in particular through the activism of displaced Karen. This article looks specifically at activists who document human rights abuses. I examine this particular iteration for a number of reasons. 1. They employ frequent and repeated mobilities across the national border and through multiple national territories, 2. They operationalise these spaces through complex and mobile allegiances to territory (not always nationally constructed) and political authority, and 3. Through their work, they utilise cross-border geographies across national territories, for example international networks, new technologies and material infrastructure (skills, training, resources). These three points characterise both the work of human rights activists and the spatial dimensions in which they operate. Of particular interest to me then, is how this activism is operationalised across multiple sovereign territories, not just the abutting states of Thailand and Burma, but more widely through connections into other national territories and bodies.

A further two clarifications are required here, one around time and the other around terminology. First, in this article I predominantly focus on human rights
activism pre-2011, though I do make some reference to events and trends after 2011 particularly where they provide insight into the changing nature of the space for human rights activists. There is an important purpose for choosing this period of time. From the mid-1980s up to Burma’s general election in 2011, though certainly not exclusive to this period of time, human rights violations in Burma were prolific and had great impact. Consequently, a raft of international human rights policies and administering organisations established themselves in the borderlands space, tasked with documenting and disseminating evidence of violations, but also training local populations in human rights awareness and human rights documentation (Brooten 2004; 2008). At the same time, international media brought global attention to these violations, meaning human rights violations in Burma were both widely evident and reported as well as prioritised by leading human rights agencies and governments looking for resolutions. During this period the Thai authorities largely tolerated the presence of human rights activists on their territory and human rights work received significant international support in terms of finances and resources. Lastly, I believe that post-2011 there was a shift in how international entities sought to address human rights violations, moving away from their support of grassroots documentation initiatives and towards more diplomatic engagement with the Burmese government. Taken together, these provided a unique set of characteristics that defined human rights activism during this period of time, making it not only a worthy era to study but one that can potentially provide valuable insights for other locales.

The second clarification is around terminology. While the focus of this article is on how human rights activists traverse the borderlands space, it is worth noting the terms under which I use the word activism. I take a broad definitional approach to the concept, as an act/s meant to effect some sort of social or political change. In other words, in documenting the abuse, activists also advocate for an outcome of systemic change that can resolve or stop the abuse (for example this might be to hold perpetrators accountable, effect collective change, or change the political systems/structures that allow the abuse to occur). I should also note that there are many forms of activism in the borderlands—environmental activism, democracy activism, online activism, activism around specific issues such as LBTQIA rights, disability rights, gender
equity, to name a few. Many of these can be broadly deemed as addressing human rights concerns.

It is important to note that in the borderlands one can’t distinguish between these concerns; they are inseparable experiences for many activists in the borderlands. Human rights documenters may document human rights abuses related to an environmental development or in calling for action on human rights abuses also be calling for democratic change. Conversely, human rights activists don’t occupy binary categories—in addition to being human rights activists they may also see themselves as a refugee or displaced person, as being both political and surviving, as living in both domestic and public spheres, and as being victim and agent. These issues are collapsed into what O’Kane calls ‘inseparable experiences’ (2005, p. 15), so while I focus on human rights documenters it is important to also consider the broader sphere of activism/living in which they operate.

In the sections below I examine these claims. First, I provide some historical background to the Thai-Burma borderlands as a site of activism, particularly its history as a location at the periphery of state control and its positioning as a space of refuge for those seeking to evade state power and control. I then examine some of the operations of power that are enacted in the borderlands. This helps illustrate the multiple, complex power structures (particularly those that operate outside of state mechanisms) that work to enable the cross-border activities of human rights documenters. Finally, I use Saskia Sassen’s concept of ‘cross-border geographies’ as a frame to examine the spatialisation of human rights activism in the borderlands, particularly as it pertains to the operationalisation of human rights work within and across nation-state territories.

