

Yongyuth Chalamwong  
Naruemon Thabchumpon  
Supang Chantavanich *Editors*

# Temporary Shelters and Surrounding Communities

Livelihood Opportunities,  
the Labour Market,  
Social Welfare  
and Social Security



Springer

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*Editors*

Yongyuth Chalamwong  
Thailand Development Research Institute  
Bangkok  
Thailand

Naruemon Thabchumpon  
Chulalongkorn University  
Bangkok  
Thailand

Supang Chantavanich  
Asian Research Center for Migration  
Chulalongkorn University  
Bangkok  
Thailand

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courageously living in limbo for so long. The lack of legal and political rights of displaced persons should not hinder them from social rights and equal access to social welfare and protection. We draw inspiration from Hannah Arendt (*The Perplexities of the Rights of Man: The Portable Hannah Arendt*, 2000):

Not the loss of specific rights, then, but the loss of a community willing and able to guarantee any rights whatsoever, has been the calamity which has befallen ever-increasing numbers of people...Only the loss of a polity itself expels him from humanity.

And from Michael Ignatieff (*The Need of Strangers*, 1984):

There is no such thing as love of the human race, only the love of this person or that, in this time and not in any other...The problem is not to defend universality, but to give these abstract individuals the chance to become real, historical individuals again, with the social relations and the power to protect themselves...The people who have no homeland must be given ones; they cannot depend on the uncertain and fitful protection of a world conscience defending them as examples of the universal abstract Man.

August 2013

Yongyuth Chalamwong  
Naruemon Thabchumpon  
Supang Chantavanich

# Contents

## **Part I Livelihood Opportunities and the Labour Market in the Temporary Shelters and Surrounding Communities**

<b>1</b>	<b>Introduction</b> . . . . .	<b>3</b>
	Yongyuth Chalamwong, Sasithorn Archapiraj, Songwut Promjene and Panisara Meepien	
<b>2</b>	<b>Research Methodology and Profile of the Shelters</b> . . . . .	<b>9</b>
	Yongyuth Chalamwong, Sasithorn Archapiraj, Songwut Promjene and Panisara Meepien	
<b>3</b>	<b>Literature Review</b> . . . . .	<b>19</b>
	Yongyuth Chalamwong, Sasithorn Archapiraj, Songwut Promjene and Panisara Meepien	
<b>4</b>	<b>Thai Labour Market</b> . . . . .	<b>29</b>
	Yongyuth Chalamwong, Sasithorn Archapiraj, Songwut Promjene and Panisara Meepien	
<b>5</b>	<b>Survey Findings</b> . . . . .	<b>35</b>
	Yongyuth Chalamwong, Sasithorn Archapiraj, Songwut Promjene and Panisara Meepien	
<b>6</b>	<b>Conclusion and Recommendations</b> . . . . .	<b>49</b>
	Yongyuth Chalamwong, Sasithorn Archapiraj, Songwut Promjene and Panisara Meepien	

## **Part II Social Welfare and Social Security**

<b>7</b>	<b>Introduction</b> . . . . .	<b>59</b>
	Naruemon Thabchumpon, Bea Moraras, Jiraporn Laocharoenwong and Wannaprapa Karom	



<b>8</b>	<b>Conceptual Framework</b> . . . . .	<b>65</b>
	Naruemon Thabchumpon, Bea Moraras, Jiraporn Laocharoenwong and Wannaprapa Karom	
<b>9</b>	<b>Current Situation of Social Welfare and Social Security</b> . . . . .	<b>71</b>
	Naruemon Thabchumpon, Bea Moraras, Jiraporn Laocharoenwong and Wannaprapa Karom	
<b>10</b>	<b>Potential Access to Thai Services</b> . . . . .	<b>145</b>
	Naruemon Thabchumpon, Bea Moraras, Jiraporn Laocharoenwong and Wannaprapa Karom	
<b>11</b>	<b>Conclusion and Recommendations</b> . . . . .	<b>163</b>
	Naruemon Thabchumpon, Bea Moraras, Jiraporn Laocharoenwong and Wannaprapa Karom	
	<b>Appendix A: Training Programmes Provided in the Shelters</b> . . . . .	<b>171</b>
	<b>Appendix B: Thai Labour Market</b> . . . . .	<b>173</b>
	<b>Appendix C: Aliens Working Act, B.E. 2521 (1978)</b> . . . . .	<b>177</b>
	<b>Appendix D: Immigration Act</b> . . . . .	<b>185</b>
	<b>Appendix E: List of Key Informants</b> . . . . .	<b>207</b>
	<b>Appendix F: Budget Data</b> . . . . .	<b>211</b>
	<b>Bibliography</b> . . . . .	<b>213</b>
	<b>Chulalongkorn University</b> . . . . .	<b>217</b>
	<b>The Institute of Asian Studies (IAS)</b> . . . . .	<b>219</b>
	<b>Asian Research Center for Migration (ARCM)</b> . . . . .	<b>221</b>
	<b>About the Contributors</b> . . . . .	<b>223</b>
	<b>About the Editors</b> . . . . .	<b>225</b>
	<b>About this Book</b> . . . . .	<b>229</b>

# Abbreviations

ADRA	Adventist Development and Relief Agency
AIGPP	Agricultural Income Generation Pilot Project
AMI	Aide Medicale Internationale
ARC	American Refugee Committee
CAN	Community Agriculture and Nutrition (implemented by TBBC)
CBO	Community-Based Organisation
CCEE	Camp Committee Education Entity
CCSDPT	Committee for Coordination of Services to Displaced Persons in Thailand
CEAB	Community Elder's Advisory Board
COERR	Catholic Organisation for Emergency Relief and Refugees
DFID	Department for International Development (UK)
DKBA	Democratic Karen Buddhist Army
DPs	Displaced Persons
ECHO	European Commission Humanitarian Aid Office
EFA	Education for All
EU	European Union
EVI	Extremely Vulnerable Individuals
HIS	Health Information System
HIV	Human Immunodeficiency Virus
IGP	Income Generation Project
IHE	Institute of Higher Education
INEE	Inter-Agency Network for Education in Emergencies
IPD	In-Patient Department
IRC	International Rescue Committee
JRS	Jesuit Refugee Service
KED	Karen Education Department
KG	Kindergarten
KnED	Karenni Education Department
KNLA	Karen National Liberation Army

KNRC	Karenni Refugee Committee
KNU	Karen National Union
KnWO	Karenni Women's Organisation
KRC	Karen Refugee Committee
KRCEE	Karen Refugee Committee-Education Entity
KSNG	Karen Student Network Group
KWO	Karen Women Organisation
KYO	Karen Youth Organisation
LAC	Legal Assistance Center
MCH	Maternal and Child Health
MOE	Ministry of Education
MOI	Ministry of Interior
MOJ	Ministry of Justice
MOPH	Ministry of Public Health
MSF	Medicine Sans Frontiers
NFE	Non-formal Education
NGO	Non-governmental Organisation
NSC	National Security Council
OBEC	Office of Basic Education, Thai Ministry of Education
OCEE	Office of Camp Education Entity
ONIE	Office of Non-formal and Informal Education, Thai Ministry of Education
OPD	Out-Patient Department
ORS	Oral Rehydration Salt
PAB	Provincial Admissions Board
PPAT	Planned Parenthood Association of Thailand
PTSD	Post Traumatic Stress Disorder
RTG	Royal Thai Government
SDC	Skill Development Center
SFP/TFP	Supplementary and Therapeutic Feeding Programmes
SGBV	Sexual and Gender-Based Violence
SPCP	Strengthening Protection Capacity Project
SSS	Sugar Salt Solution
TB	Tuberculosis
TBBC	Thailand Burma Border Consortium
THB	Thai Baht
UKDF	USA Kanae Development Foundation
UN	United Nations
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees

UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
VCT	Voluntary Counselling and Testing
VSO	Voluntary Service Overseas
VT	Vocational Training
WE	World Education
WEAVE	Women's Education for Advancement and Empowerment
WHO	World Health Organisation
ZOA	ZOA Refugee Care



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**Map 1** Map of Thailand. Source <http://www.landkartenindex.de/kostenlos/>. This map is not protected by copyright

# Executive Summary

The situation of displaced persons along the Thai–Myanmar border is one of the most protracted and intractable of the world’s refugee situations. As of February 2011, the Thailand Burma Border Consortium (TBBC) estimates that 142,653 people were living in temporary shelters. The settlements within Thailand have long endured, with the “displaced person” status attached to the residents, a label arising from the Royal Thai Government’s non-signatory position on the UN Refugee Convention. This status, in effect, leaves the residents in limbo; formally confined to the settlements, they are largely dependent on humanitarian aid until the various actors, including the Royal Thai Government (RTG), the international community, NGOs and the Government of Myanmar, find a permanent solution.

This book examines two aspects of the lives of the displaced persons. Part I looks at employment prospects, examining how displaced persons, legally or otherwise, generate income, what the demand and supply is for labour in and near the settlements, and possible solutions to improve the situation and economic well-being of displaced persons and their families, as well as reducing aid dependency. Part II looks at social welfare and security in the camps, focusing on issues such as education, justice, food supply and personal security. It examines the level of security that displaced persons feel and experience, and looks at ways of improving those levels.

Part I examines three temporary shelters: Ban Tham Hin in Ratchaburi province, Ban Mai Nai Soi in Mae Hong Son province, and Ban Mae La in Tak province. In each shelter, a variety of research methods was used to analyse livelihoods and labour market opportunities of displaced persons. Ratchaburi province has a large number of migrant workers, with no direct need to employ displaced persons, but local investors and entrepreneurs were willing to employ the displaced persons, and take responsibility for registration processes, if the government would relax its policies. In Mae Hong Son, the agriculture sector is mostly subsistence, and employment opportunities are strongly seasonal. The labour demand of service sector, especially tourism, is largely met by migrant labour from Myanmar and other neighbouring countries, and members of hill tribes. Tak province has an excess supply of labour, and employers are hesitant to hire displaced persons because of possible conflict with the Myanmar government.

Most displaced persons have low income but an increasing demand for cash, forcing displaced persons to engage in income generating activities. The four main

activities, focused inside the settlements, are agriculture, animal husbandry, stipend work and casual work. Relatively few displaced persons work outside the shelters; those that do are mostly engaged in casual work in the agricultural sector.

Livelihood pilot projects implemented by NGOs mostly involve agricultural activities, handicrafts and sewing. Impact on income generation has been minimal; the programmes primarily aim to increase self-reliance, and the number of displaced persons involved is limited. There have been gains, though, in overall family income and in positive relations with adjoining communities, and aid dependency has been reduced. Overall, though, more complex, longer term solutions are recommended, including return to Myanmar or relocation to a third country. In the meantime, perseverance in developing the livelihoods of displaced persons is required to achieve a reasonable quality of life. Options include promoting temporary jobs and subcontracted activities inside the shelters; stipend work such as food management, education, health and security; and small businesses such as restaurants, bakeries and grocery shops. Sewing and handicraft programmes should be further developed.

Part II assesses and analyses the social welfare and social security situation of the displaced persons, who are essentially dependent on external assistance for basic needs and services through the provision of food and non-food items as well as support for education, healthcare and justice. Three temporary shelters and surrounding local communities were examined: Tham Hin settlement in Ratchaburi province; Mae La in Tak province; and Ban Mai Nai Soi in Mae Hong Son province.

Because displaced persons are not permitted to leave the shelters, the majority are entirely dependent on food rations for their basic physical survival. The Thailand Burma Border Consortium (TBBC) provides food, shelter materials, and non-food items, but budget cuts have meant decreasing food rations, and RTG policy prohibits new arrivals from receiving food rations.

The 4As framework is used to analyse the current education provision. Since 1996, international NGOs have supported community-based organisations to deliver educational services at all levels in the temporary shelters, with demand especially high for English and Thai language teaching, vocational training in skills demanded by the job market, and as agricultural skills. Teacher turnover is high and retention of qualified teachers is problematic; and there is a shortage of funds to support education services. Education is generally accessible for the Karen majority, but ethnic, cultural, religious and language barriers limit access for others such as Muslims. Displaced persons could access the Thai educational system, in line with the RTG's Education for All policy, but this will need adequate resources, clear guidelines, and policy clarity.

Primary health services, training, information campaigns and programmes, and rehabilitation services are provided by NGOs in partnership with CBOs. Preventive and curative care is available, and programmes cover possible epidemic diseases such as malaria, tuberculosis and HIV/AIDS. Referral can be made to Thai hospitals, but many new arrivals lack the required formal documentation. Lack of knowledge about disease prevention and treatment, in addition to hygiene, is widespread.

More formal and strategic collaboration among healthcare stakeholders, and the strengthening of existing collaboration, is needed. Displaced persons want to access healthcare services in local hospitals and clinics independently without NGO referral; language barriers, and the possibility of arrest due to leaving the temporary shelters, would need to be addressed.

Personal security, political security, and community security are vital issues for displaced persons, including levels of crimes and civil disputes, traditional community-based justice and the Thai justice system, and mechanisms to prevent Sexual and Gender-Based Violence (SGBV). Violence exists in the shelters, with women particularly vulnerable to SGBV incidents, especially if disabled, divorced, separated or unmarried. Access to the Thai justice system is facilitated by the Legal Assistance Centers, administered by the International Rescue Committee, which exist in three out of nine shelters, but there are barriers for displaced persons, including language, lack of transportation, fear of reprisal, concern about police reaction, and ignorance of the system. SGBV cases are subject to procedural and regulatory limitations, such as the three-month statutory limitation on reporting sexual crimes. Officials in the traditional community-based justice system prefer to deal with cases in the shelter first before referring cases to the Thai justice system.

The current provision of social services is not sustainable, and failure to explore alternative options will place the human security of displaced persons under serious threat. The recent RTG policy prohibiting new arrivals from receiving food rations is a direct challenge to food security. The educational opportunities for displaced persons are presently limited to programmes and services offered in the shelters; allowing access to Thai education at all levels will significantly contribute to fulfilling the 4As framework for the right to education and the overall human security of displaced persons.

Healthcare provided on an *emergency-oriented response* basis faces several challenges due to the protracted nature of the current situation, not least funding, and alternatives need to be implemented. For security and legal protection of displaced persons, the largest overall challenge is their legal status. Displaced persons cannot directly access the Thai justice system by themselves, and it is difficult to deal with complex legal issues in an enclosed environment, especially for complicated cases. The capacity of the community-based justice system is limited, there is lack of capacity of temporary shelter justice officials, and the administration of justice in SGBV cases, especially for children, women and youth, is problematic. There is urgent need for legal reform in the community-based justice system, as laws are confusing and inappropriate.

Local Thai communities often blame displaced persons for problems in their community, and tensions have occurred. Local communities are particularly concerned about deforestation, substance abuse, communicable diseases, crimes and social disorder related to the presence of temporary shelters. Local community members often feel resentment over the international humanitarian assistance and attention given to displaced persons. Language and cultural barriers lead to further



misunderstandings and misperceptions. The RTG and NGOs need to increase opportunities for interaction between local Thai communities and displaced persons, through expansion of resources and services for both groups and promotion of cultural exchanges, as well as public awareness campaigns.

Many of the findings and recommendations of this book are in line with the Five-Year Strategic Plan of the Committee for Coordination of Services to Displaced Persons in Thailand/United Nations High Commissioner for Refugees (CCSDPT/UNHCR, 2009). This strategic plan emphasises the development of significant new frameworks and policies for displaced persons, including greater ability for displaced persons to move outside the shelters, particularly for educational and livelihood-related purposes, as well as increased access to the Thai judicial system and other essential government services. Documentary and field data findings both point to the necessity of exploring gradual and partial access of displaced persons to key social services in local Thai communities, including education, healthcare, and justice administration services. Opening up dialogue and opportunities for alternative solutions to the current situation will contribute to strengthening the human security of displaced persons. Finding sustainable solutions to the current protracted situation may need to go beyond the host country's traditional responsibility; placing full responsibility on the host country to provide social services creates an increased burden, and may lead to forced repatriation of displaced persons. Responsibility for the sustainable social welfare and protection of displaced persons should be equally shared among international agencies, the RTG as the host country, and civil broader society.

**Part I**  
**Livelihood Opportunities and the Labour**  
**Market in the Temporary Shelters and**  
**Surrounding Communities**

# Chapter 1

## Introduction

**Yongyuth Chalamwong, Sasithorn Archapiraj, Songwut Promjene  
and Panisara Meepien**

**Abstract** A brief history of the protracted Burmese refugee situation is given, outlining its origins in the recent political history of Myanmar, including its ethnic diversity and the conflicts and tensions arising from it. The current status of the Burmese refugees, or *displaced persons*, as defined within the formal policy of the RTG, in the border settlements inside Thailand is examined, including the current policies and stance of the RTG. A brief explanation of the current labour market for refugees is given, before listing the research objectives. These include exploring in more detail the current practice of displaced persons in employment, including working inside and outside the settlements, the barriers to employment, the potential for improvements in the labour market, demand from Thai employers and the level of income displaced persons can expect. The study also aims to recommend changes for various *factors that could improve the labour situation for displaced persons*.

**Keywords** Livelihood · Opportunities · Refugee · Thai–Myanmar borders · Labour market · Employment

### 1.1 Background

Myanmar, officially the Republic of the Union of Myanmar, has a total area of 676,590 km<sup>2</sup>. It is located on the mainland of South-East Asia, and shares borders with China, Laos, Bangladesh and Thailand. Myanmar has an estimated population

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Y. Chalamwong (✉) · S. Archapiraj · S. Promjene · P. Meepien  
Human Resource & Social Development Program, Thailand Development Research  
Institute, Ram Kamhaeng 39, Ram Kamhaeng Road, Bangkok 10310, Thailand  
e-mail: yongyuth@tdri.or.th

of almost 54 million.<sup>1</sup> It has a diverse population; there are over a hundred ethnic groups. Officially, Myanmar's population is divided into eight major national races: the Burman, Shan, Mon, Kayin, Kayah, Chin, Kachin and Rakhine. The Myanmar government has further subdivided these eight groups into 67 sub-groups.<sup>2</sup> Myanmar's ethnic tensions arising from this diversity have contributed to Myanmar's political unrest. Since 1992, Myanmar has been governed by a military junta, which has frequently been accused of repressing ethnic minority activists.<sup>3</sup>

Myanmar gained independence in 1948 and has since then become home to some of the world's longest-running insurgencies. Although various ceasefire agreements have been made, some active insurgent groups still refuse to accept them (Paul/Core 2009). The ongoing political unrest has a devastating effect on local populations and the country as a whole. This has given rise to a large outflow of ethnic minorities from Myanmar into neighbouring countries. From these, Thailand has been the most popular destination, although few displaced persons considered Thailand to be their final destination, preferring to stay only temporarily until they could move to a third country, with the United States and the Netherlands as the most favoured final destinations. However, in recent years, for various reasons, these countries have reduced their refugee quotas, leading to an increase in displaced persons residing in Thailand.

Over the last three decades Thailand has hosted almost 3 million displaced persons.<sup>4</sup> The Royal Thai Government (RTG) has provided humanitarian assistance for these ethnic minorities by giving them shelter, but has denied them refugee status. Instead, the RTG has regarded them as 'displaced persons'. Displaced persons have been allocated only temporary shelters along the Thailand–Myanmar border; the RTG did and does not envisage permitting the displaced persons to stay permanently in Thailand. The RTG's policy of repatriation of the displaced persons to their original countries has, however, proved difficult in practice. Many countries have gradually reduced their resettlement quotas for refugees, making repatriation increasingly difficult. On the stated grounds of national security, the RTG has therefore adopted confinement policies aimed at

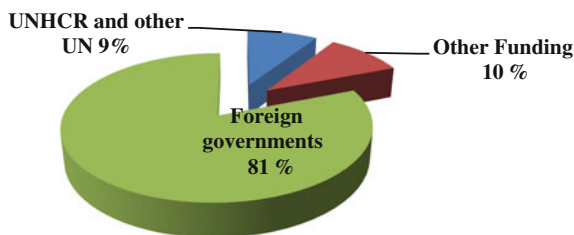
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<sup>1</sup> See at: <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html> (accessed in March 2011). *Note* estimates for this country take into account the effects of excess mortality due to AIDS; this can result in lower life expectancy, higher infant mortality, higher death rates, lower population growth rates and changes in the distribution of population by age and sex than would otherwise be expected (July 2011 est.).

<sup>2</sup> See at: <http://www.guideformyanmar.com/myanmarpeople.html> (accessed in March, 2011).

<sup>3</sup> The repression of ethnic minority activists in Myanmar, Amnesty International (February 2010).

<sup>4</sup> "Over the last three decades Thailand has hosted almost 3 million refugees. Currently around 150,000 refugees from Myanmar live in 9 camps along the Thailand-Myanmar border and at least 1,000 asylum-seekers reside in urban areas. In addition, more than 200,000 other Myanmar refugees, including ethnic Shan fleeing human rights abuses in Shan State, are believed to be living outside the camps in Thailand."—A Comprehensive Plan Addressing the Needs of Displaced Persons on the Thailand/Myanmar (Burma) Border in 2007/8, CCSDPT/UNHCR (2007).



**Fig. 1.1** Source of funding provided for displaced persons in 2009. *Source* TBBC programme report: Burmese border displaced persons, October 2010, p. 137

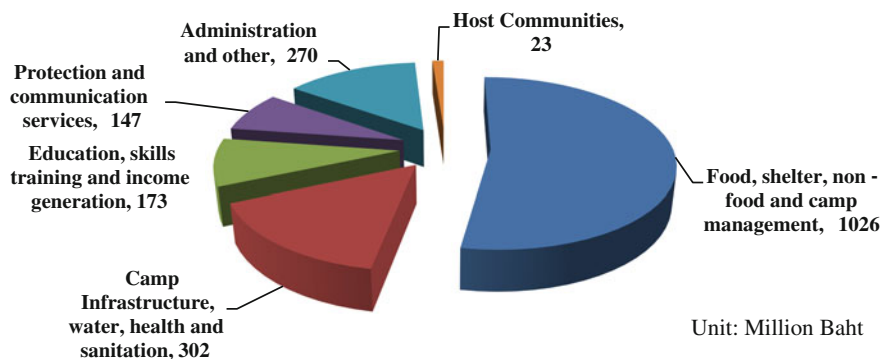
prohibiting displaced persons from leaving their allocated shelters or engaging in income generating activities outside their shelters.

Such confinement policies have been implemented since 1984 and have attracted criticism for creating dependency among the displaced persons. While the policies are legitimate and their adoption, on the ground of national security concerns, understandable, disallowing displaced persons from work outside their allocated shelters has increased their reliance on humanitarian assistance, and strained the RTG and the donor community. Moreover, the restrictions placed on displaced persons' freedom of movement have negatively affected their psychological health.<sup>5</sup>

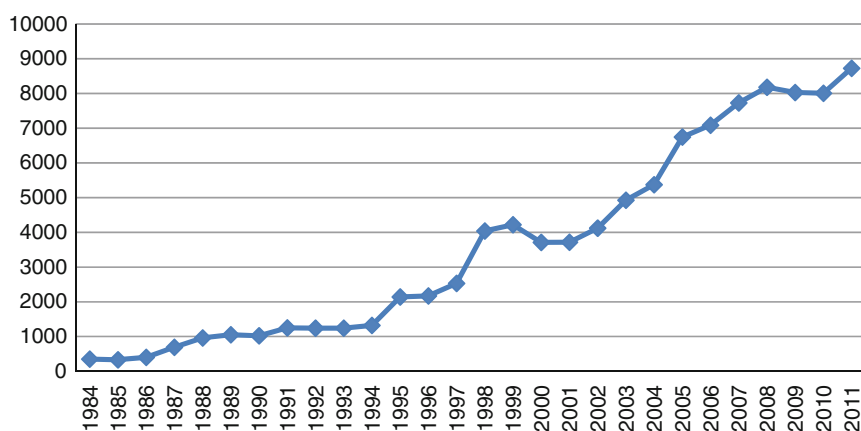
Displaced persons in the shelters depend on humanitarian aid from various agencies. These include the RTG; UN agencies, especially the United Nations High Commissioner for Refugees (UNHCR); and NGOs such as the Thailand Burma Border Consortium (TBBC), ZOA Refugee Care (ZOA) and COERR. According to the TBBC Programme Report, January to June 2010, the total budget spent on displaced persons along the Thai–Myanmar border in 2009 was 1,942 million baht, with the largest amount of funding provided by foreign governments such as Denmark, Canada and Sweden. This category accounted for 81 % of the total funding in 2009 (Fig. 1.1), with UNHCR and other UN agencies providing 9 % of the funding, and other sources 10 %.

The European Union (EU), through the European Commission's Humanitarian Aid and Civil Protection department (ECHO), is another major donor assisting the displaced persons. Funding is mainly directed at food aid, health care and the provision of clean water and sanitation. The 2011 ECHO report showed €8 million has been committed to support displaced persons in six temporary shelters, and the total since 1995 has been approximately €103 million. The funding has been provided through the implementing partners such as the TBBC, Aide Medicale Internationale (AMI), Malteser International, International Rescue Committee (IRC), ZOA and United Nations High Commissioner for Refugee (The European Commission 2011) (Fig. 1.2).