The data used in this article is derived from ethnographic fieldwork that was undertaken between 2005 and 2011, but also from my ongoing research engagement with activists in the Thai-Burma borderlands over the last 15 years. Over this time, I have spoken with dozens of human rights activists about the nature of their work, their motivations and expectations, the logistics of documenting human rights abuses and the types of networks and connections they utilise. This fieldwork has been largely carried out in and around Mae Sot,
in Tak Province, Thailand. Mae Sot was chosen because of its strong association with displaced Karen, its links to political opposition groups, and its geographical, metaphorical and spatial characteristics as a border town and therefore a gateway for cross-border movements. Many international human rights organisations have based themselves there, as have many Burmese opposition groups. It has a highly mobile population of journalists, researchers, aid workers, missionaries, academics, migrant workers and activists, including those with a focus on documenting human rights abuses. The activists I spoke with were predominantly Karen. Most had lived along the border for up to 20 years, but almost all had experienced persecution and displacement by the Burmese military that led to them fleeing across the border into Thailand. These activists were employed by a range of organisations such as community-based human rights groups, formal human rights documentation units, and international human rights agencies.

‘Ungoverned Territories’? The Thai-Burma borderlands as a site of activism

The Thai-Burma borderlands has long been an operational site for human rights activism, both as a protective casement for the emplacement of human rights activists and as a means for resourcing activist movements. The presence of activists on the Thai side of the border must be understood in the larger context of the dispersal of political authority in Burma. Burma’s peripheries or border areas have historically been largely autonomous sites removed from the control of a central governing authority. Prior to the advent of the modern-political map, pre-colonial Burma consisted of a number of semi-autonomous regions which were defined by ‘regional and dynastic conflicts’ (Lieberman 1978, p. 458). Lieberman referred to this power dynamic as ‘satellite centres’ which orbit the ‘galactic polity’ (1978, p. 461). Satellite centres constituted regional leaders at the periphery who maintained their autonomy in the face of a central power, usually the monarchy but otherwise a customary leader rather than the notion of a nation-state. Population movement between geographical places was determined by allegiances to patrons rather than a central power (Lieberman 1978, p. 459) and power comprised of control of people rather than territory (Steinberg 1987, p. 30). Pongsawat (2007) also notes that
political power had more to do with spatial organisations of tribute, taxation and capturing manpower, than any sense of territorial gain.

Some scholars have shown that mobility, particular the movement of refugees or fugitives from the state, has a long history in Southeast Asia. Even in the pre-cartographic, pre-modern era, the peripheries acted as sanctuaries for those who wished to evade capture by the central authorities (Scott 2009; Renard 1986). In his book *The Art of Not Being Governed* (2009), James C Scott argued that the borderlands were non-state spaces that provided refuge for people evading state-making mechanisms such as taxes or labour but who also wished to establish livelihoods outside of state control. Burma’s precolonial period is noted for the failure of the central power (the monarchy) to control local authorities at these peripheries (Adas 1981, p. 221). The further from the centre the more diminished state power became, and this was further consolidated by the failure of ‘the administrative system to penetrate the village level’ (Adas 1981, p. 222). Cartographic efforts to map these frontier areas under the domain of a central power was an attempt to create a state government with associated territory and the ‘geo-body of a nation’ where it had never existed (Winichakul 1994). In other words, the territories that now constitute Burma were never successfully governed by a central political authority, and both the colonial administration and the later military dictatorships struggled to establish a strong position of state power, eventually instigating bureaucracies that attempted to control these outer areas, either through policy or force, that continue to this day.

This is an important historical trajectory as it lays the foundations for the mobility, autonomy and political devolution of the borderlands that activists have utilised in the modern setting. Activists move to Burma’s peripheries because it positions them far from the reach of state power and as I argue above, Burma’s peripheries have a long history of accommodating this type of mobility. Activists have largely retained that position because they make allegiances, often precarious ones, with local authorities who have traditionally held power in these border regions (Pongsawat 2007; Gravers 2007). They are able to operate in such spaces due to the ambiguous operationalisation of political power and the mobility and connectivity of the space across nation-state borderings. As I have shown above, these characteristics of the
borderlands are not a phenomenon of the modern era, but rather have deep roots in historical uses of the space.

In addition to these historical factors, there are a number of contemporary political reasons the Thai side of the border has come to harbour activists from Burma. In the post-independence era in particular, displaced persons made their way to the Thai-Burma border to escape Burmese government or military persecution. On the Thai side of the border they found some level of protection from the conflict, including refuge and for some settlement in local communities or later, in established refugee camps (Lang 2002). Thailand was often seen as a temporary haven, and those displaced would return to Burma when fighting abated and their safety allowed. However, as the intensity of Burmese military attacks increased throughout the 1980s, the Thai side of the border took on more permanent characteristics. Repeated waves of refugees and political actors arrived at the border, changing the political nature of the space.