<sup>5</sup> A Comprehensive Plan Addressing the Needs of Displaced Persons on the Thailand/Myanmar (Burma) Border in 2007/8, CCSDPT/UNHCR (2007).



**Fig. 1.2** Expenditure by sector in 2009. *Source* TBBC programme report: Burmese border displaced persons, October 2010, p. 136



**Fig. 1.3** Cost per displaced person per annum. *Source* TBBC programme report: Burmese border displaced persons, October 2010, p. 90

The cost per displaced person per annum in 2009 (Fig. 1.3) was approximately 8,000 baht. During the past 25 years, the cost per displaced person per annum has generally increased. This trend is expected to continue into 2011. The cost per displaced person generally depends on two variables; the total amount of funding available and the number of displaced people.

## 1.2 Research Objectives

The research objectives for this part of the study were to:

- determine the economic situation of displaced people in temporary shelters;
- determine the economic gap between displaced people residing in temporary shelters and the locals residing outside temporary shelters;
- identify the attitude of displaced persons towards work and their preferences regarding the types of jobs and expected wages whilst taking into account gender aspects;
- study the demand for labour at the regional, provincial and district levels in major sectors, taking into consideration the national development plan and to assess whether there are any mutually beneficial employment possibilities;
- study the socio-economic impacts on the local economy from allowing displaced people to work outside their temporary shelters;
- study the opportunities for sub-contracted work in the temporary shelters;
- provide recommendations on improving the livelihood of displaced people in the temporary shelters; and
- study the pilot livelihood projects in the temporary shelters.

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## Chapter 2

# Research Methodology and Profile of the Shelters

**Yongyuth Chalamwong, Sasithorn Archapiraj, Songwut Promjene and Panisara Meepien**

**Abstract** The framework and scope of the research is outlined, together with research methods and limitations. Livelihood opportunities are identified, and comparisons drawn between those inside and outside the settlements, comparing income and cashflow. Both supply and demand are examined for the labour market. A variety of research methods are used, including in-depth and key informant interviews, focus groups and questionnaires, as well as the initial desk research. Limitations included the current formal status of the displaced persons, which limits their opportunities; and the overall scope of the interviews. The three settlements studied are outlined in terms of demographics and other key population characteristics.

**Keywords** Research methods • In-depth interview • Key informant interview • Focus group • Questionnaire

## 2.1 Conceptual Framework

The livelihood and employment opportunities of displaced persons occupy centre stage in the research framework. The research team compared the livelihood of displaced persons' households with members working inside the temporary

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Y. Chalamwong (✉) · S. Archapiraj · S. Promjene · P. Meepien  
Human Resource & Social Development Program, Thailand Development Research  
Institute, Ram Kamhaeng 39, Ram Kamhaeng Road, Bangkok 10310, Thailand  
e-mail: yongyuth@tdri.or.th



shelters, with displaced persons' households with members working outside the temporary shelters.<sup>1</sup> The team also looked at cash income, the source of the income and income generating activities in order to compare the two groups.

The research team looked at both the demand and supply sides of the labour market. For the demand side, the team studied the overall demand for labour for each educational level and identified the demand for displaced people's labour both inside and outside the shelters. For the supply side, the displaced persons' population was studied to identify the number of people of working age (i.e. the workforce), the number of displaced persons who are willing to work and the displaced persons' educational background. The factors that affect displaced persons' decisions to enter the labour market were also examined (Fig. 2.1).

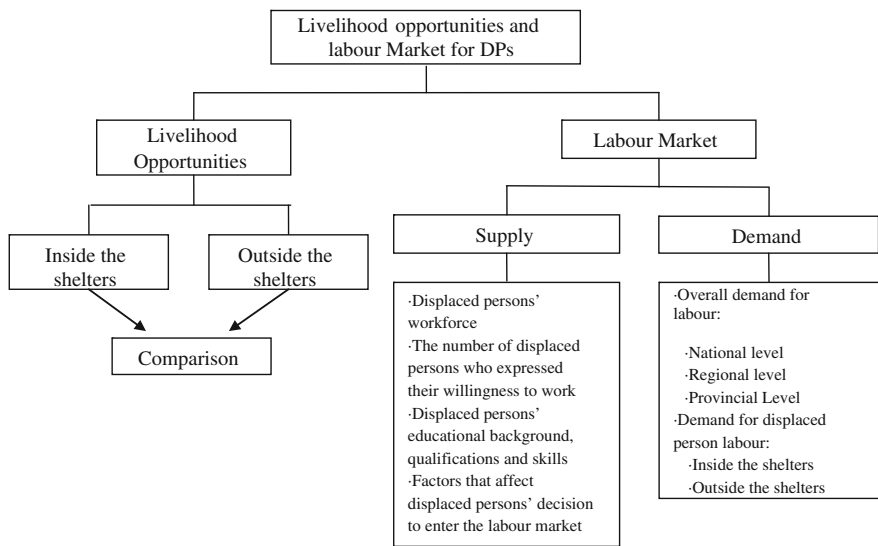
## 2.2 Research Methodology and Analytical Tools

Secondary data, participatory assessments and field surveys were used. Gaps in the current state of the knowledge and the remaining information gaps were identified through background analysis and a comprehensive desk review looking at existing data and studies and information at the national, regional and provincial levels were used. The research team considered documents relating to the livelihood opportunities and the existing income generating activities of displaced persons residing in shelters located along the Thai–Myanmar border, as well as documents relating to the willingness of local entrepreneurs to employ displaced persons. Existing data related to Thailand's labour market, data from the Socio-Economic Survey (SES) and the UNHCR Statistical Online Population Database were considered.

Participatory assessment included focus group discussions and in-depth interviews and questionnaires in the studied locations. For the focus group discussions, the research team divided each focus group into two groups; the first group consisted mainly of local authorities and local entrepreneurs; and the second group consisted of camp committees and displaced people who had experience working outside the shelters. The focus group discussions with local authorities and local entrepreneurs were primarily concerned with the labour market situation, the demand and supply of labour in the province and demand for the displaced person workforce. However, these groups also discussed the limitations to employment of displaced people, and sustainable solutions regarding the livelihoods of displaced people. A total of 15 participants attended the focus group in Ratchaburi province, 13 in Mae Hong Son province and 12 in Tak province.

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<sup>1</sup> Note: While the law is strict and states that displaced people are prohibited from leaving and/or working outside their temporary shelters, law enforcement is more relaxed. In practice there often exist unwritten agreements or understandings between displaced people and the officers, with the latter turning a blind eye on displaced people who work in the nearby areas.



**Fig. 2.1** Conceptual framework. *Source* Authors' compilation

The focus group discussions with camp committees and displaced people who had experience of working outside the shelters were concerned with topics including displaced persons' job preferences, job criteria and wages, their willingness to work both inside and outside the shelters, the skills they would like to learn, and factors which influenced their decision to enter the labour market. Discussions with camp committees were mainly about the livelihoods of displaced people, sources of income, possibilities for skills training and potential resolutions to improve the livelihood of displaced people. There were 30 participants in Ratchaburi province, 15 in Mae Hong Son province and 20 in Tak province.

For in-depth interviews with key informants, the research team interviewed Tambon Administrative Organisations (TAO) and NGOs (ZOA, COERR, TBBC and WEAVE). The TAOs focused on the impacts of the temporary shelters and the economic activities employed by displaced people on the livelihoods and employment of the local communities, while those with NGOs looked at the livelihoods of the displaced people. The ZOA discussion was on the Agricultural Income Generation Pilot Project (AIGPP), while TBBC focused on the Community Agriculture and Nutrition (CAN), and WEAVE on the Economic Empowerment Development (EED). In addition to these livelihood improvement programmes, the NGOs also talked about possible resolutions to sustain the livelihoods of displaced people.

Finally, questionnaire surveys were conducted with displaced people. The questionnaire was divided into two parts; the first part collected demographic information while the second part dealt with labour market and employment opportunities.

The research was conducted in three locations: Ban Mae La temporary shelter (Tak province), Tham Hin temporary shelter (Ratchaburi province) and Ban Mai Nai Soi temporary shelter (Mae Hong Son province). The three locations were selected based on the livelihood pattern of displaced persons residing in the temporary shelters. The participants were selected by stratified random sampling. The sample size the research team used was approximately 400 (assumed error of sampling: 0.05). The total sample size was 437, with 223 respondents from Ban Mae La, 111 respondents from Tham Hin and 103 respondents from Ban Mai Nai Soi (Table 2.1).

For analytical tools, econometric programmes such as the Statistical Package for the Social Sciences (SPSS), Stata and Economic view (E-view) were used.

## 2.3 Limitation of the Research

Three limitations need to be acknowledged and addressed regarding the research. First, while the research aimed to find out the opportunities for displaced persons to participate in the labour market outside the temporary shelters, an important barrier was the legal status of displaced persons. Although local entrepreneurs in selected areas showed their willingness to employ displaced persons from the temporary shelters, the legal position made this impossible. Furthermore, the Thai labour market now faces excess supply of migrant labour. This apparently also holds true for Ratchaburi province and Tak province, and therefore the research has been less concerned with the opportunities outside the temporary shelters.

The second limitation concerned primary data utilising person-to-person interviews. Not all issues were explored during the survey due to time constraints and, partially, due to the limitation in communication. Although the research team used interpreters during the interviews, the interpreters did not always appear to fully understand the Thai language. Thus, there were some misleading messages during the collection of primary data. In addition, the questionnaire was not designed to collect information about training needs, thus the part of the analysis dealing with training needs may not be fully accurate.

The third limitation concerned secondary data. Much of the published data was outdated, in particular the data for migrant workers in the labour market. It was found that the latest statistics for migrant workers were collected in 2009 by the National Statistic Office (NSO).

**Table 2.1** Number of participants in survey

Temporary shelter	Age of respondents (years)			Total (participants)
	15–30	31–44	45–60	
Tham Hin	49	37	25	111
Ban Mae La	93	87	43	223
Ban Mai Nai Soi	47	34	22	103
Total	189	158	90	434

*Source* Survey

**Table 2.2** Demographic information of displaced persons in three studied temporary shelters

		Tham Hin	Ban Mai Nai Soi	Mae La	Total
Status	Registered	4,343	12,673	26,712	43,728
	Unregistered	4,251	2,932	20,280	27,463
Female	>5-years old	3,627	6,230	19,859	29,716
	<5-years old	642	1,256	3,163	5,061
Male	>5-years old	3,693	6,838	20,709	31,240
	<5-years old	632	1,281	3,261	5,174
Ethnicity	Burman	96	34	1,276	1,406
	Chin	0	1	67	68
	Kachin	0	3	280	283
	Karen	8,498	810	40,675	49,983
	Karenni	0	13,999	45	14,044
	Rohingya	0	0	14	14
	Shan	0	498	99	597
	Other	0	260	4,536	4,796

Source TBBC programme report January to June (2010: 115)

## 2.4 Profile of the Shelters

### 2.4.1 Demographic Information

In all three temporary shelters, the number of registered displaced persons outnumbered the number of unregistered persons, although the proportions vary. In Ban Mai Nai Soi shelter, the proportion of registered displaced persons was significantly higher than the unregistered. The proportion of males and females and their demographic structures were similar in all three shelters (Table 2.2).

In terms of ethnic composition of the population, there was a noticeable difference between the three temporary shelters. In Tham Hin, all residents were Karen, in Mae La the majority was Karen with various other ethnic groups. In Ban Mai Nai Soi, the majority was Karenni, with the Karen only a small minority, along with Shan and a number of other ethnic groups.

### 2.4.2 The Displaced Persons and Basic Education

About 26 % of the total population in Mae La shelter and almost 20 % of the total population in Tham Hin shelter have participated in basic education provided by ZOA.<sup>2</sup> There is no apparent difference in education enrolment between males and females in both shelters. However, for both shelters the number of students clearly

<sup>2</sup> 2009–2010 Academic Students Statistics in seven Karen shelters (unpublished statistics), ZOA Refugee Care, 2010.

**Table 2.3** Basic education of displaced persons in Mae La and Tham Hin temporary shelters

Grades	Mae La: number of student sitting for examinations March 10			Tham Hin: number of student sitting for examinations March 10		
	Male	Female	Total	Male	Female	Total
Kindergarten	153	152	305	117	117	234
1	715	745	1,460	85	90	175
2	614	560	1,174	90	55	145
3	666	672	1,338	98	81	179
4	508	487	995	76	82	158
5	571	568	1,139	64	56	120
6	433	487	920	49	70	119
7	359	388	747	50	71	121
8	334	318	652	42	62	104
9	352	331	683	49	68	117
10	302	306	608	43	66	109
11	235	232	467	32	60	92
12	207	174	381	9	27	36
Total	5,449	5,420	10,869	804	905	1,709

*Source* 2009–2010 Academic students statistics in seven Karen shelters; unpublished statistic of ZOA

**Table 2.4** Basic education of displaced persons in Ban Mai Nai Soi shelters

	Ban Mai Nai Soi (as of July 2010)		
	Male	Female	Total
P 1	218	150	368
P 2	121	135	256
P 3	265	244	509
P 4	198	194	392
P 5	53	26	79
P 6	132	122	254
Total	987	981	1858

*Source* Unpublished statistic of Jesuit Refugee Service (obtained in January 2011)

decreases when the level of education rises (Grade 1–12). Interestingly, this trend is not visible in Ban Mai Nai Soi (Tables 2.3 and 2.4).

### ***2.4.3 Livelihood and Employment Opportunities of Displaced Persons in the Three Studied Shelters***

Tham Hin temporary shelter (approximately 18 acres) is the smallest of the three shelters, followed with Ban Mae La (approximately 460 acres); Ban Mai Nai Soi (approximately 1,000 acres) is by far the largest. Tham Hin's small size could limit

**Table 2.5** Livelihood and employment opportunities of displaced persons

	Tham Hin	Ban Mai Nai Soi	Ban Mae La
Location of shelters	<ul style="list-style-type: none"> <li>Tham Hin shelter is located in Suan Phung district, Ratchaburi province<sup>a</sup></li> <li>It is approximately 53 km away from Ratchaburi<sup>a</sup></li> <li>The shelter is located 10 km from the Myanmar border<sup>a</sup></li> <li>The size of the shelter is approximately 44 rais<sup>a</sup></li> </ul>	<ul style="list-style-type: none"> <li>Ban Mai Nai Soi is located in Tambon Pang Moo, Muang District, Mae Hong Son province.</li> <li>It is 25 km away from Mae Hong Son. It located in thick forest<sup>b</sup></li> <li>The shelter is located 6 km from the Myanmar border<sup>b</sup></li> <li>The size of the shelter is approximately 2,500 rais (400 hectares)<sup>b</sup></li> </ul>	<ul style="list-style-type: none"> <li>Ban Mae La is located in Tha Song Yang district, Tak province. The shelter is situated 60 km from Mae Sot and 1 km from Ban Mae La moo 9</li> <li>The shelter is located along the national road number 105 between Mae Sot and Mae Sarieng<sup>c</sup></li> <li>The shelter is located 10 km from the Myanmar border<sup>c</sup></li> <li>The size of the shelter is approximately 1,150 rais divided into three zones (A, B and C). Each zone is further divided into subzones (A1-A5, B1-B5, C1A, C1B and C2-C5)<sup>c</sup></li> </ul>
Source of income	<ul style="list-style-type: none"> <li>Casual work</li> <li>Remittances</li> <li>Stipend work</li> </ul>	<ul style="list-style-type: none"> <li>Stipend work</li> <li>Petty trading and selling agricultural products</li> <li>Casual work</li> <li>Remittances</li> </ul>	<ul style="list-style-type: none"> <li>Stipend work</li> <li>Casual Work</li> <li>Remittances</li> <li>Petty trading and selling agricultural products</li> </ul>
Income	<ul style="list-style-type: none"> <li>Displaced persons working inside the shelter earned approximately 30–59 baht per day while displaced persons working outside the shelter earned approximately 130–159 baht per day</li> <li>The minimum income per annum was 7,920 baht and the maximum income per annum was approximately 41,976 baht</li> </ul>	<ul style="list-style-type: none"> <li>Displaced persons working inside the shelter earned approximately 30–59 baht while displaced persons working outside the temporary shelter earned approximately 100–129 baht per day</li> <li>The minimum income per annum was 7,920 baht and the maximum income per annum was approximately 34,056 baht</li> </ul>	<ul style="list-style-type: none"> <li>Displaced persons working inside the shelter earned approximately 30–59 baht or less per day while displaced persons working outside the temporary shelter earned approximately 100–129 baht per day</li> <li>The minimum income per annum was 7,920 baht and the maximum income per annum was approximately 34,056 baht</li> </ul>

(continued)

Table 2.5 (continued)

	Tham Hin	Ban Mai Nai Soi	Ban Mae La
Employment activities	<ul style="list-style-type: none"> <li>• Employment opportunities for displaced persons in Tham Hin shelters were as follows:               <ul style="list-style-type: none"> <li>- Agriculture</li> <li>- Sewing</li> <li>- Food distribution</li> <li>- Thatch making</li> </ul> </li> <li>- Weaving</li> <li>- Teaching and providing medical services</li> <li>- NGO employees</li> </ul>	<ul style="list-style-type: none"> <li>• Employment opportunities for displaced persons in Ban Mai Nai Soi shelters were as follows:               <ul style="list-style-type: none"> <li>- Agriculture</li> <li>- Sewing</li> <li>- Food distribution</li> <li>- Thatch making</li> <li>- Weaving</li> </ul> </li> <li>- Teaching and providing medical services</li> <li>- NGO employees</li> </ul>	<ul style="list-style-type: none"> <li>• Employment opportunities for displaced persons in Ban Mae La shelters were as follows:               <ul style="list-style-type: none"> <li>- Animal raising</li> <li>- Agriculture</li> <li>- Sewing</li> <li>- Food distribution</li> <li>- Thatch making</li> <li>- Weaving</li> <li>- Trading livestock</li> <li>- Teaching and providing medical services</li> <li>- NGO employees</li> </ul> </li> </ul>

Source 1. Information obtained from the field surveys in the three studied locations; 2. UNHCR/ILO livelihood report: volume 1 Mae Hong Son Province (2007: 60); 3. UNHCR/ILO livelihood report: volume 1 Tak Province (2007: 80)

<sup>a</sup> <http://www.tbhc.org/camps/skb.htm> Accessed on January, 2011

<sup>b</sup> UNHCR/ILO Livelihood Report: volume 1 Mae Hong Son Province (2007: 60)

<sup>c</sup> UNHCR/ILO Livelihood Report: volume 1 Tak Province (2007: 80)

the possibilities for developing income generating activities inside this shelter. Though Ban Mai Nai Soi has the largest area, the scope for improving displaced persons' livelihood opportunities here is severely limited by its inaccessible location, on a mountain and surrounded by a thick forest, with an hour's drive to get there.<sup>3</sup>

On location, Ban Mae La is considered to have the most potential for improving displaced persons' livelihood opportunities. Its location along the national road 105, between Mae Sot and Mae Sarieng, guarantees relatively smooth access and transportation is available (Table 2.5).

## References

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UNHCR, 2007a: *UNCHR/ILO Livelihoods Report: Executive Summary*: Bangkok: UNCHR/ILO.

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<sup>3</sup> UNHCR/ILO Livelihood Report: volume 1 Tak Province (2007: 80).



## Chapter 3

# Literature Review

**Yongyuth Chalamwong, Sasithorn Archapiraj, Songwut Promjene  
and Panisara Meepien**

**Abstract** A variety of sources are examined, including academic studies, reports from agencies such as the UN, NGOs working directly with displaced persons and reports and information from the government, including legislation and policy relating to the employment status and activity of the displaced people. Existing information on demand and supply for the labour of displaced people is considered, together with sources of information on income levels. Various projects, run by NGOs and other groups, are also examined to assess how these have met their aim of providing employment and income generating opportunities, either directly or through training and skills development.

**Keywords** Legislation • Policy related to displaced people • Demand and supply for labour • Income levels • Employment

### 3.1 Livelihoods Patterns of Displaced Persons

Thailand has not signed the 1951 Convention relating to the Status of Refugees<sup>1</sup> and therefore avoids being held formally accountable for its treatment of displaced persons. The RTG has been providing temporary shelters to the ethnic minorities who have fled from Myanmar, but has not granted them refugee status. Since 1995, the RTG has adopted confinement policies, with displaced persons prohibited from leaving their allocated shelters or engaging in income generating

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<sup>1</sup> ECHO (2009: 1) Livelihoods Vulnerability Analysis in Burmese Refugee Camps in Thailand.

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Y. Chalamwong (✉) · S. Archapiraj · S. Promjene · P. Meepien  
Human Resource & Social Development Program, Thailand Development Research  
Institute, Ram Kamhaeng 39, Ram Kamhaeng Road, Bangkok 10310, Thailand  
e-mail: yongyuth@tdri.or.th

initiatives outside their shelters. Displaced persons in temporary shelters have been receiving humanitarian aid from the RTG, NGOs, foreign governments and UN agencies.<sup>2</sup>

It is clear that the freedom of displaced persons is limited since they are restricted from leaving their shelters. Most are used to making a living through farming; however, the possibilities for agriculture and horticulture are limited to some projects implemented by NGOs, such as ZOA. Some horticulture and tree planting is allowed within the shelter boundaries. Rearing animals in the shelters is officially prohibited but implementation of this regulation varies between shelters.<sup>3</sup>

ECHO (2009) found that productive assets are available in temporary shelters (e.g. skilled labour), but are limited to a small part of the displaced persons (5 % on average, with some variation between shelters). Skilled labour as a source of income was mentioned by 7 % of the households interviewed.<sup>4</sup>

Displaced persons residing in the temporary shelters can be categorised into three groups on the basis of their income levels: 'very poor', 'middle group' and 'better off group'.<sup>5</sup> The study by ECHO also shows that displaced persons' education levels are positively correlated with their income levels (Table 3.1).

**Table 3.1** Displaced persons in temporary shelters categorised by their income levels

Very poor	Middle group	Better off group
<ul style="list-style-type: none"> <li>• Average income &lt;100 baht per month</li> <li>• Household without male of working age</li> <li>• No relatives in shelter</li> <li>• Low education level</li> <li>• No fixed employment</li> <li>• Not owning any vehicles</li> <li>• Majority were of Karen ethnicity</li> </ul>	<ul style="list-style-type: none"> <li>• Average income between 100 and 2,200 baht per month</li> <li>• Relatively high education level</li> <li>• Fixed employment</li> <li>• Possess agricultural land or productive assets</li> <li>• Majority were Buddhists and Muslim households</li> </ul>	<ul style="list-style-type: none"> <li>• Average income &gt;2,200 baht per month</li> <li>• Secondary education or higher</li> <li>• Fixed employment</li> <li>• Often own a shop/vehicles/electronic items</li> <li>• Majority were large families without children under 5-years old</li> </ul>

*Source* Final Report for the European Commission's Humanitarian Aid and Civil Protection Department (ECHO) (2009: 36)

<sup>2</sup> Thailand Burma Border Consortium (TBBC) (2010) Programme Report January to June 2010.

<sup>3</sup> ECHO (2009: 32) Livelihoods Vulnerability Analysis in Burmese Refugee Camps in Thailand.

<sup>4</sup> ECHO (2009: 2) Livelihoods Vulnerability Analysis in Burmese Refugee Camps in Thailand.

<sup>5</sup> ECHO (2009:42) Livelihoods Vulnerability Analysis in Burmese Refugee Camps in Thailand.

### 3.2 Source of Income

Displaced persons generate most of their income from five sources: casual work; stipend work; trading; handicraft/weaving/sewing and remittances.<sup>6</sup> The majority of the income generating activities take place inside temporary shelters, with the rest outside. Some displaced persons manage to escape to work outside their allocated temporary shelters; in most cases they find seasonal employment at farms doing clearing, growing and harvesting.<sup>7</sup>

Vogler (2006) revealed that apart from daytime activities that generate income (e.g. agriculture, livestock, retail, craft and sewing), there are also income generating activities that take place in the evening and night time. These include working in karaoke bars and at film screenings. In addition there are also night time job opportunities in the temporary shelters: shops, for example, need labour to transfer goods.<sup>8</sup>

There were 3,733 incentives workers in four shelters in Mae Hong Son province. Incentives workers tend to work with both the NGOs and the CBOs. The monthly payment that COERR workers receive is about 750–900 baht per month, while a supervisor earns 1,200 baht per month. HI workers receive an average of 700 baht per month while the supervisors earn 1,800 baht per month. ZOA Vocational Training (VT) Centre staff receive 500–1,000 baht per month. JRS and ZOA primary to secondary school teachers receive 500–650 baht per month. IRC medical staff receive 750–1,800 baht per month. The camp committee members receive 400–2,100 baht per month.

### 3.3 Income Generating Programmes in the Temporary Shelters

In an attempt to increase self-help and reduce aid dependency, many NGOs have established income generating programmes and provide vocational training for displaced persons. In occupations such as agriculture, livestock rearing, weaving and cooking, after the displaced persons have acquired skills, they are expected to practice them to create work opportunities and income generation.<sup>9</sup>

The Ministry of Interior (MOI) for income generating activities and skills training have relaxed regulations since 2006; the MOI approved some vocational

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<sup>6</sup> ECHO (2009: 36), Duffy (2007) UNHCR/ILO Livelihood Report.