There has been a significant opposition or resistance presence along the Thai-Burma border since at least the 1960s, often mirroring both global trends and the various phases of Burma’s conflict. In the 1960s and 70s the Thai-Burma borderlands was a haven for communist groups such as the Communist Party of Burma and communist sympathisers who had strong support from China but were targeted by the Burmese dictatorship. From the 1960s this has also included ethnic minority opposition parties, militias and coalitions, such as the Karen National Union (KNU), the National Democratic United Front (NDUF) and the Ethnic Nationalities Council (ENC). From the late 1980s it also included coalitions that formed as a result of the 1988 student uprising such as All Burma Students Democratic Front (ABSDF) and pro-democracy Burmese opposition political groups or parties such as the National Coalition Government of the Union of Burma (NCGUB) (for comprehensive accounts of some of these groups see Smith 1999; Fink 2009). The 2000s saw more grassroots, issue-driven human rights groups dominate the borderlands, such as the Karen River Watch (environment), Karen Human Rights Group (human rights documentation) and Karen Women’s Organisation (gender and community leadership), to name a few. Some of these groups have established formal networks and structures which continue in some form to do this day, making the borderlands an historically rich environment for opposition, resistance and
activism, and largely able to operate through a mixture of informal support and ambivalence from the Thai state. The presence of these groups along the border can be partially attributed to the absence of the Burmese and Thai states from the day-to-day operations of these border regions, at least until the 1980s anyway. Border operations and practices were largely administered by local authorities with little interference from the central government. The border operated under an informal ‘buffer zone’, where the Thai state negotiated with various ethnic minority groups for the security of its border, rather than with the Burmese state. The buffer zone was a legacy of the Cold War era, where it acted as a barrier stopping communists in China, Burma and Thailand from linking up (Lintner 1992; Fink 2009) as well as using ethnic minority groups to provide cross-border intelligence on Burmese politics and as a defence against Burmese military attacks (Sharples, in press). The buffer zone was quietly dismantled throughout the 1990s so that by the early-2000s there was clear evidence that Thailand had moved away from its localised relationships with ethnic minority groups and towards a more formal relationship with Burma’s governing power.

Over the last three decades, both states have shown increased interest in their shared border and its surrounding territory. From the mid-1990s there was a clear re-ordering of the relationship between the Burmese and Thai states. This was largely driven by economic interests, in particular business opportunities such as the extraction of natural resources and development programs, and to take back territory and control from ethnic opposition groups. The two states developed a tenuous relationship that was an uneasy balance between historical distrust and animosity and a burgeoning diplomatic relationship based largely on economic self-interest. As Burma emerged from thirty years of isolationist policy to embrace an ‘open door’ economic policy, Thailand was eager to make the most of economic development agreements with its resource-rich neighbour. While Thailand has typically housed activists from Burma, it is not without some self-interest and unpredictability. The precarious relationship between the Thai and Burmese states often dictates the level of this hospitality. Thailand has generally provided informal support to activists from Burma. This has often created diplomatic tensions with the Burmese state, culminating in border closures, cross-border skirmishes between the respective militaries and
heated diplomatic discussions and sanctions. The Thai state has also at various points, cracked down on activists, detaining and deporting them as well as severely regulating their movement and activities in the borderlands. For example, throughout the late 1990s and early 2000s there were periodic deportations back across the border—in one instance there were reports of the forcible repatriation of 31 Burmese student activists exiled members of the NLD via the checkpoint at Sangklaburi—as well as temporary closures or relocations of human rights organisations because of the intensity of Thai state attention or enforcement.

While this precarity made the situation of human rights activists in Thailand tenuous, it also created an environment where human rights activists operated by partially using sovereignty, or its lack of, as a protective barrier from the Burmese state, and as a means to conduct unregulated activities. While I will largely argue for cross-border geographies that partially obscure nation-state borders, this should not discount the relevance of national territorial sovereignty and the tangibility of the border. Many human rights activists from Burma have deliberately placed themselves outside the control of the nation-state (of Burma), by emplacing themselves across the border in Thailand. By crossing the border into Thailand and working from that national territory they are giving credence to the national border. The border becomes a real, tangible line on the ground, representing a spatial configuration where safety and security to do human rights work can be found. In other words, the ambiguous, volatile, mobile, penetrative, somewhat ungovernable nature of the space is exactly what enabled the ongoing work of human rights activists. That work is defined by the ways in which human rights activists partially utilised the mechanisms of national sovereign spaces, but also operated outside of them, creating a unique setting in which human rights activism was able to traverse the interstate system.

**Operations of power in the borderlands**

In part, human rights activists have been able to negotiate the borderlands in this way due to the multiple, complex operations of power that occur within and across the space. Before examining the operationalisation of human rights activism as it pertains to cross-border geographies, as I do in the next section,
it is important to understand what some of these key operations of power are and how they shape the cross-border activities of human rights activists. I should also note that this is not a comprehensive listing of these complex operations, but rather a typography of those systems that more specifically inform the work of human rights activists.

While we have seen the strengthening of the global order of nation-states, particularly in the 20th century, many parts of the world, Thailand and Burma included, have fledgling nation-states and historically dispersed systems of authority (Winichakul 1994; Adas 1981; Scott 2009). While their political trajectories differ, Thailand and Burma have never been particularly strong nation-states, and multiple systems of rule, and therefore dispersed authorities of power have been able to thrive, particularly in the countries’ border areas. The complex array of agents and operations of power that occur in the borderlands has led Mary Callahan to observe that ‘political authority rests in the hands of what seems like to outside observers to be a bewildering array of government agencies, warlords, military and paramilitary units, gangsters, foreign firms and syndicates, religious groups and nongovernmental organisations’ (2007, p.48). These operations of power provide important, sometimes discrete, sometimes intertwined conditions for the work of human rights activists. For example, for many decades, ethnic militias controlled the informal gateways between Burma and Thailand (Smith 1999; Ball and Mathieson 2007). This meant human rights activists could negotiate entry and exit conditions with local, sympathetic authorities that operated autonomously of the state and were likely from the same ethnic minority group as them. Thai local authorities also typically determined the level of hospitality towards human rights activists from Burma, both accommodating their presence in Thailand and to some extent providing protection, while making it difficult enough to cause heightened levels of insecurity and in some cases putting lives and work at risk.

Another way to look at the operations of power in the borderlands is the way in which the work of human rights activists is often directed by global funders. Funders can, and do, influence the types of human rights work undertaken, as well as the location and duration of that work, and how and where it might be presented to a larger global audience. With estimates of Thai-Burma border
transversal borderings

assistance groups receiving US$30-$40 million per year to provide food, shelter and medical assistance (Callahan, 2007 p. 37), this is a significant level of funding. Many international funders have withdrawn from the Thai-Burma border since 2011 to pursue work inside Burma, having a significant negative impact on groups working along the border. For example, The Border Consortium, the key nongovernmental organisation providing food and shelter to the refugee camp populations, has reported a 56% decrease in income over the period 2014-2018, with many long-term donors withdrawing their financial support (TBC 2018).

These withdrawals have influenced the nature of the work being done on Burma, re-orientating priorities to development work and obscuring the importance of human rights work. Global funding of human rights work is obtained through complex transnational channels—from traditional avenues such as foreign government aid to more opaque private entities like faith-based organisations and supporters of armed resistance. These latter funding avenues are often privatised operations that provide limited public accountability or assessment of the impact and effectiveness of their work, yet they have provided some of the most sustained funding towards human rights work in Burma.