<sup>7</sup> Duffy (2007) UNHCR/ILO Livelihood Report, Women's Commission for Refugee Women and Children (2006a, b).

<sup>8</sup> Duffy (2007) UNHCR/ILO Livelihood Report.

<sup>9</sup> CCSDPT/UNHCR (2007) Comprehensive Plan 2007/8, European Commission DG (ECHO 2009: 34).

training programmes for implementation in 2007. Furthermore, NGOs are able to establish pilot projects which are implemented in the temporary shelters.<sup>10</sup>

Stakeholders appear to cooperate in promoting and supporting vocational training programmes and income generating programmes. For instance, there is the Livelihoods Stakeholder Committee which comprises ILO, UNHCR and NGOs. This committee enhances cooperation between stakeholders, such as international and national NGOs, and with UN partners. Furthermore, it serves to forge closer links with the RTG.<sup>11</sup> In the CCSDPT/UNHCR Comprehensive Plan 2007/8, many income generating programmes and vocational training programmes were proposed for implementation (Table 3.2).

The study found many other existing income generating programmes and vocational training programmes managed by organisations such as ZOA, TBBC, COERR, ARC, JRS, WEAVE and CBOs. ZOA is the largest provider of income generating programmes and vocational training in seven predominantly Karen populated shelters. During the period 2003–2006, there were 22 training courses provided and 2,984 displaced persons were trained. Most of these trainees participated in computer operation training, followed by sewing training, bakery cooking and auto mechanic.<sup>12</sup>

TBBC's income generating programmes have three focal points: micro-enterprises, agriculture and nutrition, and weaving projects. The aim of TBBC's programmes is to develop the potential for income generation through entrepreneurship training and providing startup capital for small businesses.<sup>13</sup>

Agriculture is being expanded through greater use of indigenous crops, drawing on extensive local knowledge and experience. Furthermore, TBBC is negotiating to rent the land outside and adjacent to the temporary shelters. TBBC, in cooperation with the Forestry Department and local partners, is developing the potential to plant bamboo and develop community forestry management. Market research has been commissioned to explore the potential for expanding weaving production and markets, and also the production of shelter material including roofing materials and concrete post foundation is being explored.<sup>14</sup>

In order to increase self-help and reduce aid dependency, TBBC has developed three income generation programmes:

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<sup>10</sup> CCSDPT/UNHCR (2007) Comprehensive Plan 2007/8.

<sup>11</sup> See Footnote 11.

<sup>12</sup> Brees (2008) ZOA issue paper No. 1: Towards sustainable livelihoods: vocational training and access to work on the Thai–Burmese border.

<sup>13</sup> See Footnote 2.

<sup>14</sup> See Footnote 14.

**Table 3.2** Income generating programmes and skills training programmes

Project title	Objectives	Agency	Location
Income generation and relapse prevention	To relapse in recovering displaced person addicts and to improve the quality of life of their families	<ul style="list-style-type: none"> <li>• Ruammit Foundation</li> <li>• DARE</li> </ul>	Ban Mai Nai Soi (Karen site), Mae Ra, Maluang, Mae La Oon, Umptiem Mai, Nu Po
Strengthening micro-enterprise development services (SMEDS)	To increase the capacity of existing programmes to deliver a complete service in micro-enterprise development	<ul style="list-style-type: none"> <li>Agency</li> <li>• American Refugee Committee (ARC)</li> <li>Partner</li> <li>• TBD</li> </ul>	Umptiem Mai, Nu Po, Ban Dong Yang
Strengthening demand-driven skills development through ZOA's existing Vocational Training Programme (SDSD)	To increase the capacity of ZOA's existing Vocational Training (VT) programme to deliver demand-driven vocational training to increase self-reliance and provide entry level employable skills	<ul style="list-style-type: none"> <li>• UNHCR</li> <li>• ZOA Refugee Care</li> </ul>	Mae Ra, Maluang, Mae La Oon, Umptiem Mai, Nu Po, Mae La, Ban Dong, Yang, Tham Hin
Agricultural activities inside temporary shelter	To increase capacity of existing programme to deliver additional quantities of agricultural goods and value added products for the consumption of temporary shelters and the poor in the local Thai communities	<ul style="list-style-type: none"> <li>Agency</li> <li>• TBD</li> </ul>	TBD depending on agencies involved

(continued)

Table 3.2 (continued)

Project title	Objectives	Location
Agricultural activities for income generation beside temporary shelters	To conduct a pilot activity to assist displaced persons and poor in the local Thai communities with opportunities to participate in an integrated agricultural activity leading to improved self-reliance linked to potential income generation	Mae La, Mae Ra Maluang
	<i>Agency</i> <ul style="list-style-type: none"> <li>• ZOA Refugee Care</li> <li>• TBD</li> </ul> <i>Partner</i> <ul style="list-style-type: none"> <li>• TBBC</li> <li>• Local public administration office</li> <li>• Federation of Thai Industry</li> </ul>	
Strengthening services to the disabled in the temporary shelters	To increase self-reliance and income generation potential for displaced persons in each temporary shelters	All temporary shelters
	<i>Agency</i> <ul style="list-style-type: none"> <li>• UNHCR</li> </ul> <i>Partner</i> <ul style="list-style-type: none"> <li>Handicap International</li> </ul>	

Source CCSDPT/UNHCR (2007) Comprehensive Plan 2007/8

### ***3.3.1 Entrepreneurship Development, Grant and Saving (EDGS) Project***

The project is designed to nurture entrepreneurship for income generation and self-employment, and includes a step-by-step approach for business management capacity development through training and regular mentoring services. The project aims at injecting cash into the temporary shelters for livelihood and enterprise development, and to build the financial capacity to address the needs of entrepreneurs through group saving.<sup>15</sup> The Entrepreneurship Development, Grant and Saving (EDGS) has been implemented on a pilot basis in three temporary shelters at Mae Ra Maluang, Mae La Oon and Tham Hin.<sup>16</sup>

### ***3.3.2 Community Agriculture and Nutrition (CAN) Project***

The goal of Community Agriculture and Nutrition (CAN) projects is to build community self-reliance in agriculture and nutrition, and to improve overall availability and access to nutritious food. The project is implemented in eight temporary shelters; Site 1, Site 2, Mae Ra Maluang, Mae La Oon, Mae La, Umpiem, Nu Po and Ban Don Yang.<sup>17</sup> During January to June 2010, CAN provided training to a total of 305 displaced persons, 145 females and 160 males; they were trained in small-scale agriculture and limited space techniques. Additionally, more than 100 displaced persons participated in specialised training of trainers workshops.

### ***3.3.3 Weaving Project***

TBBC has supported a *longyi*-weaving project through the Karen (KWO) and Karenni (KnWO) women's organisations since 2002. According to the TBBC Programme Report, January to June 2010, there were 82 looms in use in the shelters and 165 trained staff. About 12 % of the weavers left for resettlement during the period. The shelters produced more than 52,000 *longyis* in 2010. The *longyis* produced in the shelters are enough to address the needs of populations in the shelters; few are sold inside the shelters and they are rarely sold outside due to the limited supplies. Besides the *longyi*-weaving project, TBBC has also supported handloom owners who produce traditional bags, scarf, shirts and other small handicrafts.

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<sup>15</sup> See Footnote 14.

<sup>16</sup> See Footnote 14.

<sup>17</sup> See Footnote 14.

Other NGOs such as COERR have provided similar training programmes as ZOA and TBBC, but primarily to *Extremely Vulnerable Individuals* (EVIs) and widows. ARC has developed micro-enterprise programmes, and JRS and IRC are the facilitators of vocational training programmes for the temporary shelters predominantly populated by Karenni displaced persons.

The income generating programmes and vocational training programmes have provided both agricultural and non-agricultural skills. All vocational training aims at developing skills for increasing income generation. However, while many income generating programmes and vocational training have been developed, only a small part of the displaced persons population so far has engaged in the programmes. Many of the displaced persons lack meaningful occupation and skills that may contribute to their income generating capacity.

## 3.4 Employment Opportunities for Displaced Persons

### 3.4.1 Demand for Displaced Persons' Labour Outside the Temporary Shelters

Demand appeared to exceed supply for labour in the agricultural sector, thus providing displaced persons job opportunities. This was primarily due to Thai workers increasingly shunning such jobs because they are considered *3D* (dirty, dangerous and demeaning) and because the wages paid are generally not attractive. Moreover, the level of education of the Thai workforce has gradually increased, meaning that the unskilled labour force has decreased.<sup>18</sup>

Ban Mai Nai Soi had the highest demand for such seasonal labour compared to the other locations.<sup>19</sup> The daily wage for seasonal labour is approximately between 50 and 60 baht, with the same rates for both men and women. The demand for seasonal labour is normally high during March and April, since it is the harvesting season for garlic; during July and August, when labour is needed in paddy fields for rice growing; and from December to March, when labour is needed to grow garlic.<sup>20</sup>

According to the UNHCR-ILO livelihood report, the Federation of Thai Industry (FTI) has suggested that various manufacturing industries such as textiles, ceramics and electronics are able to absorb more workers.<sup>21</sup>

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<sup>18</sup> See Footnote 13.

<sup>19</sup> Phanawathanawong (2007: 20) Strengthening Protection Capacity Project Livelihoods Component Phase One: Mae Hong Son Province.

<sup>20</sup> See Footnote 20.

<sup>21</sup> Duffy (2007: 23) Strengthening Protection Capacity Project Livelihoods Component Phase One: Tak Province.



### ***3.4.2 Demand for Displaced Persons' Labour Inside the Temporary Shelters***

Inside the temporary shelters displaced persons engage in agriculture, animal husbandry, construction, handicraft, weaving, services, teaching and health care. The survey revealed that the largest sources of income are agriculture and animal husbandry, which account for respectively 35 and 25 % of the overall occupational income of displaced persons. Providing services, and sales of their own products, handicrafts and textiles, account for 23 %. Generally, the jobs undertaken by displaced persons are unskilled ones. Skilled jobs undertaken by displaced persons only accounted for 5 % of the overall occupations.<sup>22</sup>

It has been suggested by the FTI that there are opportunities for displaced persons inside the Umpiem shelters to undertake jobs such as sub-contracted knitting for enterprises operating outside the temporary shelters. In addition, Duffy (2007) has argued that displaced people could benefit in particular from language courses and skills training in the fields of animal husbandry, crop production and machine sewing. ZOA and CAN have been providing extensive training programmes aimed at developing skills that are regarded as useful for displaced persons.

### ***3.4.3 Location of Displaced Persons' Workplaces***

Due to the RTG's policy of confinement, most of the work performed by displaced people, approximately 58 %, takes place inside the temporary shelters. Displaced persons, however, were found to work outside the shelters, 23 % in the area around the shelters and 19 % in villages nearby. Income generating activities outside the shelters are illegal under Thai Law and regulations. In addition, the primary type of work is agriculture, which is mostly seasonal. The research further revealed that the average number of days worked per week is 4.5 days, and the average number of hours worked per day is 6.8 h.<sup>23</sup>

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<sup>22</sup> IRC's Assessment of Labour Market and Labour Activities in Ban Tractor/Ban Kwai displaced persons camp (2005).

<sup>23</sup> See Footnote 23.

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## Chapter 4

# Thai Labour Market

**Yongyuth Chalamwong, Sasithorn Archapiraj, Songwut Promjene and Panisara Meepien**

**Abstract** The demand and supply of the Thai labour market is examined, noting the contribution made by local Thai workers and by migrant workers, and assessing the potential opportunities for labour provided by displaced persons. The increased educational level of Thai people, and an accompanying aspiration to move beyond manual labour such as agricultural work, is noted. The restrictions imposed by the RTG's policy of restricting officially all displaced persons to the settlements is seen as the main barrier to greater involvement of the displaced persons in employment outside the camps, even where Thai employers identify that there is a shortage of labour.

**Keywords** Thai labour market · Demand and supply of labour · Agricultural work · Refugee · Labour shortage

### 4.1 Demand and Supply of Labour in Western Border Provinces

Initially, it was intended to perform an analysis on the labour market, primarily for low-skilled labour, at the national, regional and provincial levels. However, during the course of the study, the research team learned that it would be difficult to use displaced persons to supply the Thai labour market at national and regional levels due to various restrictions and laws imposed upon them. Moreover, the survey of the three temporary shelters studied showed that the majority of displaced persons prefer to work inside the shelters or in the area around the shelters. Therefore, the team analysed only the labour market for low-skilled labour at the provincial level.

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Y. Chalamwong (✉) · S. Archapiraj · S. Promjene · P. Meepien  
Human Resource & Social Development Program, Thailand Development Research  
Institute, Ram Kamhaeng 39, Ram Kamhaeng Road, Bangkok 10310, Thailand  
e-mail: yongyuth@tdri.or.th

**Table 4.1** Demand for and supply of labour in Ratchaburi province by year

Year	2011	2015	2019
<i>Demand for labour</i>			
1. Total employed persons (stock)	374,209	390,034	399,753
2. Total additional demand	9,656	10,490	9,261
3. Demand for expansion	3,091	3,637	2,212
4. Demand for replacement	6,565	6,853	7,049
<i>Supply of labour</i>			
5. Working age population	64,832	59,921	49,627
6. Participation rate	0.6547	0.6536	0.6541
7. Lower secondary school graduates and lower	6,940	6,414	5,312
8. Non-continuation rates	0.118	0.118	0.118
9. New supply	536	495	410
10. Old supply	165	782	691
11. Total supply (1) (9 + 10)	701	1,277	1,101
12. Migrant workers	24,830	24,830	24,830
13. Total supply (2) (11 + 12)	25,531	26,107	25,931
14. Demand gap (2 – 13)	–15,875	–15,617	–16,670

Source Calculated by authors

Using secondary data from the Socio-Economic Survey, the National Statistics Office of Thailand, the Education Ministry of Thailand and the Labour Force Survey, the research team calculated labour demand and supply categories for Ratchaburi province (Table 4.1).

The data suggest that Ratchaburi province experiences a shortage of Thai labour. The total additional demand for labour is estimated to be 9,656 in 2011 and is forecast to be 10,490 in 2015 and 9,261 in 2019. The supply of Thai labour is estimated to be only 701 in 2011, 1,277 in 2015 and 1,101 in 2019, therefore the resulting demand gap will be more than 8,000 if migrant workers are not taken into account. Ratchaburi province has relied heavily on migrant workers to fill in the demand gap. The number of migrant workers registered for the year 2011 is 24,830. If the numbers were to remain constant over the period, there would be a problem of an excess supply of 15,000–16,000 workers during the period studied.

The research team interviewed local entrepreneurs in Ratchaburi and learned that originally there were problems of excess demand for labour, with migrant workers used to fill the gap. However, there have been various problems regarding the use of migrant workers, the most significant being that migrant workers tend to have high turnover rates. As a result, some local entrepreneurs have started to show interest in employing displaced persons from the temporary shelters.

There is a sizable migrant workforce in Ratchaburi, which could lead one to conclude that there is no need to employ displaced persons from the temporary shelter in Ratchaburi in the near future. However, if the situation is analysed more carefully, with an eye for local differences, the situation is somewhat different. The areas surrounding the temporary shelter are encroachment areas used for livestock, agriculture and farming, especially perennial farming. The latter requires seasonal

labour during the planting and harvesting seasons when there is a lot of mowing, shovelling and harvesting to do. In the past, these jobs were performed by displaced persons from the temporary shelters. However, this was not due to a shortage of labour, but because the information regarding such employment was unknown to the majority.

A similar exercise was performed for Mae Hong Son province. The research team estimated the demand gap for the years 2011, 2015 and 2019 and found that the total additional demand in Mae Hong Son province in 2011 was 2,570. When the supply of Thai labour is taken into account, the demand gap for year 2011 is 2,360. However, if the supply of migrant workers is taken into account the demand gap is reduced to 314 only. This shows that there is an abundant supply of migrant workers to fill up the demand gap, meaning that there is a low demand for the low-skilled workforce from the temporary shelters in Mae Hong Son province. Given the laborious and time-consuming procedures required to bring displaced persons to work outside their shelters, and given the low demand, it looks as if going through these procedures might not be worthwhile.

The relatively low demand for labour in Mae Hong Son might have something to do with the characteristics of agriculture in the area. Most of the agricultural activities in Mae Hong Son are done on a subsistence basis rather than for commercial purposes, and therefore require fewer workers. There are still employment opportunities during the planting and harvesting seasons, but this means that the demand for labour in Mae Hong Son is strongly seasonal. In the past, displaced persons from temporary shelters have managed to escape from their shelters to work on farms during those seasons.

There is a high demand for labour in the service sector, especially in the tourist industry. However, these jobs are mostly filled by migrant workers from Myanmar and other neighbouring countries as well as by members of the various hill tribes living in the area.

In the next 5–10 years, however, the demand gap is forecasted to increase, and there is likely to be a shortage of labour. Employers will then have two options: to employ workers from Myanmar, which are easily obtainable since they can cross the Thailand–Myanmar border; or employ displaced persons from temporary shelters. The increasing demand gap in the future calls for efforts that make it easier for displaced persons to work outside their allocated shelters (Table 4.2).

Finally, in Tak province the problem of a Thai labour shortage is obvious: the total additional demand for labour in 2011 was 12,199 although it is estimated to decline to 8,047 and 6,770 in 2015 and 2019 respectively (Table 4.3). The supply of Thai labour is estimated to be only about 318 in 2011, 314 in 2015 and 247 in 2019. It is therefore no surprise that migrant workers have been filling this tight labour market.

When migrant workers are included, it is apparent that there is an excess supply of labour in Tak province and therefore a low demand for displaced persons. From the discussion, the research team also learned that there were other reasons that employers prefer not to employ displaced people from temporary shelters. Displaced persons are considered to be in conflict with the government of Myanmar,

**Table 4.2** Demand and supply for labour in Mae Hong Son province by year

Year	2011	2015	2019
<i>Demand for labour</i>			
1. Total employed persons (stock)	125,420	133,763	137,921
2. Total additional demand	2,570	4,147	3,277
3. Demand for expansion	388	1,808	846
4. Demand for replacement	2,182	2,339	2,431
<i>Supply for labour</i>			
5. Working age population	23,890	22,488	15,788
6. Participation rate	0.6390	0.6408	0.6386
7. Lower secondary school graduates and lower	2,779	2,616	1,837
8. Non-continuation rates	0.118	0.118	0.118
9. New supply	210	198	138
10. Old supply	0	0	0
11. Total supply (1) (9 + 10)	210	198	138
12. Migrant workers	2,046	2,046	2,046
13. Total supply (2) (11 + 12)	2,256	2,244	2,184
14. Demand gap (2 – 13)	+314	+1,903	+1,093

Source Calculated by authors

**Table 4.3** Demand and supply for labour in Tak province by year

Year	2011	2015	2019
<i>Demand for labour</i>			
1. Total employed persons (stock)	260,969	275,259	283,249
2. Total additional demand	10,199	8,047	6,770
3. Demand for expansion	5,645	3,226	1,780
4. Demand for replacement	4,555	4,821	4,991
<i>Supply for labour</i>			
5. Working age population	46,895	44,630	5,218
6. Participation rate	0.5455	0.5647	0.5642
7. Lower secondary school graduates and lower	4,947	4,708	3,715
8. Non-continuation rates	0.118	0.118	0.118
9. New supply	318	314	247
10. Old supply	48	65	65
11. Total supply (1) (9 + 10)	366	379	312
12. Migrant workers	45,383	45,383	45,383
13. Total supply (2) (11 + 12)	45,748	45,762	45,695
14. Demand gap (2 – 13)	–35,544	–37,715	–37,715

Source Calculated by authors

and therefore employing them could create unnecessary cross-border conflicts. Moreover, allowing displaced persons to sell their products outside the shelters means that they would be competing with the local population, a policy that would not easily get public support. The fact that there is a high demand for labour in the area near the shelters does not necessarily mean that it would be acceptable to use displaced persons, since there are also other sources of labour available.

It is important to note that the number of migrant workers may be an underestimate since only migrant workers that are officially registered are included. The fact that Tak province is located on the Thailand–Myanmar border means that migrant workers can easily cross the border. Also, it should be noted that the research team was skeptical about some of the figures.

## Chapter 5

# Survey Findings

**Yongyuth Chalamwong, Sasithorn Archapiraj, Songwut Promjene  
and Panisara Meepien**

**Abstract** Current livelihoods, levels of income, opportunities within the current policy framework for future employment and the functioning of various pilot projects are explored through interviews, focus groups and questionnaires in the three provinces that form the study area. Sources of income for the displaced persons are examined, including remittances and stipends as well as wages from employment and income generation from running small businesses. Pilot projects, such as providing training in weaving, do not contribute significantly to income generation, and most families have an income that is too low for a reasonable standard of living, primarily because of the cost of childcare.

**Keywords** Livelihood opportunities • Employment • Income generation • Wages • Remittances

### 5.1 Ratchaburi Province

From the discussion with local authorities responsible for displaced persons in Tham Hin temporary shelter, Ratchaburi province, the research team learned that there were roughly 2,000 displaced persons who are of working age, with approximately equal numbers of men and women. The research team collected data from 111 displaced persons in Tham Hin temporary shelter, with the results of the survey reveal discussed below.

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Y. Chalamwong (✉) · S. Archapiraj · S. Promjene · P. Meepien  
Human Resource & Social Development Program, Thailand Development Research  
Institute, Ram Kamhaeng 39, Ram Kamhaeng Road, Bangkok 10310, Thailand  
e-mail: yongyuth@tdri.or.th



### ***5.1.1 Livelihoods Patterns of Displaced Persons***

Almost all of the displaced persons in Tham Hin temporary shelter engage in income generating activities; the survey shows that, 92 % of the surveyed displaced persons of working age, with a slightly higher proportion of females than males residing in Tham Hin temporary shelter (Table 5.1).

Regarding economic status,<sup>1</sup> displaced persons in Tham Hin temporary shelters can be categorised into three groups by income level; the very poor, the middle group and the better off. Almost all of the displaced persons in Tham Hin temporary shelters are categorised into the very poor group; the average income is less than 1,200 baht per year. This is due to the prevalent limitations on being involved in income generating activities. For the middle group; the average income is 1,200–26,400 baht per year.<sup>2</sup> The study found a small proportion of displaced persons in the better off group, with average of income above 26,400 baht per year.<sup>3</sup> The survey does not reveal any apparent correlation between the number of household members and the economic status of displaced persons.

### ***5.1.2 Source of Income***

In Tham Hin temporary shelter, there are four main sources of income: selling agricultural products, remittances, stipends and petty trading. Regarding selling agricultural products, the displaced persons work at night to collect products from the forest near the shelters and sell these to local communities in the area around the temporary shelters.

The displaced persons receive remittances from their relatives who have resettled in third countries. The average income from remittances is 17,500 baht per year.<sup>4</sup> For stipends, some displaced persons are employed by CBOs and NGOs working in the temporary shelters, including as teachers, medical assistants and administrative staff. Stipend workers earn 1,200 baht per month.<sup>5</sup> However, the opportunities for stipend work are limited to a small group of displaced persons. In Tham Hin temporary shelter, the research team found more than 30 petty shops<sup>6</sup>; grocery shops, barbers and restaurants, in every section. These petty shop owners earn on average 300–500 baht per day.<sup>7</sup> The products are bought from distributors that have established their outlets near the temporary shelter.<sup>8</sup> The survey found

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<sup>1</sup> ECHO (2009: 36), UNHCR/ILO Livelihood Report 2007 (2007).

<sup>2</sup> Survey Data.

<sup>3</sup> Survey Data.

<sup>4</sup> Survey Data.

<sup>5</sup> Survey Data.

<sup>6</sup> Key informant interview.

<sup>7</sup> Interviewed petty shop owners in Tham Hin temporary shelters.

<sup>8</sup> Interviewed petty shop owners in Tham Hin temporary shelters.

**Table 5.1** Number of displaced persons in Tham Hin temporary shelter engaged in income generating activities by gender

Income generating activities	Sex		Total
	Male	Female	
Not engaged in income generating activities	7	12	19
	36.80 %	63.20 %	100.00 %
Engaged in income generating activities	38	54	92
	41.30 %	58.70 %	100.00 %
Total	45	66	111
	40.50 %	59.50 %	100.00 %

Source Survey data

that a small proportion of the displaced persons engage in casual work, almost all seasonal workers. They are employed by the local farm owners. The highest employment rate occurs from May to October, with average income from casual work 150–200 baht per day.<sup>9</sup> Almost all of the surveyed displaced persons who engage in income generating activities work inside the temporary shelter (49 %) or in the area directly around the temporary shelter (37 %); only a small minority works in the village nearby.<sup>10</sup>

The survey shows that a typical household of four to five persons needs approximately 1,500–3,000 baht cashflow per month.<sup>11</sup> If the family is able to produce consumer goods or receive support from the community, this will reduce their expenses on food and clothing and reduce their demand for cash accordingly. However, the main expense for households often concerns the cost of raising children. These costs are often much higher than the standard cost of basic survival.

### ***5.1.3 Pilot Projects in Income Generation in the Tham Hin Temporary Shelter***

The income generating pilot projects in Tham Hin temporary shelter aim to increase self-help and reduce aid dependency. NGOs cooperate with the RTG and the Vocational Institute in Ratchaburi province in organising programmes that are suitable for the displaced persons. In Tham Hin temporary shelter there are three main NGOs working on income generating programmes: COERR, ZOA and TBBC.