Linked to funds, is the larger context of international support that moves beyond simply aid. This has included a largely sympathetic international media that have typically portrayed the Karen as the recipients of human rights abuses locked in a struggle against a brutal authoritarian dictatorship/government. The media has proved an important partner in awareness raising as well as mobilising support for action against these abuses. But it has also had undue influence over the nature and reporting of human rights abuses—to some degree setting an agenda that prioritises the funding of work that is ‘political’ and that supports the human rights documentation work done by ethnic minorities. Lisa Brooten is critical of this positioning as the prevalent norm, arguing that it can provide a narrow interpretation of human rights that reifies existing inequalities among the various groups in Burma (2004, p. 176). Brooten provides an example that when the documentation of human rights abuses becomes the key media portrayal of Burma’s conflict, and the basis for support of international governments and funders, there is an imperative for
human rights documenters to seek out human rights abuses, ‘leading to a devaluation of other aspects of villagers’ lives, including the ways in which they are active agents rather than passive victims’ (2004, p. 187). A human rights discourse provides many benefits, but unchecked it also has disquieting limitations, particularly when it becomes a dominant framing that governs the operationalisation of the space.

Another key operation of power in the Thai-Burma borderlands is the role of ethnic armed groups. This can be varied depending on who the armed group is. Ethnic armed groups often held powerful and lucrative positions in the Thai-Burma borderlands, controlling unofficial border checkpoints and informal cross-border trade (Smith 1999). They also often provide services and resources that the state has failed to deliver, such as education, health and protection to populations in the conflict zones (McConnachie 2012; South et al. 2010). In addition, they have portrayed themselves as the protectors of civilian populations against Burmese military attacks, embedding themselves in a narrative of victim-protector that can often obscure their own role in human rights abuses. In terms of human rights activities, ethnic armed groups like the KNLA ensured humanitarian and human rights organisations had access to conflict areas when many international humanitarian organisations were denied entry (Horstmann 2014; McConnachie 2012). They often had intimate knowledge of the terrain in which human rights abuses were occurring and provided wayfare through unpredictable geographies (for example knowing landmine positions and Burmese military battalion locations). This often took the form of an armed escort, creating what Callahan has identified as a situation that reinforces the Burmese government’s claims that ‘...these areas are legitimate (by the Government’s standards) targets of counterinsurgency campaigns’ (2008, p. 36). Armed groups can act as informants to where human rights abuses are occurring, including providing first-hand documentation of such events if they were directly involved. Many of the human rights activists I spoke with talked of the crucial role that ethnic armed groups played in ensuring safe movement through territorial spaces, and that these negotiations were likely to take place at the level of local ethnic minority leadership. There are of course challenges and concerns when operating in such volatile spaces and with such disputed forms of authority, particularly
transversal borderings

when ethnic armed groups can also be perpetrators of human rights abuses. However, it is worth noting the prominent role played by armed groups in the operations of the borderlands space.

As a space that is subject to multiple operations of power—local authorities, global funders, international agencies (refugee camps), nation-states, and armed groups—the Thai-Burma borderlands is a site of complex, localised negotiations of power and control. A principle aspect of these multiple operations of power is that the state occupies a reduced position of authority. The rules are dispersed through a much wider group of authorities and within a more fluid set of parameters. This should not necessarily be seen as a negative but rather the reality of how power operates in the borderlands, resulting in a complex system of political authority that would be better utilised to effect change than a one-size-fits-all approach. Many of the cross-border geographies I have discussed in this article are not immediately evident; some even rely on their obfuscation to operate. This masking is an important characteristic of the space; it allows certain things to occur, largely because they operate out of view and largely because they are not confined to the more rigid structures of the state apparatus. For human rights activists, this ability to operate across multiple interstate borders and through various models of authority, defines both the operationalisation of their work and the nature of the borderlands space.

Cross-border geographies

Saskia Sassen’s work on ‘cross-border geographies’ is a useful framework for how the operationalisation of human rights work in the Thai-Burma borderlands can be understood. A key aspect of Sassen’s cross-border geographies is her articulation of a spatial aberration, in a broad sense the operationalisation of practices that can occur within but also outside of the nation-state. She describes it as a process: ‘… that include only parts of national territories, often excluding most of the pertinent sovereign territory that houses them’, and that these ‘cross-border geographies cut across multiple interstate borders with considerable ease’ (2018, p.7). Sassen talks of the multiple regimes [operations of power] that constitute the border as a novel type of borderings, ‘that function largely outside the framing of the interstate system but are partly embedded in multiple,
often very diverse, national legal systems’ (2018, p. 6). These borderings are ‘partly formalised, partly emergent, and partly not necessarily meant to be formalized nor to be particularly visible’ (2018, p. 7). Sassen looks at this dynamic in the context of corporations and global economic actors, and in particular as ‘extractive economies’ that construct operational spaces that sit outside of traditional national borders in order to meet their own needs (2018, p.13).

I believe that Sassen’s larger argument around cross-border geographies also has some relevance to the borderings of human rights activists, a position she herself seems to hold (2018, p. 7). Sassen argues that in operating in spaces inside national territories but that also connect across national territories, entities create their own geographies, a ‘multi-sited connected geography’ (2018, p. 13). In the context of human rights activists, it might look something like this: a human rights activist locates themselves in the national territory of one country (a) and documents the human rights abuses of another sovereign territory (b). They seek to utilise the legal authority of an inter-state framework such as the UN or the ICC (c) to hold (b) to account for their human rights abuses. In traversing these interstate spaces, human rights activists operate within national sovereign territories but are also making connections across them. In some cases, they also operate in ambiguous, unregulated zones, removed from traditional state frameworks; this may be in the form of unregulated movement through state territories or global information flows that traverse national borders. Here, Sassen’s work on ‘ungoverned territories’ is useful, where she references operational spaces that occur throughout many countries, but that are not necessarily framed by state laws, structures or institutions and that operate within and across national sovereign space (2018; 2006a/b). So that in addition to these cross-border operations, there are also multiple, interconnected trajectories that cut across this multi-sited geography, defining an operational space that connects across nation-state boundaries—movement (people, information), resources (funds, training), legal authority (national sovereignty, international human rights frameworks), and domains (online/offline, formal/informal), some of which I expand upon below.

The work of human rights activists in the Thai-Burma borderlands is operationalised in a way that sits outside national sovereign territories but also
partially utilises national territories and connects across nation-states. Much of the work of human rights activists in the borderlands is centred around a sovereign territory (Burma) that they have no legal status within—most have no Burmese citizenship, despite being born in the country and have no legal status to reside in the country. This lack of legal status makes their access to, and presence in the country complicated, but it does not stop them from entering or traversing Burma’s territory. In traversing the space, they are documenting human rights abuses predominantly enacted by the Burmese state. As recipients of these human rights abuses themselves, and despite their lack of legal status, Burma’s human rights activists have a vested interest in the political authority of the state, and its inherent rights and responsibilities towards its inhabitants. In other words, they are attempting to hold the state accountable to these principles. Here, national territorial sovereignty is both present and applicable.

While inside Burma, one could argue human rights activists also utilise, or to some extent benefit from state infrastructures—they buy goods, they utilise transport, they traverse the road systems, they may even access healthcare. And while this is true in some instances, due to the sensitive nature of their work, most human rights activists would operate through more informal, localised systems that sit outside of state control and ownership. For example, they are more likely to stay in isolated or remote villages outside the gaze of the state or travel by foot to avoid state checkpoints. In this way their presence inside Burma is likely to go largely undocumented. There are no typical footprints—no entry/exit stamps, no leaving of personal details at accommodation sites, no tickets for public transport. The aim of a human rights activist is to tread lightly upon the state’s resources, so that their presence is unknown or at least shrouded from the state. In this way, they are partially utilising state infrastructure while also defying aspects of territorial sovereignty. They therefore have the capacity to operate both within the state system and outside of it.

Another component of these cross-border geographies is the way that human rights activists cross multiple interstate borders, often with considerable ease given their stateless status. I don’t mean to minimise the dangers involved in their work, but rather highlight that for agents who lack passports or other formal identification, crossing national borders through informal channels is
both necessary and accessible to them because of this status. Human rights activists can cross the Thai-Burma border multiple times a year. This almost always occurs through informal channels, meaning there is no official documentation of their movement. This is almost an essential requirement for them to do their work and highlights the importance of being able to operate outside of the mechanisms of the state. As Saw Kyi stated at the beginning of this article, this cross-border movement is essential to his work. He needs to be inside Burma to document the human rights abuses and show solidarity to his people, but he also needs to be in Thailand to access training and resources, network with other local activists as well as globally, and organise the information he has collected and disseminate this to international audiences. It is essential that he is able to move within and through these two sovereign spaces.