<sup>9</sup> Survey Data.

<sup>10</sup> Survey Data.

<sup>11</sup> Survey Data.

COERR has provided training in soap making and candle making. It has also developed a demonstration garden that allows displaced persons to plant vegetables such as bean, lettuce, etc. At present, only a small number of displaced persons participate in this programme.

ZOA is the main facilitator of vocational training. According to ZOA's statistics, in cooperation with CBOsit provided five vocational training programmes during January–May 2010. The programmes included male and female sewing, cooking and bakery, hair cutting and hairdressing. Around 50 displaced persons participated in the programmes, of which 45 were female (Table 5.2).

TBBC has supported weaving projects in Tham Hin temporary shelter, with a *longyi* weaving project through the KWO. TBBC has supported the purchase of materials and money distribution. Displaced persons who participate in this project receive 27 baht per unit. In 2010, there were eight weavers in Tham Hin temporary shelters, and 136 *longyis* were produced, enough to address the needs of displaced persons in temporary shelters.

The impact on income generation is limited because the programmes aim at increasing self-help. The programmes also increase vocational skills for the displaced person, which they may apply for income generation.<sup>12</sup> The income generating programmes in the Tham Hin temporary shelters cover only a small proportion of the displaced persons residing in the temporary shelters. The survey found that more than 80 % of the displaced persons required vocational training such as technical skills (mechanics, vehicle repair), micro-enterprises, agricultural skills such as vegetable and crop production and handicraft and weaving. In addition, language training is needed, specifically Thai and English.<sup>13</sup>

#### ***5.1.4 Employment Opportunities for Displaced Persons***

The survey shows roughly 2,000<sup>14</sup> displaced persons in Tham Hin temporary shelter are of working age. Almost 94 % of the displaced persons residing in Tham Hin are willing to work.<sup>15</sup> However, since the actual participation rates were found to be lower, the research team further investigated the reasons preventing the displaced persons from working. The main reasons for people not engaging in income generating activities included childcare and looking after elderly people (26 %) and lack of employment opportunities (19 %). The majority of displaced persons from Tham Hin prefer to work inside the shelter (71 %).<sup>16</sup>

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<sup>12</sup> Key informants interview.

<sup>13</sup> Key informants interview.

<sup>14</sup> Focus Group Discussion with the local authorities and shelter committee.

<sup>15</sup> Survey Data.

<sup>16</sup> Survey Data.

**Table 5.2** Displaced persons who participated in vocational training provided by ZOA

Course	Course duration (h)	Start and end date	Course per year	Trainees		Total	Religion				Total
				M	F		C	B	M	Other	
Man sewing	150	22.3.10–22.4.10	3		10	10	10				10
Woman sewing	150	22.3.10–22.4.10	3		10	10	8	2			10
Cooking and bakery	150	22.3.10–22.4.10	3	3	7	10	10				10
Hair cutting	150	22.3.10–22.4.10	3	2	8	10	10				10
Hair dressing	150	22.3.10–22.4.10	3		10	10	8	2			10
Total				5	45	50	46	4			50

Source ZOA's vocational training statistic; access information on 10 July 2010

However, the discussion with local entrepreneurs revealed that there is currently excess demand for labour in Ratchaburi province, especially in textile and ceramic manufacturing. It was also learned that the shortage of Thai labour in the industrial sector in Ratchaburi province has led to an increase in the demand for low-skilled migrant labour from the neighbouring countries. Some local entrepreneurs have employed migrant workers through an agent system, where local entrepreneurs had to pay over 30,000 baht to the agent for the provision of one migrant worker. Other entrepreneurs have opted to move their factories elsewhere where labour is more abundant, such as Mae Sot. Other entrepreneurs have tried to negotiate an increase of working hours with their employees instead of hiring new employees.<sup>17</sup>

The agricultural sector in Ratchaburi province also experiences a shortage of labour. Most of the local entrepreneurs and authorities agree that the RTG's policy to increase the levels of both formal and informal education has affected peoples' attitude towards farming. It was found that locals who have obtained higher education tend not to engage in farming anymore, and that local farmers therefore had to employ migrant workers instead. Despite the fact that technological advances have significantly improved the working conditions in agriculture, Thai people still view agriculture work as *3D*. The demand for labour in the agricultural sector is seasonal by nature and it has been suggested that this demand could be met by displaced persons.

<sup>17</sup> The information as mentioned represented micro-perspective, therefore it produced a somewhat different picture than the statistics presented in Chap. 4 suggest (Chap. 4; Table 4.1). In Chap. 4 represent the macro-perspective; the information was based on the National database such as Socio-Economic Survey.

Local entrepreneurs in Ratchaburi province were interested in employing displaced persons from Tham Hin temporary shelter. The local investors and entrepreneurs have been trying to negotiate with the local authorities regarding the employment of displaced persons from the shelters; however, the negotiations have not been successful, notably because this would be against the laws which forbid displaced persons to leave their allocated shelters. From the discussion, the research team learned local entrepreneurs, mostly in agriculture, occasionally and informally employ displaced persons from the shelters. Local entrepreneurs mentioned that such displaced persons leave the shelter to work in the nearby area during the day, and return to their shelters in the evening. The wages displaced persons generally receive were reported to be 100–200 baht per day. The local investors and entrepreneurs also added that if the RTG would relax its policies and allow displaced persons to work, they would agree to work with the authorities and take responsibility for displaced persons' registration processes and other procedures as required.

## 5.2 Mae Hong Son Province

### 5.2.1 *Livelihoods Patterns of Displaced Persons*

Over 77 % of the displaced persons surveyed in Ban Mai Nai Soi temporary shelter engage in income generating activities, with a slightly larger proportion of males than females residing in Ban Mai Nai Soi temporary shelter (Table 5.3).

Regarding economic status,<sup>18</sup> displaced persons in Ban Mai Nai Soi temporary shelters can be categorised into three groups on the basis of income level; the very poor, the middle group and the better off. Almost all of the displaced persons in Ban Mai Nai Soi temporary shelters are categorised into the very poor group; they earn less than 1,200 baht per year. The survey found a small number of displaced persons to belong to the middle group, with average income of 1,200–26,400 baht per year.<sup>19</sup> A small proportion of the displaced persons belong to the better off group. As in the Tham Hin temporary shelter survey, this survey does not reveal any apparent correlation between the number of household members and the economic status of displaced persons.

### 5.2.2 *Source of Income*

In Ban Mai Nai Soi temporary shelters, there are four major sources of income: selling agricultural products, remittances, stipends, casual work and petty trading.

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<sup>18</sup> ECHO (2009: 36), UNHCR/ILO Livelihood Report 2007 (2007).

<sup>19</sup> Survey Data.

**Table 5.3** Displaced persons in Tham Hin temporary shelter engaged in income generating activities by gender

Income generating activities	Sex		Total
	Male	Female	
Not engaged in income generating activities	13	10	23
	56.52 %	43.48 %	100.00 %
Engaged in income generating activities	45	35	80
	56.25 %	43.75 %	100.00 %
Total	58	45	103
	56.31 %	43.69 %	100.00 %

Source Survey data

Regarding selling agricultural products, the displaced persons collect the products from the forest nearby the shelters and sell them to local communities in the area around the temporary shelters. According to a key informant in the shelter, there is a local market located near the temporary shelter.

Displaced persons receive remittances from their relatives that have resettled to third countries. The average remittance is 15,000–17,500 baht per year.<sup>20</sup> For the displaced persons who work as stipend workers, some are employed by CBOs and NGOs that are working in the temporary shelters. Some of the displaced persons are employed as teachers, medical assistants and administrative staff. The stipend workers earn 1,200 baht per month.<sup>21</sup> However, the opportunities for stipend work are limited to a small group of displaced persons. In Ban Mai Nai Soi temporary shelter there are more than 50 petty shops: grocery shops, barbers and restaurants. The petty shop owners earn on average 300–500 baht per day. The products are bought from distributors that have established their shops near the temporary shelter.<sup>22</sup> The survey also found a proportion of the displaced persons to be involved in casual work; almost all of the casual workers are seasonal workers. During the survey, the research team found approximately 30 displaced persons working as casual workers outside the temporary shelter, employed by local farm owners. The highest employment rate occurs from May to October. The casual workers earn 100–120 baht per day. Almost all of the surveyed displaced persons who engage in income generating activities work inside the temporary shelter or in the area directly around the temporary shelter. Only a small minority work in the village nearby.

As in Ban Tham Hin, the demand for cashflow for a typical household of four to five persons is approximately 1,500–3,000 baht per month. If the family is able to produce consumer goods or receive support from the community, this will reduce their expenses on food and clothing and reduce their demand for cash accordingly.

<sup>20</sup> Survey Data.

<sup>21</sup> Survey Data.

<sup>22</sup> Interviewed petty shop owners in Ban Mai Nai Soi temporary shelters.

However, the main expense for households often concerns the cost of raising children. These costs are often much higher than the standard cost of basic survival.<sup>23</sup>

### ***5.2.3 Pilot Projects in Income Generating Programme in Ban Mai Nai Soi Temporary Shelter***

The NGOs cooperate with the RTG and the Vocational Institute in Mae Hong Son province in organising programmes that are suitable for the displaced persons. The rapid survey found that WEAVE, COERR and TBBC are the main facilitators in weaving projects.

TBBC and WEAVE have supported weaving projects in Ban Mai Nai Soi temporary shelter. TBBC has supported *longyi* weaving project through KnWO. TBBC has supported materials purchase, market research and the money distribution. The displaced persons who participate in this project are given 27 baht per unit. In 2010, there were 20 weavers in Ban Mai Nai Soi temporary shelter.

Besides supporting a nursery, WEAVE has also supported weaving projects. WEAVE has supported materials purchase and marketing research for the displaced persons. According to the information from the staff of WEAVE, the displaced persons who participate in the programme earn approximately 300–500 baht per piece.

COERR has supported agricultural skill training. The training concerns traditional methods of cultivation. Besides the agricultural programme, COERR also provides training on business development and microfinance. COERR has developed a demonstration garden in Ban Mai Nai Soi temporary shelter; the demonstration garden allows the displaced persons to plant vegetables such as bean, lettuce, etc. A small proportion of displaced persons presently participate in this programme.

The survey reveals there is not much impact in terms of income generation because the programmes aim at increasing self-help. Furthermore, the income generating programmes also increase vocational skills for the displaced persons; the displaced persons may apply these skills for income generation.<sup>24</sup>

The income generating programmes in Ban Mai Nai Soi temporary shelter cover a small proportion of the displaced persons residing in the temporary shelter.<sup>25</sup> The survey found that almost all of the displaced persons require language training, specifically Thai language and English language.<sup>26</sup>

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<sup>23</sup> Survey Data.

<sup>24</sup> Key informants interview.

<sup>25</sup> Key informants interview; the information from NGOs working for the displaced persons pointed out that there is a small proportion of displaced persons, who participate in income generating programmes.

<sup>26</sup> Key informants interview.

### ***5.2.4 Employment Opportunities for Displaced Persons***

As regards the supply of labour, there are about 9,000 displaced persons of working age residing in Ban Mai Nai Soi temporary shelter in Mae Hong Son. The proportion of males is slightly larger than females. According to the survey, 97 % of the surveyed displaced persons are willing to work. Regarding the workplace, the surveyed displaced persons prefer to work inside the shelters rather than outside the temporary shelters.

In Mae Hong Son province, employment opportunities are concentrated in the agricultural, industrial and service sectors. The labour market in Mae Hong Son is smaller than in Ratchaburi and Tak provinces. Enterprises in Mae Hong Son are mostly small, and most of the agriculture is done on subsistence basis, therefore requiring fewer workers. The tourist industry in Mae Hong Son in contrast is larger than in Ratchaburi and Tak provinces, and therefore provides more employment opportunities. From the discussion, the research team learned that the demand for labour in the tourist industry is typically filled with migrant workers.<sup>27</sup>

## **5.3 Tak Province**

### ***5.3.1 Livelihoods Patterns of Displaced Persons***

Almost all of the displaced persons in Ban Mae La temporary shelter engage in income generating activities. The survey shows that 74.7 % of the surveyed displaced persons of working age engage in income generating activities. The proportion of females residing in Ban Mae La temporary shelter is higher than the proportion of males (Table 5.4).

Regarding the economic status,<sup>28</sup> displaced persons in Ban Mae La temporary shelter can be categorised into three groups on the basis of income level; the very poor, the middle group and the better off. Almost all of the displaced persons in Ban Mae La temporary shelters are categorised into the very poor group, with average income less than 1,200 baht per year. This is due to the limitations people face in engaging in income generating activities. For the middle group, the average income is 1,200–26,400 baht per year.<sup>29</sup> The study found that a small proportion of the displaced persons belong to the better off group, with average income more than 26,400 baht per month.<sup>30</sup> However, the survey does not reveal any clear

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<sup>27</sup> Focus Group Discussion with local authorities and local entrepreneurs.

<sup>28</sup> European Commission DG ECHO (2009: 36), UNHCR/ILO Livelihood Report 2007 (2007).

<sup>29</sup> Survey Data.

<sup>30</sup> Survey Data.



**Table 5.4** Displaced persons in Ban Mae La temporary shelter involved in income generating activities by gender

Income generating activities	Sex		Total
	Male	Female	
Not engaged in income generating activities	21 37.50 %	35 62.50 %	56 100.00 %
Engaged in income generating activities	77 46.39 %	89 53.61 %	166 100.00 %
Total	98 44.14 %	124 55.86 %	222 100.00 %

*Source* The authors

correlation between the number of household members and the economic status of displaced persons.

### 5.3.2 Source of Income

In Ban Mae La temporary shelters, there are four major sources of income: selling of agricultural products, remittances, stipends, casual work and petty trading. Additionally, some displaced persons earn income from assets. Regarding the selling of non-farm products, the displaced persons collect the products from the forest near the shelters and sell them to local communities in the area around the temporary shelters.

The displaced persons receive remittances from their relatives who have resettled in third countries. Remittances on average amount to 15,000–17,500 baht per year.<sup>31</sup> For the displaced persons who work as stipend workers, some are employed by the CBOs and NGOs that are working in the temporary shelters. Some of these are employed as teachers, medical assistants and administration staff. Stipend workers earn 1,200 baht per month.<sup>32</sup> However, the opportunities for stipend work are limited to a small group of displaced persons. In Ban Mae La temporary shelter, there are more than 100 petty shops: grocery shops, barbers, electronic shops and restaurants. The petty shop owners earn on average 300–500 baht per day. The products are bought from the distributors that have established their shops near the temporary shelter.<sup>33</sup>

The survey also found evidence of various forms of casual work in Ban Mae La temporary shelter. However, almost all casual workers are seasonal workers. During the survey, the research team found more than a hundred displaced persons working as casual workers, employed by the local farm owners in Ban Pang Moo.

<sup>31</sup> Survey Data.

<sup>32</sup> Survey Data.

<sup>33</sup> Interviewed petty shop owners in Ban Mae La temporary shelters.

The survey reveals that the highest employment occurs from May to October. The average income for casual workers is around 200 baht per day. Other than this, almost all of the surveyed displaced persons who engage in income generating activities work inside the temporary shelter or in the area directly around the temporary shelter. Only a small minority work in the village nearby.

As in the other two locations, the demand for cashflow for a typical household of four to five persons is approximately 1,500–3,000 baht per month. If the family is able to produce consumer goods or receive support from the community, this will reduce their expenses on food and clothing and reduce their demand for cash accordingly. However, the main expense for households often concerns the cost of raising children. These costs are often much higher than the standard cost of basic survival.

### ***5.3.3 Pilot Projects in Income Generating Programme in Ban Mae La Temporary Shelter***

The NGOs cooperate with the RTG and the Vocational Institute in Ratchaburi province in organising programmes that are suitable for the displaced persons. The research team performed a rapid assessment on the programmes implemented by ZOA and WEAVE. WEAVE has supported weaving projects with materials purchase, market research and money distribution. Currently, there are approximately 120 female displaced persons participating in the programmes. These women will be trained on pattern designing and sewing skills. The displaced persons who participate in this project are given 300 baht per piece. According to the interview, the average monthly income for female displaced persons is 500–1,000 baht per month.

ZOA is the main facilitator of vocational training. Statistics show that in the second quarter of 2010 there were nine vocational training programmes provided for 126 displaced persons in Ban Mae La temporary shelter. Most of displaced persons participated in auto training and cooking and bakery, with male and female sewing the third most popular course (Table 5.5).

Besides the vocational trainings, ZOA has rented the land opposite the shelter for the implementation of a demonstration garden. The area covers 20 rais and is used for animal rearing and vegetable production. The produce from the programme will be distributed for household consumption. In the future, ZOA aims to build relations with local communities by providing training for local people residing in the area around the temporary shelters.

COERR is another NGO that has supported agricultural skill training, covering traditional methods of cultivation. Besides the agricultural programme, COERR also provides training on business development and microfinance. However, the research team did not have the opportunity to visit the COERR demonstration garden. TBBC also provides programmes which increase self-reliance among the

**Table 5.5** Displaced persons who participated in vocational training provided by ZOA

Course	Course duration (months)	Start and end date	Course per year	Trainees		Total
				M	F	
Man sewing	3	17.5.10–17.8.10	4	3	11	14
Woman sewing	3	17.5.10–17.8.10	4		14	14
Hair dressing	3	17.5.10–17.8.10	4		10	10
Hair cutting	3	17.5.10–17.8.10	4	10	1	11
Knitting	3	17.5.10–17.8.10	4		9	9
Child and elderly care	3	17.5.10–17.8.10	4	1	10	11
Welding	3	17.5.10–17.8.10	4	17		17
Auto	3	17.5.10–17.8.10	4	21		21
Cooking-bakery	3	17.5.10–17.8.10	4	9	10	19
Total				61	65	126

Source ZOA's vocational training statistic; access information on 10 July 2010

displaced persons in Ban Mae La temporary shelter. Programmes include a CAN project and a weaving project. Regarding the CAN project, TBBC provided two training courses which covered 63 trainees, more females than males. TBBC has supported agricultural production skills, nutrition knowledge and materials such as seeds, tools and fencing. For the weaving projects, there are 31 weavers that participate in TBBC's *longyi* weaving projects. In 2010, more than 5,700 *longyis* were made for distribution.

The income generating programmes in Ban Mae La temporary shelters cover a small proportion of the displaced persons residing in the temporary shelter. The survey found that almost all of the displaced persons require language training, specifically Thai and English language.

### 5.3.4 Employment Opportunities for Displaced Persons

There are about 9,000 displaced persons of working age residing in Ban Mae La temporary shelter in Tak. The proportion of males is slightly larger than females. The survey reveals that 97 % of the surveyed displaced persons are willing to work. Regarding the workplace, the surveyed displaced persons prefer to work inside the shelters rather than outside the temporary shelters.

However, from the discussion with local authorities and local entrepreneurs in Tak province, the research team learned that Tak province hosts various labour-intensive industries—there are more than 150 garment factories and 190 textile factories located in the province. Tak province also hosts large original equipment manufacturers and jewellery industries, as well as ethanol production plants and sugarcane plantations. The local authorities and local entrepreneurs agree that the government policy to increase the level of education of Thai people has resulted in reduced availability of low-skilled Thai labour. Local entrepreneurs have

employed large numbers of migrant workers to fill up the demand. Currently, there are about 34,000 registered migrant workers working in Tak province, the majority of them coming from Myanmar, Laos and Cambodia. Local entrepreneurs are willing to employ displaced persons if they were permitted to work outside the shelter. At the same time they opposed the idea to establish factories inside the shelter due to various infrastructure constraints such as water supply, electricity and transportation. Local farmers in the surrounding areas were also reported to be willing to employ displaced persons during the harvesting and planting seasons.

## 5.4 Summary

The survey in the three locations has shown that almost all of the displaced persons have engaged in income generating activities. However, they are mostly categorised in the very poor group due to the limited employment opportunities both inside the temporary shelters and the area around the temporary shelters. The average income of the displaced persons in the three temporary shelters is less than 1,200 baht per year. However, the survey found a small group of better off people who earn more than 26,740 baht per year. Such an income is not sufficient for a typical displaced persons' household of four to five persons. The survey pointed out that the typical displaced persons' household needs 1,500–3,000 baht per month.

There are limited employment opportunities inside and, in particular, outside the three temporary shelters. In the three locations, the demand for labour from the temporary shelters is less than the demand for labour from neighbouring countries. However, the supply of labour from temporary shelters is needed by local farm owners; specifically for the harvesting season and crop seasons.

Currently, there are attempts by organisation such as NGOs, UNHCR and other UN agencies, foreign governments, donors and the RTG to create programmes that increase self-help and reduce aid dependency. Several NGOs, in cooperation with the UNHCR and local governments, have implemented pilot projects involving income generating programmes, such as AIGPP, CAN and weaving projects. Furthermore, they also provide vocational training such as sewing, auto training and agricultural trainings. However, these programmes tend to reach a small group of displaced persons only. Furthermore, not all the projects generate income for the displaced persons' households; only a few programmes such as the weaving projects implemented by WEAVE and TBBC are found to generate income for the displaced persons.

The creation of sustainable solutions for displaced persons' livelihoods is a tough and challenging task. It needs the cooperation from various organisations, most especially the RTG as host to the displaced persons.

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## Chapter 6

# Conclusion and Recommendations

**Yongyuth Chalamwong, Sasithorn Archapiraj, Songwut Promjene and Panisara Meepien**

**Abstract** Employment opportunities for displaced persons remain severely restricted within the Thai labour market, primarily due to the formal policy of the RTG in confining displaced people to the settlements. Even if the policy was relaxed, the demand for unskilled labour is limited in the foreseeable future, and is largely filled by migrant labour. The best options for economic progress for displaced persons remain return to Myanmar, or relocation to a third country. Within the settlements, there is potential for greater self-sufficiency, such as the growing of food and the provision of health care, which will reduce dependency on humanitarian aid and provide meaningful activity and better quality of life for many of the displaced people until a more permanent solution can be found. Small business development and other activities that take place within the settlements and service of other displaced persons could be further encouraged with skills development and some capital provision.

**Keywords** Employment opportunities · Thai labour market · Policy of confinement · Resettlement · Small business

### 6.1 Conclusion

The possibilities for creating more sustainable solutions regarding the livelihoods of displaced persons in the temporary shelters along the Thai–Myanmar border has been explored in some detail. The research team has learned that because Thailand has adopted a policy of confinement, where they are prohibited from leaving their allocated shelters or engaging in income generating activities outside their shelters,

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Y. Chalamwong (✉) · S. Archapiraj · S. Promjene · P. Meepien  
Human Resource & Social Development Program, Thailand Development Research  
Institute, Ram Kamhaeng 39, Ram Kamhaeng Road, Bangkok 10310, Thailand  
e-mail: yongyuth@tdri.or.th

displaced people not only experience negative psychological impacts, but also have become dependent on humanitarian assistance. The funding required in 2009 amounted to 1,941 million baht, of which 82 % was provided by the government from NGOs, with additional funds being provided by the UNHCR and other UN inter-agency bodies.

The research team looked into the situation of the labour market in Thailand to examine the opportunities for low-skilled workers. It was found that at the national and regional levels there is an excess demand for Thai labour. However, the existing demand gap for labour has been filled by migrant workers who mostly originate from neighbouring countries. This has reduced the demand gap considerably. During the course of the study, the research team learned that, due to the laws and restrictions in the kingdom of Thailand, it would indeed be difficult to let displaced persons fill the demand gap at the national and regional levels. It seemed more practical and feasible to let displaced persons fill up the demand gap at the provincial level. If there were to be excess demand for low-skilled labour at this level, consideration could perhaps be given to reviewing the restrictions and relaxing the laws that currently prevent displaced persons from entering the labour market. However, the study also pointed out that, while there exists an excess demand for low-skills labour in several provinces, these demand gaps in practice are already filled up by migrant workers. In some provinces (e.g. Ratchaburi and Tak), the number of migrant workers was actually so great as to cause excess supplies of labour.

Only in Mae Hong Son was a small demand for low-skilled labour found to exist, but the demand gaps forecast are small; 314 in 2011, 1,903 in 2015 and 1,093 in 2019. These numbers are considered too small to make the whole procedure of taking displaced persons out of their temporary shelters to work worthwhile. Moreover, various other problems regarding the employment of displaced persons were encountered as well. A key problem relates to the government of Myanmar, whose attitude towards the displaced persons is less than amicable. Employing them could cause future conflicts with the Myanmar government. In addition, the forecast excess demand for low-skilled labour is probably quite easily met by migrant workers from the neighbouring countries who can cross the border easily. Also, the survey shows that the majority of displaced people prefer to work inside the shelters or in the areas directly surrounding the shelters.

Therefore, short-term solutions for displaced peoples' livelihoods should aim to improve their standard of living and to make them more self-reliant. This could be achieved by equipping displaced persons with skills, by finding jobs that can be sub-contracted to people inside the shelters and by allowing displaced people to fill some jobs in the nearby areas. In the longrun, the solution would be to repatriate the displaced persons and to assist them in making the transfer to the countries where they want to be, whether Myanmar or a third country.