This ease of traversing national borders applies even more so to digital flows of information, international networking and material infrastructure—key tools of human rights activism. These mobile, largely inter-state structures are not confined to territorial spaces, though they can be situated there. A significant game-changer for the conflict in Burma, was the arrival of highly mobile, global, digital networks to the borderlands, particularly from the early-2000s. These included new technologies (video, internet), new media (blogs, chat platforms, social media) and more sophisticated messaging (a combination of resources, strategy and training). There is also a temporal element to human rights activism in the borderlands in this digital era. Documentation and dissemination can occur almost simultaneously and in real-time. With an internet connection, evidence of human rights violations can be recorded and uploaded for almost-instant reporting. Human rights violations can also be documented through digitised systems that do not require documentation by a human, for example mapping housing and land destruction using GIS software. While this has been documented to some degree (Brooten 2008; Brooten et al. 2019; Sharples, in press), it remains an under-researched area with important implications for transversal borderings. In many senses, these transversal mobilities represent a paradoxical shrinking of the world; a subjective shrinking of geographical space that is associated with an expansion of consciousness related to ideas, knowledge and accessibility to the greater world (Newman and Paasi 1998).
For example, a Karen person can sit in Thailand (with no legal status) and share human rights abuses they have collected from inside Burma, via the web, to dispersed communities throughout Europe, America or Australia. Using alternative methods, they can also share this information with Karen back inside Burma. They can further compile information gained from this dispersed community and submit human rights reports to the UN in Geneva or a foreign government which could apply pressure to Burma’s military government to cease its oppressive practices. In the end, this information will have traversed countless national borders and political systems, without facing nation-state border restrictions, in an attempt to resolve a localised predicament. It is possible that this constitutes a system that challenges nation-state boundaries on a fundamental level; a system that is reconstituting our conceptual understanding of geographic distance and spatial control (Sassen 2006b; Soguk & Whitehall 1999). While these trajectories pass through national spaces, one can argue that they operate in partially ungoverned spaces when it comes to the reach of the nation-state. As Sassen states:

I see, rather, a multiplication of what is beginning to happen today: the formation of partial, often very specialised, assemblages of bits and pieces of territory, of authority, of rights, that used to be lodged in national states. Some of these assemblages will be private, some public, some will continue to inhabit national spaces but be actually denationalised, others will be global (2006a).

Sassen expands on this point in other areas of her work. She articulates a form of disaggregation of the unity of the nation-state, leading in part to the formation of novel global entities, but with the nation-state remaining the normative reference point (2006b). In this way we can understand instances of both a heightened prominence of territory and nationality, for example in the positioning of the Burmese state’s obligations towards its inhabitants, while at the same time instances of its decline, evidenced by assemblages that are defined by cross-border movement, the operationalisation of interstate spaces and the diminished authority of the state.

While these cross-border geographies are often talked about as highly mobile, transversal linkages, somewhat abstract terms, they are often supported by some very tangible material infrastructures. The most evident of these in the borderlands are education and training opportunities enabled by global
funders and delivered by or at least supported by inter-state organisations and actors. Human rights activists have benefited from trainings on effective human rights documentation, use of multimedia platforms, and writing and presentation skills, particularly orientated towards an English-speaking international audience. These training and education workshops have upskilled local actors in the borderlands to run their own grassroots organisations and campaigns. We can see evidence of this in the highly visible sexual assault and rape reports in the 2000s (see the reports ‘License to Rape’ (SWAN & SHRF 2002) and ‘Shattering Silences’ (KWO 2004) for example) and the Salween Watch Coalition’s campaign against the damming of the Salween River. This material infrastructure has also trained local journalists to be able to report on human rights abuses and community organisers to deliver human rights education and awareness trainings. This material infrastructure is operationalised through a complex set of cross-border movements—from the intricacies of global financial markets to the diplomacy of international governments and the transversal flows of information, knowledge and resourcing. As Sassen notes above, this creates assemblages of dispersed authority which contribute to the ongoing operationalisation of human rights work in the borderlands. Taken together, these aspects make the borderlands a highly contested, multi-scalar zone for inquiry. In the context of Burma’s ongoing political conflicts, it is a tangible line that both hinders mobility and attempts to contain political communities through processes of inclusion and exclusion. It is also, as I mention above, a line between threat and the feeling of safety. It can also be viewed as a ‘thick net’ of cross border social interactions (Acuto 2008), where transnational mobility—of people, resources, knowledge, information sharing—is tantamount to the operationalisation of space, particularly as a site of human rights activism. And finally, it is an operational space of cross-border geographies, where human rights activists place themselves within and across multiple state and non-state spaces.

**Conclusion: Where to for activism in the borderlands?**

Human rights activists in the Thai-Burma borderlands operationalise the space in ways that function outside of the territorial sovereignty of nation-states but also partially utilise sovereign spaces, creating distinct cross-border
transversal borderings

geographies that characterise the space. They conduct frequent and repeated violations of national borders, through the mobility of peoples but also resources (material infrastructure), new technologies and global networking, and information and knowledge sharing. Human rights activists mobilise their work across multiple sovereign territories, not just mobilities between Thailand and Burma, but more widely through international agencies and organisations, and national governments who may fund or support their work in other ways. In this way, they work within complex, highly dispersed and fluid systems of authority. These highly mobile borderings both enable the work of human rights activists and are formed by their practices, creating a mutually beneficial relationship.

Cross-border geographies—like highly mobile populations, global networks and new technologies—with their capacity to operate across national sovereignties, can strengthen the capacity and reach of human rights activists. These cross-border geographies offer viable alternatives for individuals and groups who have traditionally occupied weak positions within the state-making apparatus. Refugees, displaced persons, and the human rights activists who champion their cause, are able to form powerful and collaborative networks against the state, highlighting the importance of cross-border geographies for less powerful populations.

While human rights activists in the Thai-Burma borderlands have benefited from a system that supports these cross-border geographies, there are significant risks to the ongoing viability of their work. An obvious one is the increased interest and expansion of the state into these territorial border areas. In Burma this has been deployed through heavy militarisation and economic development programs, in Thailand through greater regulation and policing of the border areas. This expansion of the state into the borderlands challenges the ongoing work of human rights activists—creating greater risks for their personal safety, but also greater regulation of essential mobilities. At the same time, the role or authority of the state can be seen to be shrinking, particularly in terms of the power and reach of global networks, human rights infrastructure and mechanisms and the mobility of people, ideas and resources that operate largely outside the framing of a system of nation-states.
In addition, the 2011 general elections in Burma had a significant impact on the spatialisation of human rights work in the Thai-Burma borderlands. The withdrawal of funders and international organisations from the borderlands, and the re-location of their work to inside Burma, has threatened the viability of human rights work, in its previous form anyway. Human rights activists have been forced into less formal, more mobile, digital spaces that are less reliant on material resources. This will likely have an impact on how human rights documentation will be used and for what purpose into the future. While the 1990s and 2000s were dominated by human rights documentation that could be submitted to formal human rights bodies, like the United Nations, the current climate is more ambiguous and unsettling, at least in the short term. We are seeing more grassroots-driven, less formal, campaign-orientated uses of the human rights abuse material, facilitated largely by the internet and social media platforms. Diplomatic efforts at the governmental level have proved largely ineffectual; for example, the Burmese government continues to deny the allegations against them regarding their abuses of the Rohingya, leading to cases being brought against them by both the International Criminal Court (ICC) and the International Court of Justice (ICJ). Both cases are yet to run their due course, though it should be noted that the ICJ has no power to enforce punishment should the case be proved.

It seems pertinent then to state that the Thai-Burma borderlands, and the human rights activists who operate there, provide a critical site to examine cross-border geographies that challenge our conceptualisation of sovereign territories and how they operate, particularly when it comes to their treatment of vulnerable populations.

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**Notes**

1 The names of Karen participants in this article are pseudonyms. This is to protect the privacy and safety of those who generously gave their time and stories to this research.

2 Throughout this article I use the name ‘Burma’. Since the 2011 general election, ‘Myanmar’ has been the more commonly used reference to the country, particularly in official channels. However, I use Burma as it was the most commonly used reference for the country during the period I discuss in this article. In addition, many of the Karen people I spoke with as part of this research used Burma, and out of respect for their wishes I have retained the use of Burma in reference to the country.