### **6.1.1 General Recommendations**

The general recommendation for improving the quality of life of displaced persons residing in temporary shelters would be to provide displaced persons with two options: returning to their home country, Myanmar; or moving to a third country. Regarding the first option, a proper survey needs to be carried out to obtain a more accurate figure of displaced persons who wish to return to Myanmar. The RTG together with international organisations such as the UN can then negotiate with the government of Myanmar regarding the return and settlement of displaced persons currently residing in the settlements in Thailand. The government of Myanmar could provide areas where households of the same ethnic group could reside together. A *Land self-help settlement* scheme could be implemented where each household would be granted with one or two acres of land. In the first phase, the government of Myanmar, NGOs and possibly the RTG could help with the provision of necessary infrastructure such as housing, electricity, water supply and transportation, and introduce the returning displaced persons to possible livelihoods such as agriculture.

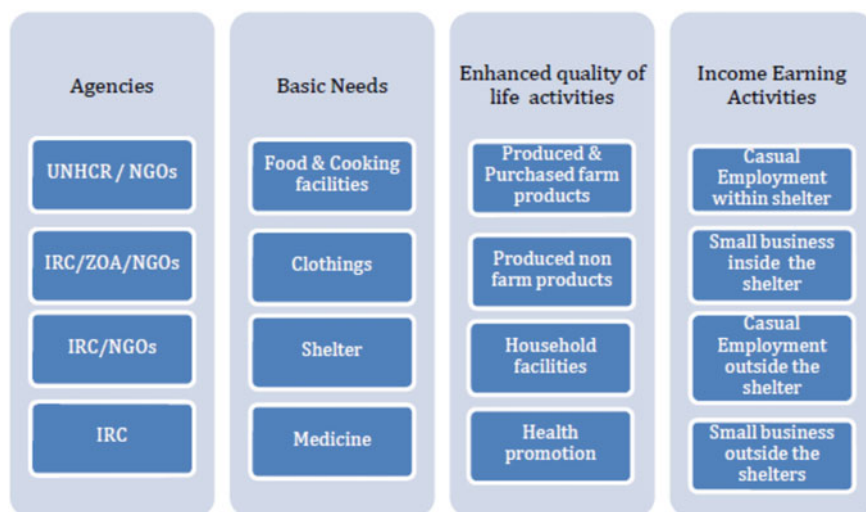
Displaced persons who originally owned a home, property or land in Myanmar and who prefer to return might be easier to deal with: basically they would only need transport to return to their place of origin. However, UNHCR and other donor organisations should also provide some monetary support for each household. The amount should be enough to sustain them for a year, so that they have a chance to start a new life. Displaced persons who are concerned about their safety should have the option of residing in allocated shelters.

If displaced persons choose the second option of moving to a third country, they should receive support from the agencies that are also currently involved in guiding transfers, such as the IRC and IOM. These agencies should adopt a clear strategy regarding the transfer and assist in its implementation. The transfer process should start at the smallest shelters, in an attempt to close down the shelters one by one. It should be attempted to complete the process within 3–5 years.

The implementation of both options could take several years to complete. For the first option, success depends on how well the negotiations go between the RTG and the government of Myanmar. For the second option, success also depends on the refugee quotas maintained by the third countries. As noted, this process could take as much as 5 years. It is therefore necessary, meanwhile, to improve the livelihoods of displaced persons in the temporary shelters, so that they have an opportunity to enjoy a reasonable quality of life while awaiting further steps.

Improving the livelihoods of displaced persons requires a multitude of actions that in turn require the involvement of a multitude of organisations (Fig. 6.1).





**Fig. 6.1** Linkages between activities that improve the livelihoods of displaced persons. *Source* The authors

### 6.1.2 Food

UNHCR and NGOs such as IRC allocate food and other necessities such as coal and vegetable oil to every household in the shelters. While it looks as if these supplies suffice, displaced persons cannot rely on the allocated items alone. From interviews with displaced persons it was learned that some displaced persons ‘got bored with the taste of the food’ since they received similar types of food all the time. At times they wanted to eat different types of food (e.g. meat, fruits and dessert) than the mainly staple food provided, especially during festivals, rituals or special occasions.

Displaced persons can try to produce meat such as pork, chicken and fish to meet their consumption demands. The level of production should however be so as not to cause harm to the environment. It might be advisable to make various adjustments to their current style of animal husbandry: in some temporary shelters animals are being reared in the space under the houses, and this has caused various problems to the people themselves and to their neighbours (e.g. smell, noise, hygiene level, etc.). Despite the fact that organic production methods such as *raising pigs in the holes* have been used, problems are still reported regarding noise and diseases such as tuberculosis. There are also risks of cholera and bird flu associated with raising chickens.

Promoting the quality of life through the consumption of animal protein might require that displaced persons jointly grow livestock in the same area, so that the animals and the negative effects they cause do not spread around in the residential area. Some temporary shelters such as Mae La have enough land, and could

increase the productivity of that land by using the abundant supply of labour available inside the shelter. The products grown can be used to pay for the cost involved, including wages for the people who supply their labour, or they can be traded with other temporary shelters that do not have enough land for animal husbandry. Displaced persons residing in temporary shelters that do not have sufficient land for growing livestock could rent land near to the shelters from local people to address the shortage.

The aim of agriculture, livestock or fishery production by displaced people should be to meet the food demand of the displaced persons in the nine temporary shelters, rather than market the products beyond the shelters, as this would affect the livelihoods of local people. In the past, displaced persons have sold their products outside the shelters, which caused conflict among the local communities as they feared the loss of market share.

ZOA has supported displaced persons in their attempts to farm vegetables as another source of supplementary food, and distribute them to elderly, women and disabled people. ZOA has tried to promote subsistence and shared crops growing, where displaced persons are encouraged to sell their products at a non-profit price to the workers that have lend their hands with the cultivation.

Apart from these, every household could grow some vegetables and herbs such as lemon grass, galangal, kaffir, lime, chili, basil and sweet basil. These are commonly used in cooking and do not require much space. Fences and even recycled containers can be used as pots to grow edible plants. This could help to reduce the demand for cash.

However, cultivation and animal husbandry require larger areas of land which will come with a price tag. Displaced persons would need capital to invest in such activities. The donors and agencies responsible for the livelihood of displaced persons could help with the provision of capital and knowledge regarding agriculture and livestock. They could also provide support in sales and in the distribution to other temporary shelters.

### ***6.1.3 Clothing***

Each year, more than 50,000 sets of clothing are provided to displaced persons in temporary shelters by IRC, ZOA and WEAVE. However impressive, these are not sufficient in terms of both quality and quantity. This is partly due to the wide age range of the displaced persons, from young children to elderly people; and to the fact that each person requires at least five pieces of clothing. Also, different age groups require different types of clothing; for example, adolescents tend to wear different types of clothing than adults, influenced by the media to follow fashion, putting a burden on their families. Moreover, IRC, ZOA and WEAVE have been supporting small business in selling ready-made garments. This has resulted in artificial demand which is higher than the actual demand. There are two ways to solve the problems: increase opportunities for household to earn cash income; or

support unemployed working age labour to acquire sewing skills so that these people become able to sew their own garments. This could be done by promoting sewing of garments for use in temporary shelters under annual quotas from IRC, ZOA and WEAVE without external bidding. Training displaced persons in the temporary shelters to sew and tailor, and provide them with capital to invest in cloth and sewing equipment and provide them with a reasonable pay. The first goal is for each shelter to be able to provide enough clothing for its own population. Alternatively, displaced persons with sewing skills could make tailor made uniforms to earn extra income.

If temporary shelters have enough skilled sewing workers, dependence on cheap manufactured clothing from outside the shelter should be reduced. Eventually, each temporary shelter could become self-sufficient in terms of clothing.

If the temporary shelters are to become successful in tailoring, they would need to rely on government agencies such as Rajabhat Institute and Skill Development Institutions in the provinces. These provide classes and training courses in sewing to create professional tailors. Charity organisations and relevant government agencies could help to bear the cost of such training courses.

#### ***6.1.4 Housing***

While most of the housing in the shelters is of temporary nature, using simple structures and requiring not much knowledge about construction, it would be to displaced persons' advantage if they were equipped with proper repair skills. With such skills they would be able to improve their dwellings or upgrade them into other functions. Displaced persons with repair skills could become the shelters' construction teams. These could be hired by displaced persons who wish to upgrade their dwellings but lack time or skills.

#### ***6.1.5 Health***

IRC has always provided health support to displaced persons. Displaced persons have been examined and taken care of by way of modern methods and medicine. However, the research team learned that some displaced persons have some knowledge of traditional herbal medicine. The use of therapeutic approaches is another option, especially because it could help to reduce the budget spent on common medicine, and because it could enhance the experience of village doctors.

Promoting and supporting health care training among youth might be a valid option for Post-10 graduates so that they can gain basic medical knowledge. This could be useful for the youth themselves and for the other people in the shelters. Moreover, such vocational skills could be trained inside the shelter, with training provided by professionals from outside.

### ***6.1.6 Income Generating Activities***

The study shows that a typical household of four to five persons needs approximately 1,500–3,000 baht cash flow per month. If the family is able to produce consumer goods or receive support from the community, this will reduce their expenses on food and clothing and reduce their demand for cash accordingly. However, the main expense for households often concerns the cost of raising children. These costs are often much higher than the standard cost of basic survival.

Income generating activities for displaced persons should focus on temporary jobs and sub-contracted activities executed inside the shelter since the study shows that the labour markets of the provinces where the temporary shelters are located, apart from Mae Hong Son, are characterised by excess supply of foreign workers and that consequently there is barely any need to employ workers from the temporary shelters.

Taking into account the conditions discussed above, there are various suggestions for generating extra income. Emphasis should be placed on creating jobs within the temporary shelters. Displaced persons could, for example, be employed by NGOs in jobs related to food management, education, health care and security. People should be encouraged and given the opportunity to develop their competencies, for example by means of extra education in the fields of teaching, care giving and practical nursing. These are core competencies for primary care, and the holders of these will be able to look after the people in the temporary shelters.

Also, small businesses such as restaurants, bakeries and grocery shops could be another good option. This also allows displaced persons to spend their time usefully while earning extra income for the family. However, the presence of such functions in the shelters may also encourage more spending among the communities, as they may add to children's desire for toys and candies. This may provoke more competition among the consumers and, in turn, pressure the parents to seek more money.

For displaced people to own a business outside the temporary shelters is a sensitive issue and is therefore not recommended. The main concern is that such businesses would compete directly with the local Thai businesses, which could lead to conflicts between the displaced people and the locals. Before permissions are granted, in-depth studies should be carried out and local government organisations should carefully consider where to draw the boundaries.

Another possible business opportunity is for local entrepreneurs to subcontract work to displaced people in the shelters. While this may lead to conflicts with the Thai domestic workers, such conflicts should be only small since subcontracting qualifies as a direct and open business deal between such entrepreneurs and the displaced persons.

Encouraging displaced people to hunt for jobs outside the shelters is also not recommended; the potential for conflict with larger groups of migrant workers who have been filling the demand gap so far is great.

Granting displaced persons of working age the right to work outside the shelter in a systematic manner might be a better approach than the current situation where the displaced people have to sneak out and work illegally. Such workers now run high risks: if they are caught they can face criminal charges since their status is not different from illegal migrant workers. A more practical suggestion regarding employment opportunities would be in the agricultural sector, with certain guidelines, including the Thai officers in charge of displaced people in the Ministry of Interior receiving requests from displaced persons. Employers are not interested in hiring displaced persons since their status is not different from illegal migrant workers, which could cause various complications. If the local population insists on hiring displaced persons, it should start with cooperation between the officers of the temporary shelters and the district officers. These should act as representatives in allocating the jobs in the agricultural field. Finally, employers should arrange transport for displaced persons from and to their shelters on a daily basis as a rule.

## **Part II**

# **Social Welfare and Social Security**

## Chapter 7

# Introduction

**Naruemon Thabchumpon, Bea Moraras, Jiraporn Laocharoenwong  
and Wannaprapa Karom**

**Abstract** The current policy of the Royal Thai Government (RTG) towards the displaced persons is restated, with the central issue of restriction to the settlements. This creates a challenge in terms of access to welfare and to legal and social services such as justice, education and health care. The research aims to identify what service provision there is for displaced persons, the practicalities of gaining access to justice and other key services, the challenges of maintaining services, whether there it is feasible to offer access to Thai services outside the settlements, and the potential for conflict over resource allocation with the local Thai population. The research triangulates a variety of quantitative and qualitative techniques. Several limitations are noted, including the required presence of Ministry of the Interior (MOI) officials at interviews and focus groups, and the ongoing legal process involving some displaced people.

**Keywords** Thailand policy on refugees · Restriction · Access to welfare and social services · Resource allocation · Conflict

### 7.1 Statement of the Research Problem

The situation of displaced persons from Myanmar living in the temporary shelters in Thailand, which began around 1984 and continues until today, has been described as the largest protracted refugee situation in East Asia (Banki/Lang

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N. Thabchumpon (✉) · B. Moraras · J. Laocharoenwong · W. Karom  
Master of Arts in International Development Studies, Faculty of Political Science,  
Chulalongkorn University, Henri-Dunant Road, Bangkok 10330, Thailand  
e-mail: junaruemon@hotmail.com

2008). Currently, displaced persons live in nine temporary shelters set up by the Royal Thai Government (RTG) along the Thailand–Myanmar border. The Thailand Burma Border Consortium (TBBC) estimates that 146,396 people were living in these temporary shelters as of June 2011 (TBBC 2011).<sup>1</sup>

The RTG does not allow displaced persons living in the temporary shelters to leave or work outside the temporary shelters. Consequently, residents are essentially dependent on external assistance for the funding of basic needs and services. NGOs meet the basic needs of residents through provision of essential food and non-food items as well as support for education and health care services.

With regard to the rule of law and security, it has been reported that the current protracted situation has contributed to crime, human trafficking, drug abuse, sexual harassment and gender-based violence in the shelters. Protection programmes and community-based justice systems exist but face challenges in addressing these issues. The establishment of the International Rescue Committee's (IRC) Legal Assistance Centers (LAC) in three out of nine temporary shelters has improved access to justice for displaced persons, but resources are limited and significant gaps remain (United Kingdom Department for International Development 2008).

It is unlikely that displaced persons will be able to repatriate in the near future due to the ongoing political conflict in Myanmar. In addition, the resettlement of a high proportion of skilled workers, especially in the education and health care sectors, has led to a shortage of human resources and consequently a reduction in the quality of services in the shelters (CCSDPT/UNHCR 2007). Hence there is a significant need to find alternative and sustainable solutions to the current situation, particularly for displaced persons who are not eligible or willing to be resettled to a third country. Various immediate improvements and intermediate solutions to the situation have been proposed to benefit both the displaced persons from Myanmar and their host communities in Thailand. One possible scenario which will be explored by this research includes allowing displaced persons to leave the shelters, find employment to improve their livelihoods and access local services, including education, health care and justice administration systems in communities surrounding the shelters.

Research in the field of refugee studies has concentrated on repatriation and resettlement as durable solutions, both in general and in the case of displaced persons from Myanmar in Thailand. Meanwhile, the possibility of local integration has not been adequately studied (Jacobsen 2001). This study will therefore be particularly useful in contributing to the research in the area of local integration.

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<sup>1</sup> This figure includes all people verified by TBBC as living in the shelters and qualifying for food rations, including registered and unregistered persons.



## 7.2 Research Objectives

The research had these aims, taking into account a gender-sensitive perspective:

- Assess the availability of existing welfare services for displaced persons and to evaluate the extent to which these services are meeting the needs of displaced persons.
- Assess the availability of existing legal protection for displaced persons.
- Determine how and to what extent displaced persons living in the temporary shelters can access education, health care and legal justice services in local Thai communities.
- Evaluate the implications and sustainability of maintaining existing education, health and judicial services for displaced persons.
- Evaluate the potential implications and sustainability of access to local Thai education, health and legal justice services for displaced persons.
- Identify possible social tension and conflict between displaced persons and local communities in relation to access to social services.

## 7.3 Research Questions

- What are the implications of maintaining the current system of food/shelter assistance, education, health care and legal protection services for displaced persons?
- How and to what extent can displaced persons living in the temporary shelters access the education, health care and justice systems in local Thai communities?
- What are the implications of access to education, health care and justice systems in local Thai communities for displaced persons?

## 7.4 Research Scope

Due to limited access to budgetary information of NGO service providers, this study provides only an estimate of the current cost of education and health care services in the shelters. Likewise, due to limited access to government budgetary information such as staff and operational costs, this study can only provide information and analysis related to standard Thai government per-head costs for education and health services.

The study attempts to use certain indicators under the *Human Security* framework to organise and analyse data. However, the study faces certain technical limitations in analysing indicators such as *quality of nutrition* under food security and *quality of health care* under health security. In discussing the *quality of nutrition* indicator, the study will present only basic data on calorie levels.

Likewise, in examining the *quality of health care* indicator, the study will present only basic data on morbidity and mortality rates as well as quality and capacity of health care staff. To fully analyse the quality of nutrition and quality of health care, a technical nutritional and health care assessment would need to be carried out which is not in the scope of this research.

## 7.5 Methodology and Research Tools

This study uses a triangulation method which utilises more than one research technique to verify information, as well as cross-check different sources and clarify conflicting information (Denzin 1989). Documentary analysis examines both primary and secondary data in the English and Thai languages. Primary data draws upon published and unpublished documents by governmental and NGOs on social welfare services in the temporary shelters and Thai social welfare policies. Secondary data includes books, academic journal articles and papers, reports by donors and international organisations, newspapers articles and websites.

The fieldwork employed a variety of quantitative and qualitative research methods such as a baseline survey; in-depth interviews; and participant and non-participant observation of schools, hospitals, detention centres and food distribution processes. Empirical data was collected between March 2010 and February 2011 focusing on three temporary shelters and surrounding local communities: Tham Hin/Ratchaburi Province, Mae La/Tak Province and Ban Mai Nai Soi/Mae Hong Son Province. Fieldwork was conducted thrice in Tak in March, September and December 2010; thrice in Ratchaburi in April 2010, June/July 2010 and February 2011; and once in Mae Hong Son in August 2010. Ongoing fieldwork was also conducted in Bangkok.

The total sample size of the baseline survey was 400, with sample sizes of 200 for Mae La and 100 each for Ban Mai Nai Soi and Tham Hin. Respondents were randomly selected and the sample covered all demographic variables including gender, age, ethnicity, religion and registration status.

Key informants include: displaced persons in the selected temporary shelters; community leaders, community members and service providers in the food distribution, education, health and security sectors; local stakeholders in communities surrounding the selected temporary shelters: local government officials, service providers in the local education, health and justice systems and community members; and staff of international organisations, NGOs and community-based organisations which provide social welfare and legal protection services to displaced persons in the temporary shelters.

## 7.6 Research Limitations

The research team faced several limitations in data collection due to the sensitive nature of the research topic and research sites. Following the Ministry of the Interior (MOI), access to the temporary shelters required advance approval and a temporary shelter pass, so data collection needed to be conducted very efficiently within certain time frames. In addition, as the research team was unable to stay overnight in the shelters due to MOI policy restrictions, it was difficult to build the trust of displaced persons. It was also not possible to locate the same informant for a follow-up interview to cross-check or obtain more in-depth information.

It was necessary to rely upon facilitation either by MOI, community leaders in the temporary shelters or NGOs for the selection of interpreters and displaced person informants. Access to ethnic and religious minority groups which lack a strong connection to the aforementioned facilitators was therefore particularly limited. Interviews with displaced persons required local interpreters who speak Karen, Karenni and Burmese, and thus data accuracy depended heavily on interpreters. Sometimes an interpreter was a community leader or NGO staff member, which may have affected the openness of the informants in their responses.

The research team was unable to conduct any interviews related to legal cases due to security and confidentiality concerns. It was also difficult to obtain access to current Thai hospital referral cases, with the exception of Mae La, where interviews with referral cases were facilitated by the AMI Patient House in Mae Sot. Additionally, the research team was unable to obtain statistics on legal and hospital referral cases and related expenses due to security and confidentiality concerns. Finally, due to time and location constraints, the research team visited a limited number of Thai schools in local communities.

## 7.7 Confidentiality of Informants

The identity and names of all informants will remain anonymous due to the sensitive nature of the research topic. In addition, the study is unable to provide details about the key informants who provided information on cases of displaced person access to Thai schools.

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## Chapter 8

# Conceptual Framework

Naruemon Thabchumpon, Bea Moraras, Jiraporn Laocharoenwong  
and Wannaprapa Karom

**Abstract** The Human Security framework is briefly explained as the basis for assessment of the situation for displaced persons, with indicators in the areas of food, health, education, political, personal, environmental and community security acting as the key areas of assessment. For education, the 4As framework is used, assessing availability, accessibility, acceptability and adaptability.

**Keywords** Human security concept · Main components of human security · Indicators education security · Health security

### 8.1 Human Security Concept

The displaced person situation along the Thai–Myanmar border has lasted around 26 years, and has moved from emergency to a protracted situation. It is best addressed from a human security perspective which goes beyond humanitarian assistance to development. Adopting a greater development-oriented approach can provide mutual benefits for displaced persons and the host country, as ‘development-related projects targeting refugee populated areas can foster an environment of greater security and protection for refugees and the local population, while also contributing to broader national development objectives’ (Loescher/Milner 2007).

In international relations, the concept of *security* has traditionally been limited to individuals’ physical security, the national security of each state, inter-state relations and military relations. In *protracted refugee situations*, the host country views displaced persons as a threat to national security. Displaced persons are seen as impinging on national sovereignty as well as contributing to crime, human trafficking, drug

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N. Thabchumpon (✉) · B. Moraras · J. Laocharoenwong · W. Karom  
Master of Arts in International Development Studies, Faculty of Political Science,  
Chulalongkorn University, Henri-Dunant Road, Bangkok 10330, Thailand  
e-mail: junaruemon@hotmail.com

trafficking, and leading to pressures on jobs, public resources and social services including health care, education and housing (Loescher/Milner 2007).

It is increasingly necessary to refocus the concept of security from the *nation* towards the *individual* and the *community*, as emphasised by the Human Security paradigm. When people are insecure, they become a burden on society (UNDP 1994). Regardless of whether displaced persons will return to Myanmar, resettle to a third country or continue to reside in Thailand, promoting the human security of displaced persons will benefit both displaced persons and Thailand as the host country. Lack of human security for displaced persons can lead to threats to Thai national security such as crime, violence, conflict and trafficking. Human security and national security are interconnected and mutually reinforcing concepts where lack of one threatens the other.

## 8.2 Main Components of the Human Security Framework

The concept of *human security* expands upon both territorial security and national security to encompass *freedom from fear* with regard to security, and *freedom from want* on the economic and social front. The main components of the Human Security framework are economic security, food security, health security,

**Table 8.1** Human security and examples of main threats

Type of security	Definition	Examples of main threats
Economic security	Job security, full-time employment, income security	Persistent poverty, unemployment
Food security	Physical and economic access to basic food; linked to economic security	Hunger, famine
Health security	Prevention and treatment of disease, access to health care	Infectious diseases, unsafe food, malnutrition, lack of access to basic health care
Environmental security	Healthy physical environment, adequate water supply and sanitation, forest conservation, prevention of pollution, coping with human-caused natural disasters	Environmental degradation, resource depletion, natural disasters, pollution
Personal security	Security from physical violence including physical torture, war, ethnic tension, crime, street violence, rape, domestic violence, child abuse, suicide, drug use	Physical violence, crime, terrorism, domestic violence, child labour
Community security	Security from membership in a group such as a family, community organisation, racial or ethnic group, which provides practical support	Inter-ethnic, religious and other identity based tensions
Political security	Respect for basic human rights	Political repression, human rights abuses

Source UNDP 1994 and UNOCHA 2009

**Table 8.2** Human security indicators related to social welfare and legal protection of displaced persons

Type of security	Human security indicators	Topic
Food security	<ul style="list-style-type: none"> <li>• Availability of food</li> <li>• Access to food</li> </ul>	Food and Shelter
Health security	<ul style="list-style-type: none"> <li>• Quality of nutrition</li> <li>• Availability of health care</li> <li>• Access to health care</li> <li>• Quality of health care</li> <li>• Prevention and treatment of disease</li> <li>• Basic awareness and knowledge of hygiene</li> </ul>	Health care
Personal security	<ul style="list-style-type: none"> <li>• Fear of violence</li> <li>• Level of crime</li> <li>• Efficiency of legal and judicial institutions</li> <li>• Prevention of harassment and sexual and gender-based violence</li> <li>• Prevention of domestic violence and child abuse</li> </ul>	Legal Protection
Community security	<ul style="list-style-type: none"> <li>• Fear of multiregional conflicts</li> <li>• Fear of internal conflicts</li> <li>• Protection from unfavourable traditional practices</li> <li>• Abolishment of ethnic discrimination</li> </ul>	
Political security	<ul style="list-style-type: none"> <li>• Respect for basic human rights</li> </ul>	

*Source* The authors

environmental security, personal security, community security and political security (UNDP 1994; UNOCHA 2009) (Table 8.1).

### 8.3 Human Security Indicators Used

Although academics and governments have yet to agree upon or fully endorse a standard definition of the human security concept and indicators, efforts should still be made to apply the human security concept in practice. The Human Security framework broadens the scope of assessment from traditional security to a more holistic perspective. As such, the Human Security framework is used to analyse the current and potential access to social services for displaced persons in Thailand, specifically the four main components of the Human Security framework which relate to the topics of food, education, health care and legal protection: food security, health security, personal security and community security (Table 8.2).

Although education does not correlate directly with the types of security under the Human Security framework, it is a key tool for achieving several types of security. According to the Commission on Human Security (2003), ‘education can give people freedom to promote their human security and that of others’. For example, basic education usually increases job skills and the prospects of productive

**Table 8.3** The 4As underlining the Right to Education framework

INEE's definition		Right to Education project's definition
Availability	Duty-bearers must ensure free and compulsory good quality education available for all children up to a defined age minimum, with safe schools and appropriate infrastructure and facilities, especially trained teachers	Education is free and government-funded; there is adequate infrastructure and trained teachers able to support education delivery
Accessibility	Duty-bearers must eliminate any discrimination on the basis of disability, gender, etc.; education must be free and physically accessible, protected from attacks	The system is non-discriminatory and accessible to all; positive steps are taken to include the most marginalised
Acceptability	Duty-bearers must ensure that education is acceptable to children, parents and teachers, with relevant content and methods, respecting everyone's rights; utmost attention must be paid to the needs of minority and indigenous groups	The content of education is relevant, non-discriminatory and culturally appropriate, and of quality; the school itself is safe and teachers are professional
Adaptability	Duty-bearers must ensure that education is adaptable to the child's specific situation and ability; emergencies create enhanced vulnerability to disability and maiming, and the reality of displacement, for month and years	Education can evolve with the changing needs of society and contribute to challenging inequalities, such as gender discrimination; it can be adapted locally to suit specific contexts

Source INEE 2008; Right to Education Project 2008



**Table 8.4** The 4As indicators of the Right to Education framework used in this study

Availability	<ul style="list-style-type: none"> <li>• Availability of education services and programmes (e.g. basic education, post-secondary education, vocational training, adult education/non-formal education, higher education, distance learning, special education, etc.)</li> <li>• Teacher retention and recruitment</li> </ul>
Accessibility	Adequacy of school infrastructure, supplies and equipment Accessibility to education services based on: <ul style="list-style-type: none"> <li>• Economic status</li> <li>• Gender</li> <li>• Ethnicity, religion, language</li> </ul>
Acceptability	<ul style="list-style-type: none"> <li>• Teacher quality</li> <li>• Learning standards</li> <li>• Accreditation</li> </ul>
Adaptability	<ul style="list-style-type: none"> <li>• Flexibility of education to evolve depending on context and changing needs of community</li> <li>• Relevance of education to the reality of DP lives</li> </ul>

Source Adapted by the authors

employment, thereby contributing to economic security. Basic education also contributes to food security by providing access to school feeding programmes, and contributes to health security by promoting good health and HIV/AIDS prevention. Finally, education fosters political security, human rights and democracy. Through access to information and knowledge, people are empowered to express their needs and assert their voices. Particularly in the case of displacement, ‘refugee children can benefit greatly from the stable social environment that school can provide. They need schooling to address the economic, health and social insecurities that press in on their lives’ (Sommers 2002 cited in Commission on Human Security 2003).

As education is a tool for human security, the framework of the Right to Education and the 4As of availability, accessibility, acceptability and adaptability are used as an analytical framework. The 4As framework was originally developed by Katarina Tomasevks, the first United Nations Special Rapporteur on the right to education, but has been adapted to the education situation in the temporary shelters in Thailand based on interpretations by the Inter-Agency Network for Education in Emergencies (INEE) and the Right to Education Project (Tables 8.3 and 8.4).

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## Chapter 9

# Current Situation of Social Welfare and Social Security

Naruemon Thabchumpon, Bea Moraras, Jiraporn Laocharoenwong and Wannaprapa Karom

**Abstract** A comprehensive overview is provided of the current situation of social welfare and social security in the selected temporary shelters of Tham Hin, Mae La and Ban Mai Nai Soi. Use is made of documentary and field data, and key indicators under the Human Security framework and the rights-based approach are used in analysis of security food, shelter, health care, safety and legal protection. For education, the relevant indicators of the Right to Education framework of the 4As are applied and analysed. Each topic is discussed in-depth, followed by an assessment of the social tension between displaced persons and local Thai communities. An analysis of the consequences of maintaining the current situation is presented.

**Keywords** Social welfare · Refugee · Social tension · Right-based approach · Gender

### 9.1 Food and Shelter

This section looks at the provision of food, shelter and non-food items, as well as livelihood programmes available in the temporary shelters. For the topic of food assistance, indicators for food security under the Human Security framework are used: availability of food; access to food; and quality of nutrition.

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N. Thabchumpon (✉) · B. Moraras · J. Laocharoenwong · W. Karom  
Master of Arts in International Development Studies, Faculty of Political Science,  
Chulalongkorn University, Henri-Dunant Road, Bangkok 10330, Thailand  
e-mail: junaruemon@hotmail.com

### ***9.1.1 Structure of Food Assistance***

TBBC, a consortium of 11 NGOs from nine countries, provides food, shelter materials and non-food items in the nine temporary shelters along the Thailand-Myanmar border. In terms of the commodity distribution system, TBBC procures food and non-food items, while commercial suppliers transport the items to the temporary shelters (Bodermar et al. 2008). The Camp Committees, composed of residents in the temporary shelter, are in-charge of reception, storage and distribution of the items in the temporary shelters (Bodermar et al. 2008). Section Leaders then control and manage the final distribution of food. However, there have been concerns that food is not distributed to only those who need it (United Kingdom Department for International Development 2008).

According to the most updated data from TBBC, the feeding figure in all the shelters was 140,341<sup>1</sup> as of June 2011 (TBBC 2011).

### ***9.1.2 Food Assistance***

#### **9.1.2.1 Availability of Food**

In 2010, TBBC has faced serious budget cuts totalling 273 million baht, 21 % of its total. As a result, TBBC has had to reduce its food assistance and target its feeding to the most vulnerable (Table 9.1).

TBBC has adjusted its food rations as follows:

- Rice decreased to 7 kg/month for young children and 13.5 kg/month for older children and adults.
- Yellow split peas will be introduced into the ration to replace mung beans, at 1 kg for adults and older children and 0.5 kg for young children.
- Fish paste will remain at 750 g per adult and per older child and reduced to 500 g per young child.
- Oil will be provided as a household ration, similar to charcoal distribution, based on the number of people included.
- Dried chilies are no longer distributed.
- Salt rations decreased to 150 g/month per adult and older child and 75 g/month per young child.

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<sup>1</sup> This BBC Feeding Figure reflects the actual number of persons recorded as having collected food rations during June 2011, which is slightly lower than the TBBC Verified Caseload number of 146,396 persons. This is because food rations are provided only to those personally attending distributions, whereas the Verified Caseload includes all persons verified as living in the camps and eligible for rations, including registered or not registered.

**Table 9.1** TBBC food rations as of December 2010

Food items	Young child ration (6 months to <5 years)	Older child ration (5–<15 years and board house students)	Adult ration (<18 years)
White rice (kg)	7	13.5	13.5
Yellow split peas (kg)	0.5	1	1
Sugar (g)	250	250	125
AsiaMIX (fortified blended food) (kg)	1	1	0.25
Fish paste (kg)	0.5	0.75	0.75
Soybean oil (non-fortified) (distribution on sliding scale per household size) (l)	0.8	0.8	0.8
Salt (g)	75	150	150
Total calories	1,264	2,100	1,986

Source TBBC (2010a)

Although TBBC provides food rations to the general shelter population, some rations such as fish paste cannot be consumed by Muslim residents due to their religious beliefs (TBBC 2010b). This means that there are less food rations readily available for Muslims as compared to the rest of the shelter population; more attention needs to be paid to their particular food needs.

The reduction in food rations, especially rice and other main rations such as cooking oil considered as basic food, has meant less to eat for displaced persons. The impact is felt especially by certain households which need to share rations among some household members who do not receive rations. Moreover, displaced persons stated that the removal of dried chilies from the food rations means they can no longer cook their own traditional dishes, since dried chilies are a main ingredient (Interviews, Tham Hin).

A reduction in the availability of food can be offset by alternative means of obtaining food, such as through increasing livelihood opportunities for displaced persons. Livelihood programmes organised by NGOs such as TBBC and Catholic Organisation for Emergency Relief and Refugees (COERR) operate in the shelters, and TBBC is increasing such programmes. However, only a limited number of displaced persons can participate. To maintain a sufficient level of food availability, food rations should not be reduced further, while livelihood programmes and opportunities should be increased on a large scale in order to supplement food rations.

### 9.1.2.2 Access to Food

TBBC currently categorises its eligibility for food rations based on registration status. The five categories of eligibility are: Registered Refugee with UNHCR Household Registration or UNHCR ID Card and Ration Book; Unregistered

Asylum Seeker with Ration Book; New Unregistered Asylum Seeker without Ration Book; Persons holding Request for Exemption form; and Special Categories (TBBC 2010a) (Table 9.2).

TBBC has established its own population database and ration book system which aims to provide accurate information on the number of displaced persons living in the shelters, including both registered and unregistered persons. This database allows TBBC to determine actual feeding figures and have tighter control of ration distributions. The current ration book system was introduced in 2009, and ration books are allocated based on registration status as below:

- Blue ration books: registered displaced persons, i.e. those with UNHCR/MOI registration documents.
- Pink ration books: persons who are ‘screened in’ during the prescreening process or have been identified/approved for interviewing by Provincial Admission Boards (PABs).
- Orange ration books: persons who have been verified as eligible for assistance but are yet to undergo any official process (Prescreening, PABs).

**Table 9.2** TBBC eligibility criteria for food rations (2010)

Category	Criteria for eligibility
Registered refugee with UNHCR household registration or UNHCR ID card and ration book	TBBC provides the full ration to refugee/asylum seekers acknowledged and approved by the camp committee as continuously residing in the camp. In order to be able to receive the food ration, each adult refugee must come in person to the food distribution point with his/her UN identification card and ration book
Unregistered asylum seeker with ration book	An asylum seeker who is acknowledged and approved by the camp committee as continuously residing in the camp is eligible to receive the food ration, each adult refugee must come in person to the food distribution point with his/her ration book
New unregistered asylum seeker without ration book	An asylum seeker who has just arrived to the camp and is acknowledged and approved by the camp committee will be added to the Monthly Update of Populations Figures (MUPF), after continuously residing in the camp for a period of at least 1 month. After receiving notification by camp committee of being reduced in the MUPF, each new arrival will be issued a Ration Book by TBBC. From the following month, a new arrival will be able to receive the food ration by coming in person to the food distribution point with his/her ration book
Persons holding Request for Exemption Form	People unable to attend distribution, but with valid reason (e.g. camp committee member, teacher, medic) must provide verification either from their organisation and complete a request for Exemption Form verified by TBCC staff, camp management and CBO
<i>Special Categories:</i> The Full Eligibility Criteria also address the special categories of population such as new born babies <6 months, child-headed households, permanent transfers between the camps and students from boarding houses.	

Source TBBC (2010a)

The Refugee Camp Committees receive and distribute supplies with guidance and monitoring by TBBC. All adult ration card holders must personally present themselves and produce photo identification at the distribution point in order to collect their rations. However, exemptions are made for persons who have a valid reason for not being present for ration distribution, such as Camp Committee members, teachers, medics and elderly or disabled people (TBBC 2010a). In these cases, ration deliveries to homes can be arranged by temporary shelter distribution staff or community leaders (Interview, Tham Hin).

TBBC tries to ensure that eligible households have received their rations by conducting monthly post-distribution monitoring exercises; however, there may still be barriers to access to food for some groups such as New Arrivals, minority ethnic groups, and disabled people. New Arrivals must be approved by their Section Leader first before they can receive any food rations, but they may still have difficulty accessing food where only limited food rations are available (Key Informant Interview, Tham Hin). Beginning in February 2011, a new Thai MOI policy prohibits New Arrivals from receiving any food rations (Interview, Tham Hin Camp Commander). According to the Tham Hin Camp Commander, the purpose of this new policy is to prevent New Arrivals from entering the shelters to receive food assistance. From a food security and human security perspective, however, this new regulation hinders access to food assistance for New Arrivals, making them food insecure as they do not have alternative means of access to food.

### **9.1.2.3 Quality of Nutrition**

In June 2010, a budget deficit due to exchange rate deterioration forced TBBC to suspend yellow bean distribution for the period of July through December 2010. TBBC chose to suspend yellow beans due to their significant increase in market price. TBBC has previously aimed at providing a nutritionally balanced food ration which fully meets WHO/UNHCR daily standards for emergencies of 2,100 kilocalories per person. However, the removal of yellow beans from the food basket has decreased the average kilocalorie level to 1,995 kilocalories, below the standard. Additionally, the percentage of protein needs met by the food basket has dropped to 82 %. In order to protect the most vulnerable displaced persons, yellow beans will still be distributed as part of the supplementary feeding programme (TBBC 2010a).

### ***9.1.3 Shelter and Non-food Item Assistance***

The temporary shelters are generally overcrowded, and only three temporary shelters meet the UNHCR minimum space standards (CCSDPT/UNHCR 2007). Displaced persons are able to design, construct, and repair houses by themselves using the customary and local materials provided. However, due to the temporary

**Table 9.3** TBBC building supply rations (2010)

Item	Size	Specification	New house		Replacement house		Annual repairs	
			Standard (1–5 persons)	Large (>5 persons)	Standard (1–5 persons)	Large (>5 persons)	Standard (1–5 persons)	Large (>5 persons)
Bamboo	Standard	3'' × >6 m	250	350	125	175	25	35
Eucalyptus	Small	4'' × 6 m	4	6	4	6	*3	*3
	Large	5'' × 6 m	8	12	8	12		
Roofing	Leaf		350	450	175	225	200	**360
	Thatch							
	Grass		250	350	125	175	100	180
Nails	Thatch							
	5''		1 kg	2 kg				
	4''		1 kg	2 kg				
	3''		1 kg	2 kg				

Source TBBC (2010a)

nature of the shelter materials, during the rainy season, houses are prone to being washed away by floods and roads are not usable (Bodermar et al. 2008).

TBBC tries to provide sufficient materials to meet the Humanitarian Charter and Minimum Standards in Disaster Relief, which recommend at least 3.5 square metres of floor area per person. TBBC distributes shelter materials such as bamboo, thatch for roofing, eucalyptus poles and nails. According to interviews with displaced persons in the three selected shelters, house and building repairs are required every year since shelter items are easily worn out; however, TBBC is unable to provide enough materials necessary for these repairs. Recent TBBC budget restraints have caused TBBC to introduce needs-based shelter provision aimed at improving construction standards and the efficiency of building material distributions (TBBC 2010a) (Table 9.3).

Non-food items provided by TBBC include blankets, bed nets, sleeping mats, charcoal and clothing. According to a key informant, the charcoal provided by TBBC is not appropriate for the method of cooking used by displaced persons, as the charcoal creates a cooking flame that is too strong for cooking purposes. Instead, displaced persons need wood for cooking, which produces a more controlled flame.

### 9.1.4 Livelihood Programmes

As food rations provided by TBBC may not adequately fulfil displaced persons' food needs, it is necessary for displaced persons to supplement their food rations by other means. The results of the baseline survey show that in each of the three shelters, more than 80 % of respondents stated that they buy food within their income, while approximately 20 % grow food in the shelter for household consumption.

NGOs such as TBBC and COERR promote agricultural training as well as livelihood and self-employment programmes to encourage displaced persons' self-

reliance and food security. TBBC's CAN programme which provides agricultural training is currently available in shelters such as Ban Mai Nai Soi and Mae La, although not available in Tham Hin, as COERR is running a similar programme. Thai villagers also have the chance to participate in the TBBC CAN programme, which helps to reduce social tensions between displaced persons and local communities. TBBC is now introducing new approaches to community agriculture with the aim of increasing income saving. New activities to help displaced persons develop livelihood activities are also being carried out under the shelter programme (TBBC 2010a).

In an effort to promote the self-reliance of displaced persons, TBBC is making the promotion of livelihood and self-employment opportunities a key component of its programming. Activities focus on income generation, savings and increased economic activities. TBBC has set up a pilot project in Tham Hin and Mae Ra Ma Luang shelters called the Entrepreneurship Development, Grant and Savings (EDGS) project. This project develops the capacity of displaced persons in small enterprise creation and management through training, small grants and mentoring support. The short-term goal of the project is to establish small businesses or expand existing businesses, while the long-term goal is self-reliance and sustainable self-employment for displaced persons. The project adopts a step-by-step approach to involve displaced persons in economic activities and gives priority to women and other vulnerable groups (TBBC 2010a) (Table 9.4).

COERR also provides livelihood opportunities through agricultural training courses, including in Mae La and Tham Hin. COERR's agricultural courses provide training on vegetable gardening, mushroom production, distribution of seeds, seedlings and agricultural tools and support for community-run gardening plots (TBBC 2010a; CCSIPT 2010).

**Table 9.4** People who completed training and received a grant in the EDGS project

Category		Per cent	Mae Ra Ma Luang			Tham Hin			Total		
			M	F	Total	M	F	Total	M	F	Total
1	Poor	15	20	42	62	12	28	40	32	70	102
2	Single mother/single women/ separated women	20	3	31	34	0	17	17	3	48	51
3	GBV Survivors	10	—	—	—	—	—	—	—	—	—
4	With disabled spouse	15	3	8	11	2	3	5	5	11	16
5	Youth	10	7	13	20	5	4	9	12	17	29
6	Person with disability	5	7	—	7	3	1	4	10	1	11
7	Trained on specific skills	8	5	4	9	8	7	15	13	11	24
8	Existing entrepreneurs	7	1	2	3	4	8	12	5	10	15
9	New Arrivals	10	6	15	21	3	14	17	9	29	38
Total		100	52	115	167	37	82	119	89	197	286

Source TBBC (2010a)



### ***9.1.5 Summary and Recommendations***

The current situation of food assistance has been analysed based on the three main indicators of food security under the Human Security framework: availability of food, access to food and quality of nutrition. As a result of large cuts to TBBC's budget, the level of food rations has decreased. Generally, a reduction in the availability of food for displaced persons can be offset by alternative means of obtaining food, such as through increasing the livelihood opportunities of displaced persons. However, there are a limited amount of livelihood programmes available in the shelters, so only a limited number of displaced persons can participate. In order to increase food availability, food rations should not be further decreased, while at the same time, livelihood programmes and opportunities should be increased on a large scale in order to supplement the food rations.

With regard to accessibility of food, TBBC tries to ensure that eligible households have received their rations by conducting monthly post-distribution monitoring exercises. However, there may still be barriers to access to food for some displaced persons such as New Arrivals, minority ethnic groups and the disabled. As for nutrition, the removal of yellow beans from the food basket has decreased the average kilocalorie level to 1,995 kilocalories per person per day, which is below the WHO/UNHCR daily caloric planning figure of 2,100 kilocalories per person.

Reduced funding for food assistance has resulted in a decrease in all three food security indicators, making it increasingly difficult to meet the food needs of displaced persons. As the current situation is not sustainable, it is critical to promote more livelihood and income generating opportunities in order to ensure the food security of displaced persons.

## **9.2 Education**

This section begins with an explanation of the structure of education services in the temporary shelters along the Thailand–Myanmar border. It then analyses data on education services according to the 4As indicators of the Right to Education framework. For the first indicator, availability, the study will assess the availability of various education services and programmes available in the shelters, including basic education, post-secondary education, vocational training, adult education/non-formal education, higher education, distance learning and special education. Teacher retention and recruitment, as well as adequacy of school infrastructure, supplies and equipment, will also be discussed under the indicator of availability. For the second indicator of accessibility, the study will examine barriers to and disparities in access to education services based on economic status, gender, ethnicity, religion and language. Teacher quality, learning standards and accreditation will be addressed under the third indicator of acceptability. Finally, for the

fourth indicator of adaptability, the study will analyse the flexibility of the current education situation to evolve depending on the context and changing needs of the community, in addition to the relevance of education to the reality of the lives of displaced persons.

### ***9.2.1 Structure of Education Services***

Since 1996, international NGOs have supported CBOs in the delivery of educational services in the temporary shelters. Services originally focused on formal education but they have since expanded to nursery schools, special education, libraries, vocational training, non-formal education, sports and recreation activities, adult literacy and other aspects of education (CCSDPT 2010).<sup>2</sup>

#### **9.2.1.1 Predominantly Karen Temporary Shelters**

In April 2009, the community-based Karen Education Department (KED) under the Karen National Union (KNU) was restructured as the Karen Refugee Committee-Education Entity (KRCEE) under the Karen Refugee Committee (KRC) (Oh et al. 2010; KRCEE, Interview). KRCEE oversees education in the seven predominantly Karen temporary shelters.<sup>3</sup> The vision of KRCEE is to “build up a true, lasting peace and justice by producing graduates who are critical and creative thinkers, competent leaders, and good citizens who are proud of their identity”. Its mission is to “serve and represent the Karen refugees temporarily sheltered along the Thai-Burma border by providing basic education and tertiary education to refugee students and children” (KRCEE 2010a).

KRCEE establishes educational policies at the central level while a Committee for Camp Education Entity<sup>4</sup> (CCEE) and an Office of Camp Education Entity (OCEE) oversee education affairs at the temporary shelter level. The CCEE manages and promotes education quality, conducts monitoring and evaluation, and advises the respective OCEE in each temporary shelter (CCEE of Mae La, Interview). KRCEE/CCEE policies are interpreted and implemented through the OCEE and schools in each temporary shelter, which may interpret the policies in accordance with their specific situation (Oh et al. 2010).

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<sup>2</sup> For a detailed list of CCSDPT organisations working on education activities, please refer to: CCSDPT (2010). *CCSDPT Directory for 2010*. Bangkok: CCSDPT.

<sup>3</sup> Ban Don Yang, Mae La, Mae La Oon, Mae Ra Ma Luang, Nupo, Tham Hin, Umpiem.

<sup>4</sup> The KRCEE charter states that the CCEE is chaired by the Education Coordinator. The CCEE must also have at least seven members representing diverse interests such as youth who are not members of the KYO, women who are not members of the KWO, parents, teachers, religions, disabled persons, etc. (Oh et al. 2010).

KRCEE currently focuses on basic and further education and does not specifically deal with vocational training and adult education (Oh et al. 2010; KRCEE, Interview). However, KRCEE plans to restructure and standardise the non-formal education programmes in the temporary shelters (KRCEE, Interview). KRCEE collaborates with NGOs such as ZOA and World Education in provision, coordination and improvement of education (Oh et al. 2010; KRCEE, Interview). KRCEE also aims to strengthen coordination with NGOs and CBOs along the border by facilitating monthly consultation meetings (Oh et al. 2010).

Since 1997, ZOA has provided the majority of educational support in the predominantly Karen temporary shelters. Support is provided in the areas of basic education, non-formal education, vocational training, higher education, livelihoods, educational material development and capacity building (ZOA 2008). Specific activities include teacher training and support, development of teacher training materials, curriculum and textbook development, institutional capacity building and community development. ZOA's educational support also involves the provision of operational services, such as school construction, payment of teacher subsidies, and provision of educational materials and school supplies (ZOA 2008). ZOA works closely with KRCEE on the provision of educational services. Other NGOs and CBOs such as COERR, Karen Women's Organisation (KWO), TBBC, Thaybay-Curriculum Project, TOPS and World Education also provide various education services (Table 9.5).

The enrollment rate for primary school students in the predominantly Karen temporary shelters ranged from 56 to 65 % between 2007 and 2010. The total number of students for both primary and secondary school was at around 36,000 for 2007–2008 and 2008–2009 but dropped to around 34,000 in 2009–2010. After the primary school cycle, however, the number of students enrolled in school dropped significantly but the reason for this is still unclear (Oh et al. 2010) (Table 9.6).

### 9.2.1.2 Predominantly Karenni Temporary Shelters

In the two predominantly Karenni temporary shelters,<sup>5</sup> the NGO Jesuit Refugee Service (JRS) has been working with the community-based Karenni Education Department (KnED) since 1997. JRS supports the KnED at all levels of management in the following areas: teacher training, primary and secondary education, special education, life skills education, home school liaison programme, vocational training, and management and capacity development (Jesuit Refugee Service 2009; JRS, Interview).

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<sup>5</sup> Ban Mai Nai Soi and Ban Mae Surin.

**Table 9.5** Educational programmes in the seven predominantly Karen temporary shelters

Type	Target group	Content	Institutions	Organisations providing services
Nursery	Children aged 3 years	Introduction to basic education and preparation for kindergarten: Karen Burmese, English Maths	Nursery schools	TOPS
Kinder-garden	Children aged 5 years	The KRCEE proposes that the kindergarten curriculum include Karen, English, Mathematics, Social Studies, Health and Physical Education	Schools	ZOA
Primary and secondary	Children and young people of school-going age	General education using KED/KRCEE-approved curriculum	Schools	ZOA
Post-secondary	Young people who have completed secondary education	General education; specialised courses: English, leadership, medic courses; KED/KRCEE-approved curriculum	Schools	World Education, ZOA, Thaybay-Curriculum Project (CP)
Religious learning	Children and young people	Religion	Religious schools	Religious institutions outside the camp
Special education	Deaf, blind and mute children	Sign language, Braille	Special education centres	KWO, World Education
Vocational and craft learning	Adults and school leavers	Auto-mechanics, radio mechanics, sewing, agriculture, cooking, weaving, basket weaving and other courses	Vocational training centres	ZOA, KWO, TBBC, COERR
Adult learning	Adults and school leavers	English, Thai, literacy, music, computers	Learning centres	ZOA, KWO, Thaybay—Curriculum Project
Night school	Adults and school leavers	General education using KED/KRCEE-approved curriculum	Schools	ZOA

Source Oh et al. (2010)

**Table 9.6** Students by cycle in the seven predominantly Karen shelters, 2008–2010

Academic year	Primary	Secondary	Total
2007–2008	23,482	12,861	36,343
2008–2009	20,129	16,346	36,475
2009–2010	20,235	13,813	34,048

Source Oh et al. (2010)

<sup>a</sup> Figures are taken from ZOA statistics from December of that academic year

## 9.2.2 Availability

*Availability* is the first out of four components of the Right to Education framework that will be used to analyse the current situation of education services in the temporary shelters. This section will provide an extensive overview and explanation of the various education services and programmes available in Tham Hin, Mae La, and Ban Mai Nai Soi shelters, including curricula and enrollment figures. The types of education services discussed include: basic education, post-secondary education, other educational programmes, vocational training, non-formal education, higher education and distance learning, and special education. It will then assess teacher retention and recruitment, and lastly the adequacy of school infrastructure, supplies and equipment.

### 9.2.2.1 Basic Education

Tham Hin and Mae La

Basic education consists of primary and secondary education from kindergarten through to high school (KG–Grade 12). Basic education schools are sufficiently available in Tham Hin and Mae La. Tham Hin has one school which covers all grades from kindergarten. Mae La has 13 primary schools, 7 middle schools and 8 high schools (Tables 9.7 and 9.8).

The switch to a new grade system began in the 2008–2009 school year and has now been completed in all seven predominantly Karen shelters (KRCEE, Interview). The basic education grade system previously consisted of three kindergarten grades followed by Grades 1–10.<sup>6</sup> This old grade system has now been restructured into only one kindergarten grade (KG) followed by Grades 1–12. It is anticipated that the standardisation of the grade system will make it easier for schools in resettlement countries to understand student transcripts (KRCEE, Interview). Standardisation of the grade system also makes the education system in the temporary shelters more aligned with the Thai system, which is one step in the direction towards accreditation (Key informant Interviews, Mae La).

<sup>6</sup> A ‘Grade’ is commonly referred to as a ‘Standard’ and the two terms can be used interchangeably.

**Table 9.7** Basic education enrollment in Tham Hin  
Tham Hin Shelter: Basic education student enrolment 2010–2011

School	Ethnicity					Religion				Gender		
	School	Karen	Burman	Muslim	Other	Total	Christianity	Buddhism	Islam	Other	Total	Total
1	Tham Hin	1,364	24	4	61	1,453	1,157	289	7	0	1,453	1,453
	Total	1,614	30	4	61	1,709	1,396	306	7	0	1,709	1,453
	Percent (%)	94	2	0	4	100	82	18	0	0	100	100

Source Unpublished statistics from ZOA, obtained in January 2011

**Table 9.8** Basic education enrollment: Mae La  
Mae La shelter: basic education student enrolment 2010–2011

School		Ethnicity					Religion					Gender		
N	School	Karen	Burman	Muslim	Other	Total	Christianity	Buddhism	Islam	Other	Total	Male	Female	Total
1	Primary 1	532	0	0	0	532	10	522	0	0	532	248	248	248
2	Primary 2	167	0	0	0	167	64	77	0	26	167	78	89	167
3	Primary 3	324	10	71	0	405	72	262	71	0	405	189	216	405
4	Primary 4	332	0	0	0	332	154	178	0	0	332	154	178	332
5	Primary 5	209	1	0	0	210	165	42	0	3	210	108	102	210
6	Primary 6	312	0	1	2	315	203	112	0	0	315	161	154	315
7	Primary 7	182	1	0	0	183	94	89	0	0	183	108	75	183
8	Primary 8	350	0	0	0	350	32	318	0	0	350	189	161	350
9	Primary 9	299	0	0	0	299	170	129	0	0	299	158	141	299
10	Primary 10	159	0	0	0	159	13	146	0	0	159	68	91	159
11	Primary 11	245	2	0	3	250	91	159	0	0	250	129	121	250
12	Primary 12	172	1	0	6	179	138	41	0	0	179	99	80	179
13	Primary 13	0	0	501	0	501	0	0	501	0	501	248	253	501
14	Middle 1	739	0	0	0	739	618	121	0	0	739	404	335	739
15	Middle 2	914	40	23	0	977	523	431	23	0	977	483	494	977
16	Middle 3	325	2	0	4	331	208	123	0	0	331	175	156	331
17	Middle 4	285	3	26	16	330	173	131	26	0	330	166	164	330
18	Middle 5	338	2	9	0	349	86	254	9	0	349	192	157	349
19	Middle 6	262	0	0	0	262	96	166	0	0	262	137	125	262
20	Middle 7	420	0	0	0	420	149	271	0	0	420	219	201	420

(continued)

Table 9.8 (continued)

Mae La shelter: basic education student enrolment 2010–2011

School		Ethnicity					Religion					Gender				
		N	School	Karen	Burman	Muslim	Other	Total	Christianity	Buddhism	Islam	Other	Total	Male	Female	Total
21	High 1	221		770	2	21	2	795	517	257	21	0	795	390	405	795
22	High 2	222		1089	1	0	1	1091	481	610	0	0	1091	530	561	1091
23	High 3	223		929	16	7	7	959	503	448	8	0	959	437	522	959
24	High 4	224		362	0	0	0	362	239	123	0	0	362	173	189	362
25	High 5	225		772	5	32	0	809	177	596	31	5	809	394	415	809
26	High 6	226		378	12	0	19	409	193	213	0	3	409	213	196	409
27	High 7	227		603	0	0	0	603	7	596	0	0	603	358	245	603
28	High 8	228		236	0	0	0	236	119	113	0	4	236	120	116	236
Total				11705	98	691	60	12554	5295	6528	690	41	12554	6364	6190	12554
Per cent (%)				93	1	6	0	100	42	52	5	0	100	51	49	100

Source Unpublished statistics from ZOA, obtained in an January 2010



The new grade system is divided into four levels, with Level 1 corresponding to kindergarten Grade 3, Level 2 corresponding to Grades 4–6, Level 3 corresponding to Grades 4–6 and Level 4 corresponding to Grades 10–12. Post-secondary schools, which were commonly known as ‘Post-10’ schools in the old grade system, are now referred to as ‘Post-12’ schools. The only change to the content of the curriculum has been the addition of Thai language instruction (Tables 9.9 and 9.10).

Originally, the KED/KRCEE curriculum in the basic education schools was mostly Karen-focused, but there has since been an emphasis on inclusive education to meet the needs of other groups (ZOA, Interview). At the primary level, the core curriculum includes maths, geography, hygiene, and Karen, Burmese, English and Thai languages, with social studies offered on a supplementary basis. At the secondary level (Grades 7–12), hygiene is removed from the core curriculum, while history and science are added. Physical education and art are extra-curriculum subjects offered at the primary level, while secondary level extra-curriculum subjects include art, music, sewing, knitting and embroidery, and cooking and baking (ZOA, Email Communication). There are some local variations to the standard curriculum, such as computer courses offered in Grades 7–12 in Tham Hin (Oh et al. 2010; Education Official, Interview, Tham Hin). However, there are currently no arts classes offered due to lack of funding for materials for arts classes (ZOA, Interview).

The curriculum has been criticised as lacking coherence among grades and subjects, relevance to the local context, and quality (Van der Stouwe/Oh 2008). Furthermore, many subjects are too difficult; the language of the curriculum and textbooks does not suit a large proportion of students and teachers; the social studies textbooks are too difficult; there is a lack of instructional material, teachers’ manuals and practical resources; there is not enough emphasis on art, music,

**Table 9.9** New KRCEE grade system by age, level and grades

Age	Level	Grades
5–9 years	1	Kindergarten—Grade 3 (Lower Primary School)
10–12 years	2	Grades 4–6 (Upper Primary School)
13–15 years	3	Grades 7–9 (Lower Secondary School/Middle School)
16–18 years	4	Grades 10–12 (Upper Secondary School/High School)

Source KRCEE (2010a)

**Table 9.10** Grades and corresponding ages in the seven predominantly Karen temporary shelters

Level	Primary							Secondary						
Stage	Lower primary			Upper primary				Lower secondary			Upper secondary			
Grade/standard*	KG	1	2	3	4	5	6	7	8	9	10	11	12	
Age	5+	6	7	8	9	10	11	12	13	14	15	16	17+	

Source Oh et al. (2010)

dance, drama and physical education, along with personal/emotional curriculum; and the curriculum lacks practical and non-academic components (Haikin 2009).

The schools in the largely Karen temporary shelters have been teaching three languages; Karen, Burmese and English (Van der Stouwe/Oh 2008). In recent years, the Thai Ministry of Education has set out a policy of introducing Thai language instruction into the curriculum at all levels, which means that students are now also studying Thai language (Oh et al. 2006; CCSDPT/UNHCR 2009). Karen, Burmese and some English are taught in kindergarten, while Thai language is taught from Grade 4. There are concerns that there are too many languages studied and the level of instruction is too high, which is causing confusion to students (Oh et al. 2006; Haikin 2009). This has led to an ongoing debate within KRCEE about when to introduce the instruction of second languages such as Burmese, English and Thai (KRCEE, Interview) (Tables 9.11 and 9.12).

In the baseline survey of displaced persons in Mae La, respondents were asked which type of basic education class they most prefer to be increased. The strongest demand was for English classes, followed by Thai classes. Around half (52 %) of 223 respondents chose English language classes, while around one-quarter (27 %) chose Thai language classes. Approximately 14 % of respondents chose practical and non-academic classes, such as mechanics, carpentry and sewing, while only 2 % chose art, music, dance, drama and physical education classes. Four percent chose the answer: “Nothing. I am satisfied with the basic education curriculum in the camp”.

#### Ban Mai Nai Soi

Basic education schools are sufficiently available in Ban Mai Nai Soi shelter, with eight primary schools, four middle schools and one high school (Tables 9.13 and 9.14).

**Table 9.11** KRCEE Curriculum: Primary Level (KG to Grade 6)

Subject	Details	Grades taught
<i>Core curricula</i>		
1. Mathematics	Arithmetic (consumer math), Algebra, Geometry	KG—6
2. Social studies (supplementary)	Environment, religion, civics and governance, economics, culture and social relations	Grades 5–6
3. Geography		Grades 1–6
4. Hygiene		Grades 1–6
5. Karen Language		KG–6
6. Burmese Language		KG–6
7. English Language		KG–6
8. Thai Language		Grades 4–6
<i>Co-curricula (Extra curricula)</i>		
1. Physical education		Grades 1–6
2. Art		Grades 1–6

Source ZOA, obtained in January 2011

**Table 9.12** KRCEE curriculum: secondary level (Grades 7–12)

Subject	Details	Grades taught
<i>Core curricula</i>		
1. Mathematics	Arithmetic (consumer math), Algebra, Geometry and Trigonometry	Grades 7–12
2. Social Studies (supplementary)	Environment, Religion, Civic and Governance, Economics, Culture and Social Relations	Grades 7–9
3. History	Karen History, Myanmar and World History	Grades 7–12
4. Geography		Grades 7–12
5. Science	Physics, Chemistry, Botany and Zoology	Grades 7–12
6. Karen Language		Grades 7–12
7. Burmese Language		Grades 7–12
8. English Language		Grades 7–12
9. Thai Language		Grades 7–12
<i>Co-curricula (Extra curricula)</i>		
1. Art (Drawing)		Some schools have three subjects while some have five depending on the size and level of schools
2. Music		
3. Sewing		
4. Knitting and Embroidery		
5. Cooking and Baking		
6. Carpentry		

Source ZOA, obtained in January 2011

**Table 9.13** Basic education enrolment (Primary) in Ban Mai Nai Soi

Primary school enrollment (as of July 2010)

School name	Male	Female	Total
P1	218	150	368
P2	121	135	256
P3	265	244	509
P4	198	194	392
P5	53	26	79
P6	132	122	254
S M	199	177	376
S P	171	124	295
KYTY	11	11	22
Total	1,368	1,183	2,551

Source Unpublished statistics from JRS, obtained in August 2010

Currently, the KnED basic education curriculum in Ban Mai Nai Soi teaches maths, history, social studies, science, and Burmese, Karenni and English languages. Arts, music and sports classes are also available at the primary level.

**Table 9.14** Basic education enrollment (Middle and High School) in Ban Mai Nai Soi

Middle and high school enrollment (2010–2011)			
School name	Male	Female	Total
Middle school—1	212	230	442
Middle school—2	195	224	419
Middle school—3	181	172	353
Middle school—4	164	174	338
High school	274	282	556
Total	1,026	1,082	2,108

*Source* Unpublished statistics from JRS, obtained in August 2010

Thai language is taught in Grades 10–12. The curriculum is currently undergoing adaptation and modernisation (Education Official, Interview, Ban Mai Nai Soi; JRS, Interview).

The survey question on availability of basic education classes shows the strongest demand for an increase in Thai language classes, followed by English classes. Of 102 survey respondents in Ban Mai Nai Soi, 42 % chose Thai language classes, while English classes came in second at around 29 %, compared with 18 % for practical and non-academic classes and 1 % for arts classes. Around 11 % chose the answer: ‘Nothing. I am satisfied with the basic education curriculum in the camp’. These results contrast with the results in Mae La, where there is a higher demand for more English language classes compared to Thai language classes. This could be because Thai language is not offered in the KnED basic education curriculum until Grade 10, while the KRCEE curriculum introduces Thai language in Grade 4. Based on the survey results, there is a clear need for the availability of more Thai language classes in Ban Mai Nai Soi.

### 9.2.2.2 Post-secondary Education

After students finish secondary school, they have limited access to further educational opportunities at the post-secondary level.<sup>7</sup> The Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT) draws attention to the fact that more post-secondary courses are needed (CCSDPT/UNHCR 2007). In fact, students “face diminishing opportunities as they progress in their studies” there is more student demand for these courses than there are slots available (Oh et al. 2006 cited in Women’s Commission, 2008). Those who do not succeed in entering post-secondary school might teach primary school or enroll in vocational training courses (Oh et al. 2006 cited in Women’s Commission for Refugee Women and Children 2008). Distance learning has also been discussed to address the needs of these students (Oh et al. 2006).

<sup>7</sup> Post-secondary schools are also referred to as ‘Post-10’ schools, or ‘Post-12’ schools in the temporary shelters that are now using a 12-grade system.

Generally, students must pass secondary school and entrance examinations in order to attend post-secondary courses. Post-secondary education programmes fall into three categories: those offering a general course of studies; those that prepare students for a specific vocation; and those that teach specific skills (Oh et al. 2006). Courses are taught in the English language, but students are not proficient enough in English to access course material unless it is written in simplified English (Purnell/Kengkunchorn 2008). Post-secondary schools have played an important role in guiding students towards working for their community, for instance as teachers or as staff of community-based organisations. However, there are concerns that graduates of post-secondary programmes are not highly skilled enough for teaching positions (Purnell/Kengkunchorn 2008).

In 2008, KRCEE established the Institute of Higher Education (IHE),<sup>8</sup> which is an institutional structure of post-secondary schools administered by KRCEE. There are six Junior Colleges under the IHE; Ban Don Yang is the only temporary shelter without a Junior College at the moment. KRCEE is currently in the process of developing the Junior College curriculum, which will be based on a credit system. The Junior College programme aims to standardise the post-secondary curriculum and avoid repetition among post-secondary programmes. KRCEE is also attempting to promote the extension of existing post-secondary programmes as well as improve coordination among them (KRCEE, Interview; KRCEE 2010b).

Post-secondary programmes are available in all three selected temporary shelters. However, a greater variety is available in Mae La than the other shelters due to its larger population size. Tham Hin has one post-secondary school named Tanawthari Junior College<sup>9</sup> which is run by KRCEE. Languages, science, math, psychology and sports are taught. The junior college had 59 students enrolled as of June 2010 (Education Official, Interview, Tham Hin).

In Mae La, there are five post-secondary programmes which offer courses such as liberal arts, leadership, management, engineering and computers. KRCEE manages the Pu Taw Memorial Junior College. As of December 2010, a total of 422 students were enrolled in the five post-secondary programmes (Mae La OCEE, Interview) (Table 9.15).

In Ban Mai Nai Soi, there are two post-secondary schools: Karenni Post Ten Arts and Science School (KNPT) and Karenni Leadership and Management Course (KLMC). KNPT teaches arts and sciences including environment, gender, history and agriculture. KLMC teaches leadership, management and social studies. Instruction is in English. Post-secondary schools also teach a Thai language course which is organised by the Office of Non-formal and Informal Education (ONIE) of the Thai Ministry of Education (Education Official, Interview, Ban Mai Nai Soi).

<sup>8</sup> Formerly known as the “Further Studies Program” or FSP.

<sup>9</sup> Formerly known as “Future Preparatory Class” or FPC.

**Table 9.15** Post-secondary education programmes and enrollment in Mae La

Post-secondary programme	Total student enrollment
Leadership and Management Training College (LMTC)	158
Leadership Management Course (LMC)	112
Engineering Studies Programme (ESP)	70
Anglican Literacy and Computer Centre (ALCC)	78
Pu Taw Memorial Junior College	162
Total	422

Source Mae La OCEE, obtained in December 2010

### 9.2.2.3 Other Educational Programmes

Religious schools such as Bible schools, Buddhist schools or *thirisanda*, and Koranic schools are also available in the predominantly Karen temporary shelters. They differ from the basic education schools in that they teach only religion, or combine religious teaching with other content (Oh et al. 2006).

Night schools are available only in Tham Hin and Ban Don Yang temporary shelters. Night schools provide classes for adults who wish to continue their studies. The KED/KRCEE-approved curriculum is used by the night schools. In Tham Hin, a night school teaches the same Grades 10–12 curriculum taught during the regular day at the high school level (Education Official, Interview, Tham Hin). A study on life during the night time in temporary shelters suggests that it might be useful to offer more evening classes since youth and adults often interrupt their education because they are busy with income generation activities during the day (Vogler 2006). In order to increase the availability of educational services for the out-of-school population, other temporary shelters should also consider offering night schools.

Aside from religious schools and night schools, other educational programmes offered in the predominantly Karen temporary shelters include awareness-raising programmes on a variety of social and health issues such as HIV, domestic violence, politics, sanitation and substance abuse (Oh et al. 2006). These programmes are provided by NGOs and CBOs. In Ban Mai Nai Soi, there are two special programmes offered: women's studies, and classes by the Social Development Centre (environment, government, human rights, law) (Education Official, Interview, Ban Mai Nai Soi).

### 9.2.2.4 Vocational Training

Vocational training programmes are offered by various organisations including CBOs and NGOs, and they target dropout students, disabled students, adult learners, young learners, women, teachers, persons of concern and general residents. Courses last between 1 week and 3 years (Oh et al. 2006). NGOs which provide vocational training courses include ZOA, JRS, TBBC, COERR, American Refugee Committee (ARC) and IRC. Some training is offered by CBOs such as the Karen Women's Organisation (KWO), the Karen Youth Organisation (KYO) and

the Karen Student Network Group (KSNG) (Brees 2008). Some vocational training programmes lead towards income generation, while others aim to supplement the food basket or teach new skills to displaced persons (Brees 2008).

There is a concern that it is difficult for some temporary shelters to obtain approval from the RTG to bring raw materials into the shelters for vocational trainings. It has also become more difficult to obtain approval for displaced persons such as students, trainers and programme managers to participate in trainings at other temporary shelters (Women Commission 2008).

In the predominantly Karen temporary shelters, ZOA is the largest provider of vocational training (Brees 2008). Weaving and sewing courses are offered by the KWO, TBBC and WEAVE. TBBC provides agricultural training through its CAN project in six shelters, including Mae La and Ban Mai Nai Soi (TBBC 2010a). TBBC has also recently started a pilot and income generation training project (TBBC 2010a). COERR provides agricultural training to *Extremely Vulnerable Individuals* (EVI), in addition to training EVIs and widows in soap and candle-making. ARC has microenterprise development projects in three temporary shelters (Brees 2008).

In the predominantly Karenni temporary shelters, IRC and JRS are the main facilitators of vocational training (Brees 2008). JRS established the Vocational Training Non-Formal Education Programme in 2006 in response to the need for livelihood skills training. Courses are taught by displaced persons who receive regular training from experts in Mae Hong Son or elsewhere in Thailand (Jesuit Refugee Service 2009; Education Official, Interview, Ban Mai Nai Soi).

As vocational training is clearly linked to livelihoods and employment, the Women's Commission for Refugee Women and Children (2008) recommends that young people should be trained in skills that are in demand by the market and that training programmes should be more geared towards income generation and preparation for employment in the temporary shelter, in Thailand, or in a resettlement country. Emphasis should be placed on vocations and skills that are transferable to the job market such as financial literacy, computer training and language skills. Sectors to be focused on include health care, hotel management and catering, alternative energy such as solar and hydropower, technology, animal husbandry and agriculture.

It has also been suggested that vocational training programmes incorporate an apprenticeship that allows skill practice and learning on the job, provide assistance with job placement after training and offer a longer training course cycle. In addition, Brees (2008) recommends extending the production of items for the relief programme as well as combining group-based training with enterprise-based trainings so that trainees can practice their new skills. In line with the above recommendations, the CCSDPT Strategic Five-Year Plan envisions carrying out non-formal education and vocational and skills training programmes, based on value chain analysis, as well as income generation activities, apprenticeships, microcredit schemes, self-employment and job placement programmes (CCSDPT/UNHCR 2009).

Baseline survey results confirm documentary evidence recommending an increase in vocational training that teaches skills demanded by the job market, as well as training that focuses on agriculture to support livelihood development.

When asked about which types of vocational courses displaced persons would prefer to increase the most, the majority of respondents in all three temporary shelters chose more vocational training that increases skills demanded by the job market such as financial literacy, computer training and language skills, followed consistently by agricultural training and livestock rearing.

#### Tham Hin

In 2010, vocational training courses supported by ZOA in Tham Hin included sewing, cooking and baking, child and elderly care, hair cutting and hair dressing. Small engine repair used to be offered but has been discontinued (Education Official, Interview, Tham Hin). COERR also offers agricultural training, but there is more demand for these courses than there are trainings and land available (COERR, Interview).

#### Mae La

In Mae La, vocational training courses offered by ZOA in 2010 included sewing, hair dressing, hair cutting, knitting, child and elderly care, welding, auto mechanic, and cooking and bakery. Additional courses requested by displaced persons in Mae La who participated in focus group discussions include handicrafts and flower arrangement.

ZOA, in partnership with UNHCR and with approval from the RTG, has developed a special pilot project outside of Mae La temporary shelter. Land is being leased from the local community in order to train displaced persons in agriculture and poultry rearing. Participants receive a salary from donors. The participants include 80 displaced persons and 40 Thai villagers. The project targets displaced persons who do not have an income, women and those who have some agricultural background. Products are sold in Mae La or in a market outside the shelter, and the profit is placed in a bank and may be used to buy more tools or animals. Training is delivered by a Thai vocational college (ZOA, Interview).

According to Brees, this pilot agricultural training project is particularly useful as it builds upon agricultural skills already present in the displaced person population. Furthermore, agricultural skills are demanded by Thai employers and are useful to displaced persons upon repatriation. Brees, therefore, recommends that additional skills in agricultural, animal husbandry and fish breeding be prioritised for vocational training courses, but points out that there is insufficient land available in the temporary shelters for these types of training (Brees 2008).

#### Ban Mai Nai Soi

In Ban Mai Nai Soi, vocational training and non-formal education classes are combined under the same programme, called NFE-VT. The number of NFE-VT trainings has been reduced from 26 types to the 12 most popular types, thus decreasing the overall availability. Courses offered in 2009 included English and Burmese literacy, computers, computer software, shoemaking, music, hair cutting, weaving, knitting and livelihood project.<sup>10</sup>

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<sup>10</sup> Based on statistics provided by JRS for VT programmes in 2009.



### 9.2.2.5 Non-formal Education

Non-formal Education (NFE) programmes and centres provide education outside the formal school system for target groups that do not have access to education, such as adults and children and young people who have stopped going to school. Thai language classes are conducted by the Thai Ministry of Education's Office of Non-Formal and Informal Education (ONIE) programming or *Kor Sor Nor*. The content of these Thai language classes focuses on learning the alphabet and basic conversation. English language learning centres were established by ZOA in the seven predominantly Karen temporary shelters in 2006. In 2009, 3,898 students in these seven shelters enrolled in the English language programme supported by ZOA (2008). In addition, 900 displaced persons received computer training supported by ZOA in 2009 (ZOA 2008). Other literacy and language courses, such as Sgaw Karen, Pwo Karen and Burmese, are also offered by various CBOs and supported by different organisations. Teaching modes range from class-based to home-based teaching (Oh et al. 2006).

KRCEE does not currently offer any NFE programmes. However, KRCEE is planning to develop a new NFE system and curriculum that is an intensive version of the day-school curriculum. KRCEE also plans to standardise NFE programmes, synthesise textbooks and issue certificates for certain courses (KRCEE, Interview).

#### Tham Hin

One ZOA-sponsored NFE centre is available which teaches English and computer classes. An education official in Tham Hin mentioned that there are not enough computer courses to meet demand (Interview, Tham Hin). Tham Hin is the only temporary shelter that does not have a Thai language programme sponsored by the Thai MOE's Office of Non-formal and Informal Education. Due to the lack of available Thai language classes, displaced persons in Tham Hin try informally to teach each other Thai. Displaced persons expressed the need for increased availability of Thai language classes through the establishment of a Thai NFE centre by the Thai ONIE (Focus group discussion, Tham Hin).

KYO offers extracurricular classes for teenagers such as music and language. KYO also organises some Thai language short courses but these are limited to teenagers as there are not enough spaces in the courses to meet the demand of the general population. KWO offers weaving courses, while IRC offers health care training for medics and nurses when health care staff need to be recruited (Focus Group Discussion, Tham Hin). One displaced person mentioned that radio mechanic and electronics classes should be offered (Focus Group Discussion, Tham Hin). More literacy classes need to be made available in order to meet the needs of displaced persons in Tham Hin.

#### Mae La

Mae La has two ZOA-sponsored NFE centres which teach English and computer classes. One education official in Mae La expressed the need for more NFE computer classes (Interview). There are seven NFE centres sponsored by the Thai

ONIE and funded by UNHCR which teach Thai language in Mae La. The Thai NFE centres teach Thai language at basic, intermediate and advanced levels. Teaching of Thai culture and traditions is also incorporated into the curriculum. Students receive a certificate upon completion of each course level. Unfortunately, UNHCR funding for Thai ONIE NFE centres is continually decreasing (Director, ONIE Tak, Interview), which may have a negative impact on the availability of Thai ONIE courses in Mae La as well as other shelters.

#### Ban Mai Nai Soi

According to an education official in Ban Mai Nai Soi, computer and English classes are the most popular NFE courses (Interview). Currently, there are no Thai language non-formal education opportunities in Ban Mai Nai Soi. The Thai ONIE used to offer NFE Thai language courses but these have been discontinued. The Thai ONIE now teaches its Thai language programmes at the post-secondary level in this shelter.

### 9.2.2.6 Higher Education and Distance Learning

Currently, there is no official displaced persons access to higher education in the temporary shelters or in Thailand, as Thai policy prohibits displaced persons from leaving the temporary shelters. In the words of one education official in Ban Mai Nai Soi, “There is not much hope for education after Post-10...if students have the opportunity, they want to further their education at the higher education level”, (Interview). A few years ago, ZOA proposed for a pilot group of students to study in Thai universities but, according to key informants, this initiative has yet to be approved by the RTG. There is also currently no access to distance learning or online learning, as Internet communication in the temporary shelters is not allowed. Key informants report that distance and online learning have been proposed to the RTG but there has been no response on this initiative.

Purnell and Kengkunchorn of ZOA have set out three main options for higher education access. The first is access to Thai-language programmes at universities in Thailand. This option is more long term and requires increasing the Thai language proficiency of displaced persons in addition to using the Thai curriculum in the temporary shelter schools (Purnell/Kengkunchorn 2008).

The second option is studying in English language programmes at universities in Thailand. This option is seen by displaced persons as the most suitable option because the English language is already prominently taught in the education system in the shelters. Currently, the number and variety of English language higher education courses offered is limited. Among the subjects available at international programmes of Thai higher education institutions are business, politics, philosophy and economics, civil engineering, computer science, psychology and education, communication arts, South-East Asian studies and nursing. Post-graduate studies are available at some institutions, such as Assumption University, which provides post-graduate courses in teacher education as well as curriculum and instruction (Purnell/Kengkunchorn 2008).

Distance education is the third option, although approval for Internet access would be required for such an option to be viable. Distance education is perceived by many as a way to increase student access to accredited educational opportunities. Displaced persons prefer to pursue management and community management as subjects of study. However, some drawbacks to distance education in the temporary shelter exist, such as lack of practical opportunities and the need for online and independent study, which are methods of study unfamiliar to students. It has been suggested that a pilot programme online learning facility could be implemented at Mae La temporary shelter (Purnell/Kengkunchorn 2008).

In terms of implementation strategy, Purnell/Kengkunchorn (2008) recommend that the three aforementioned options for higher education be developed simultaneously. This would help to ensure that there are enough people in the target group to increase the possibility that people will return to the temporary shelter to support its development.

### 9.2.2.7 Special Education

In the predominantly Karen temporary shelters, special education programmes for displaced persons who are blind, deaf or have learning disabilities are currently available at KWO special education learning centres. Technical support and inclusion training is provided to the KWO by World Education on request. Previous to 2008, World Education supported early intervention and inclusive education programmes (Oh et al. 2010).

In the predominantly Karenni temporary shelters, JRS provides special education through inclusive education within schools. There are also eight Special Education Centres (Haikin 2009) which provide parents and children with educational activities and support (Jesuit Refugee Service 2009). Additionally, special education assistants can regularly visit children who are home-bound (Jesuit Refugee Service 2009).

Special Education Centre staff in the predominantly Karen temporary shelters report that they have difficulty communicating with education authorities and personnel and that there is a lack of awareness of the needs and rights of children with special education needs. In the predominantly Karenni temporary shelters, however, the KnED is more aware and involved in special education issues (Haikin 2009).

In a key education survey conducted by Voluntary Service Overseas (VSO), all respondents answered that there was no problem in access to school or centre facilities for students with special education needs. However, none of the schools had special access facilities for students with mobility equipment (Haikin 2009).

### 9.2.2.8 Teacher Retention and Recruitment

Teacher availability is one of the major indicators for availability of education. Teacher turnover in all temporary shelters is high and retention of qualified

teachers in the temporary shelters is incredibly problematic. Some teachers have resigned in the middle of a course and have been replaced by new teachers with little or no pre-service training. Even after they finish training, some teachers resign and apply for other jobs (CCEE Mae La, Interview). The loss of skilled teachers negatively affects teaching ability, quality and continuity (Oh et al. 2010; CCEE Mae La, Interview).

Much of the high teacher turnover rate is attributed to resettlement, pursuing further studies and low salaries (CCSDPT/UNHCR 2007; CCEE Mae La, Interview; Oh et al. 2010). In ZOA's Education Survey 2009, 10.9 % of the 302 teachers interviewed reported that they were considering resigning. Resettlement was the most frequently cited reason for resigning, with 56.3 % choosing this reason. Pursuing further studies was the second-most cited reason for resigning (Oh et al. 2010).

Teachers are leaving in high numbers for resettlement to third countries. Around 50–60 teachers have been resettled from Mae La since 2007 (CCEE Mae La, Interview). In Ban Mai Nai Soi, many post-secondary teachers have left for resettlement, resulting in a teacher shortage particularly at this level (Education Official, Ban Mai Nai Soi, Interview).

Teachers are also paid far less than in other sectors. In ZOA's Education Survey 2009, teachers, principals and teacher educators reported earning 500–1,000 baht per month (Oh et al. 2010). In Ban Mai Nai Soi, teachers are paid the least out of NGO workers (Karenni National Education and Health Committee, Interview). As such, increasing teacher stipend rates should be a distinct priority in improving teacher retention and quality.

New teachers and staff need to be recruited and trained on a more frequent basis in order to replace old teachers and education staff who have resigned. This means that many experienced teachers are replaced by less experienced ones, and CBOS and NGOs must cope with a heavier teacher training load (Purnell/Kengkunchorn 2008). In 2009, 396 new basic education teachers were trained by ZOA (2008).

It is difficult to recruit new teachers, especially Thai language teachers, since few teachers can speak both Thai and Karen (CCEE Mae La, Interview). It is also a challenge to replace skilled English language teachers because many of the residents with English-speaking ability have already resettled (Oh et al. 2010). Students in Ban Mai Nai Soi suggested recruiting foreign teachers to teach English (Focus group discussion).

Recommendations to motivate teachers to continue teaching include: increasing teacher subsidies, raising the social status of teachers by presenting awards and providing recognition for their work, and arranging regular visits from leaders and ZOA staff to speak with teachers and provide positive reinforcement and encouragement (Oh et al. 2010). Nonetheless, as teachers will continue to show interest in resettlement, a more permanent solution to teacher skills loss would be to increase access to Thai education services for displaced persons and to engage with local Thai populations and service providers (United Kingdom Department for International Development 2008).

The Thai ONIE's Thai language program also faces problems of teacher retention and recruitment. Teachers resign for reasons such as lack of job security due to temporary yearly employment contracts and difficult working conditions in the temporary shelters. The Thai ONIE also reports difficulty in recruiting Thai teachers willing to teach in the temporary shelters, especially since teachers are now required to have a bachelor's degree whereas previously they were required to have only a high school diploma (Director, ONIE Tak, Interview).

### 9.2.2.9 School Infrastructure, Supplies and Equipment

There is a shortage of funds for education services and activities in the temporary shelters. In the predominantly Karen temporary shelters, funding shortages have been cited for school libraries, school supplies, and construction and renovation of school buildings (CCSDPT/UNHCR 2007).

In the past, the RTG did not allow permanent materials to be used in the construction of schools. All schools are therefore temporary, open-air and constructed from bamboo and dried leaves. Classrooms are divided by bamboo screens which are unable to block out noise from other classes. In turn, this noisy and crowded school environment has a negative impact on the learning experience of students (Oh et al. 2006). However, ZOA has received approval from the RTG to use more permanent building materials such as iron-frames rather than eucalyptus wood for classrooms (ZOA 2008). During field data collection in Mae La, it was observed that schools using these more permanent building materials were sturdier and required fewer repairs than typical schools constructed with eucalyptus wood and bamboo poles.

Funding shortages for educational facilities and materials was commonly cited by key informants in Tham Hin and Mae La. Beginning in 2009, ICS-Asia discontinued direct support for educational facilities and teaching and learning materials, including in Tham Hin and Mae La. In order to alleviate the challenge of crowded classrooms, the Mae La CCEE and OCEE both suggested construction of additional or multiple-story buildings, although both space and funding are limited (Interviews, Mae La). Roof repair of school facilities is also needed, but again, there are funding constraints. VT students and teachers also expressed that VT equipment such as machines, sewing materials and hairdressing materials should be updated and modernised (Focus Group Discussions, Mae La).

There is a lack of electricity and Internet access in the temporary shelters. Improved lighting, preferably electric lighting, is needed (CCSDPT/UNHCR 2007). The RTG does not allow Internet access in the temporary shelters; however Internet access would increase opportunities for young people in the shelters and local Thai communities through access to information, resources and distance learning opportunities (Women's Commission for Refugee Women and Children 2008; Key Informant Interviews).

### **9.2.3 Accessibility**

This section discusses ‘Accessibility’, the second ‘A’ in the Right to Education framework. Access to education in the shelters based on economic status, gender, and ethnicity, religion and language will be examined.

#### **9.2.3.1 Economic Status**

In the predominantly Karen temporary shelters, including Tham Hin and Mae La, education is accessible and affordable. However, some children still have difficulty paying school fees or the opportunity cost of going to school. Some students also drop out of school to work and support their families (Oh et al. 2010). In ZOA’s Education Survey 2009, yearly school fees ranged between 5 and 300 baht, with one third paying 60 baht. For secondary students, the range of school fees was 5–700 baht. Among those interviewed for ZOA’s Education Survey 2009, 15.6 % of secondary students and 13.8 % of primary students reported that they had siblings who were not enrolled in school because their parents could not afford to pay (Oh et al. 2010). Local education authorities should be supported to find alternative possibilities for families unable to send children to school for economic reasons (Haikin 2009). Special initiatives or programmes should be undertaken in order to offset the school fees for students unable to pay them.

#### **9.2.3.2 Gender**

According to ZOA’s Educational Survey 2009, primary school enrollment is more or less equal among male and female students in the predominantly Karen temporary shelters, with slightly more females than males enrolled. However, statistics show that at the secondary level, a disproportionate amount of female students compared to male students is enrolled (Oh et al. 2010). A key informant in Tham Hin stated that more males than females leave school early possibly because males are less interested in formal education than females, since males tend to enroll in VT or NFE programmes (Interview, Tham Hin). However, more research is needed to explain why males enroll at a less frequent rate than girls at the secondary education level (Oh et al. 2010).

In Ban Mai Nai Soi, 53 % of primary students are male, while 47 % are female.<sup>11</sup> The KnED makes an effort to ensure equal gender access through the ‘Home School Liaison Program’, which monitors school absences and dropouts. Where a school drop-out incident is gender related, KnED follows up to address the issue (JRS, interview).

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<sup>11</sup> Based on statistics for projected November 2010 student enrolment provided by JRS.

The Women's Commission for Refugee Women and Children reports that vocational training programmes are often gender segregated. Women are disproportionately represented in traditionally lower paying sectors, such as sewing and weaving. Meanwhile, men are disproportionately represented in mechanics, electronics and carpentry. Computer courses, on the other hand, appear to be popular and have a greater gender balance (Women's Commission for Refugee Women and Children 2008).

This observation is confirmed by current data on VT course enrollment in Tham Hin and Mae La. VT courses remain segregated according to traditional gender roles. Females dominate sewing, child and elderly care, knitting and hair dressing courses while males dominate welding and auto mechanic courses. The cooking and bakery course was the only VT course with an equal gender distribution, while the hair cutting courses were sometimes dominated by males and other times by females (see Tables 9.16 and 9.17). However, to ensure equal gender participation, the ZOA Mae La pilot agricultural training project requires 50 % of participants to be women (ZOA, Interview).

**Table 9.16** ZOA vocational education enrollment in Tham Hin

Vocational training course	Jan–Mar 2010		Apr–Jun 2010		Jul–Sep 2010		Oct–Dec 2010		Total
M = male, F = female	M	F	M	F	M	F	M	F	
Sewing (Man)	0	10	0	0	0	6	0	0	16
Sewing (Woman)	0	10	0	0	0	6	0	0	16
Cooking/Bakery	3	7	0	0	0	0	0	0	10
Child/Elderly Care	0	0	0	0	0	5	0	0	5
Hair Cutting	2	8	0	0	7	0	0	0	17
Hair Dressing	0	10	0	0	0	9	0	0	19
Total	5	45	0	0	7	26	0	0	83

Source Unpublished statistics from ZOA, obtained in January 2011

**Table 9.17** ZOA vocational education enrollment in Mae La

Vocational training course	Jan–Mar 2010		Apr–Jun 2010		Jul–Sep 2010		Oct–Dec 2010		Total
M = Male, F = Female	M	F	M	F	M	F	M	F	
1. Sewing (Man)	0	0	3	11	0	0	0	10	24
2. Sewing (Woman)	0	0	0	14	0	0	0	10	24
3. Hair Dressing	0	0	0	10	0	0	0	10	20
4. Hair Cutting	0	0	10	1	0	0	8	2	21
5. Knitting	0	0	0	9	0	0	0	7	16
6. Child/Elderly Care	0	0	1	10	0	0	1	6	18
7. Welding	0	0	17	0	0	0	10	0	27
8. Auto Mechanic	0	0	21	0	0	0	21	0	42
9. Cooking/Bakery	0	0	9	10	0	0	7	7	33
Total	0	0	61	65	0	0	47	52	225

Source Unpublished statistics from ZOA, obtained in January 2011

Course enrollment for VT and NFE is similarly segregated among gender lines in Ban Mai Nai Soi. According to 2009 VT-NFE statistics provided by JRS, females dominated sewing, knitting and flower making courses while males dominated electrical repair, motorbike repair, watch repair, computer software and shoe making classes. For music and arts classes which are not traditionally associated with a particular gender, males were disproportionately enrolled compared to females. However, a much higher percentage of females as opposed to males were enrolled in the English courses.

### 9.2.3.3 Ethnicity, Religion and Language

In the seven predominantly Karen temporary shelters, the Karen education system is aimed towards the Karen ethnic group which constitutes a majority of the population. Educational institutions are Karen- and Christian-dominated and do not meet the needs of non-Karen students (Key Informant Interview). Muslims make up around 11 % of the Mae La temporary shelter population but only 8.9 % of primary school students, 1 % of secondary school students and 1.3 % of school staff (TBBC 2010b). There are no Muslims who are Resident Teacher Trainers, VT staff or OCEE staff (TBBC 2010b).<sup>12</sup>

As Skaw Karen is used as the main language of instruction in classrooms, language is the main barrier to education access for ethnic and religious minorities such as the Muslim Burmese-speaking population. Muslim students and New Arrivals are sometimes deterred from attending schools because they expect they will have difficulty understanding (Haikin 2009; TBBC 2010b).

A substantial percentage of students may be facing language-related difficulties in the classroom. Around 16 % of primary students and slightly over 20 % of secondary students interviewed for ZOA's Education Survey 2009, stated that they did not understand the language of instruction (Oh et al. 2010). Children who do not speak Sgaw Karen experience significant challenges in schools that teach using the Karen language (Haikin 2009). They tend to fail exams at a higher rate, making them more likely to withdraw from school (TBBC 2010b).

In addition, Karen-language textbooks are not accessible for Burmese-speaking students (Haikin 2009). Textbooks are written in the Karen language up to Grade 9, while Grades 10–12 use English language textbooks (KRCEE, Interview). There are a limited number of primary schools that teach using the Burmese language (Oh et al. 2010). As the non-Karen-speaking population continues to rise (Oh et al. 2010), more attention needs to be paid to meeting the needs of non-Karen speakers. The authors of the ZOA Education Survey 2009 recommend that in the long-term, Burmese should be used as the main language of instruction and all textbooks should be translated from English into Karen and Burmese (Oh et al. 2010).

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<sup>12</sup> For an in-depth analysis of inclusion of Muslim students in education, see TBBC's report, *3 Sides to Every Story—Muslim Communities Profile* (2010).



Meeting the needs of non-Karen students may require substantial changes, beginning with emphasising inclusion and values in education (Key Informant Interview). To make education more inclusive for ethnic and religious minorities, VSO recommends improving minority representation in the temporary shelter leadership; targeting outreach to the isolated communities within the temporary shelters including the Muslim and Hindu communities; and striving for linguistic, religious and ethnic diversity among CBOs and NGOs (Haikin 2009).

In the two predominantly Karenni temporary shelters, Burmese is already the main language of instruction and textbooks. The usage of Burmese as a common language in the predominantly Karenni temporary shelters enables equal accessibility for all ethnic groups and does not favour one ethnic group over another. Nonetheless, as some students do not understand Burmese, the language of instruction depends on the language ability of the teacher as well as the students. Nursery and Kindergarten levels teach in the Karenni language with a little bit of English. Burmese language is introduced at the primary school level. As students progress in the education system, English is increasingly used as the language of instruction and textbooks, especially in secondary school (Education Official, Ban Mai Nai Soi, Aug 2010; JRS, Interview).

## ***9.2.4 Acceptability***

The third ‘A’ in the Right to Education framework is ‘Acceptability’. The indicators that will be discussed in this section include teacher quality, learning standards and accreditation of education in the temporary shelters.

### **9.2.4.1 Teacher Quality**

The need for teacher quality improvement was commonly cited by informants, including NGO staff and displaced persons. The resettlement of skilled teachers has resulted in the necessary recruitment of young and inexperienced teachers, many of whom are recent high school or post-secondary school graduates, or in some cases still attending post-secondary school while carrying out teaching duties. In Tham Hin, one key informant estimated that 75–80 % of the teachers are 18–30-years old, and in some cases, 17-year-old teachers are teaching primary and middle school (Key Informant Interview, Tham Hin). In Ban Mai Nai Soi, post-secondary school graduates are required to teach high school for 1 year upon graduation in order to alleviate the teacher shortage. Almost all the current high school teachers graduated from post-secondary school in Ban Mai Nai Soi (Education Official, Interview, Ban Mai Nai Soi).

Teacher trainings also need improvement. In the predominantly Karen temporary shelters, there is currently a 1-month ‘Teacher Training in Emergency’ pre-service course followed by on-the-job in-service teacher training. The teacher

training system is struggling to keep up with frequent teacher turnover. Additionally, teachers have expressed the need for opportunities to increase their subject matter knowledge (Oh et al. 2010).

In Ban Mai Nai Soi, a teacher training programme was implemented in anticipation of the resettlement of teachers. However, the 2-year training programme was reduced to a 1-year programme due to the high rate of trainer resettlement. The KnED also offers a 1-week teacher training course for post-secondary school students who are required to teach 1 year of high school (Education Official, Interview, Ban Mai Nai Soi).

Many displaced persons in various shelters expressed the need for experienced and knowledgeable teachers who have a higher education degree or who have studied outside the shelters, including foreigners. As skilled teachers will continue to resettle and be replaced by new, inexperienced teachers, it will be a challenge to achieve and maintain teacher quality.

### 9.2.4.2 Learning Standards

In the words of an education official in Tham Hin; “the education [in the temporary shelter] can ‘exist’ but the quality is not good” (Interview, Tham Hin). The CCSDPT/UNHCR 5-Year Strategic plan envisions working towards providing quality education at all levels in line with international standards and recognised by the Thai MOE (CCSDPT/UNHCR 2009). With encouragement from ZOA, KRCEE has decided to use the INEE standards<sup>13</sup> in its administration of education. It is anticipated that the adoption of universal educational standards will lead to educational improvement. NGOs, working with education leaders from Mae La, are beginning to develop standards and indicators for education. Other temporary shelters should also consider adopting universal standards and indicators.

### 9.2.5 Accreditation

The educational certificates in the temporary shelters are issued by KRCEE and KnED but these certificates are not recognised by any government outside the temporary shelter. Lack of accreditation of education inside the temporary shelter means that any educational certificates or degrees conferred within the temporary shelter have no value outside the temporary shelter, thus making it problematic for students to further their education or obtain employment outside the temporary shelter (Sawade 2008).

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<sup>13</sup> There are 19 INEE standards organised into five domains: Foundational Standards, Access and Learning Environment, Teaching and Learning, Teachers and Other Education Personnel, and Education Policy. For details see [www.ineesite.org](http://www.ineesite.org).

There have been discussions on the possibility of accreditation by the Thai Ministry of Education. The National Security Council has invited the Ministry of Education to be involved in the administration and curriculum of schools in the temporary shelters, thus paving the way for discussions on the RTG's involvement in accreditation. One of the solutions being discussed between the RTG and international NGOs is for 70 % of the curriculum in schools to consist of subjects and content in the Thai curriculum, particularly mathematics, science, Thai and English. The remaining 30 % of content would be local content so that displaced persons can teach their own history, language and culture (Sawade 2008). However, there are concerns that if the curriculum in the temporary shelters is aligned with the Thai government education curriculum, there will be a loss of cultural identity for displaced persons. The language of instruction is also a challenge, as few displaced persons can speak or teach the Thai language (Women's Commission for Refugee Women and Children 2008).

When asked about their opinion on accreditation of education inside the temporary shelter, displaced persons who were interviewed welcomed the idea of accreditation, as they believe that legal recognition of the educational curriculum in the temporary shelter will be to their benefit. One displaced person in Tham Hin said, "Since we do not have legal status, we at least want our education to be legal" (Focus group discussion, Tham Hin). ZOA and KRCEE are taking steps towards accreditation by improving the overall quality of education such as standardising the grade system, adapting the curriculum to be aligned with the Thai curriculum, and implementing educational standards and indicators.

In Ban Mai Nai Soi, education leaders in the temporary shelters support the idea of accreditation and its associated benefits such as access to further educational and livelihood opportunities. However, according to key informants, education organisations do not have the capacity to undertake the process of certification at this time due to the resettlement of education staff.

### ***9.2.6 Adaptability***

'Adaptability' is the fourth and last indicator under the Right to Education framework. Assessment of the adaptability of the current education situation will focus on the flexibility of education to evolve depending on the context and changing needs of the community and the relevance of education. The education in the temporary shelters has evolved from a focus on repatriation to one that also prepares displaced persons for resettlement. The basic education system is gradually evolving to prepare displaced persons to remain in Thailand in the near-to-medium future. This is especially the case for the predominantly Karen shelters. When it comes to vocational training, however, displaced persons feel that vocational training programmes are not relevant to their current situation.

Education programmes in the temporary shelters have traditionally been geared towards repatriation. The basic education curricula includes the teaching of ethnic

languages and histories. In the ZOA Education Survey 2009, 70 % of surveyed secondary students and 73.4 % of surveyed primary students found that the education they receive is helpful for when they return to Myanmar (Oh et al. 2010). The curriculum now also emphasises some English language (such as in classroom instruction and textbooks, especially in the later grades), thereby preparing students for resettlement. According to the same ZOA education survey, 86.4 % of secondary school students and 90.8 % of primary school students who were surveyed found that the education they receive is helpful for when they resettle (Oh et al. 2010).

Some changes are being made to the basic education curriculum to prepare displaced persons to remain in Thailand in the near and intermediate future. KRCEE, ZOA and the Thai MOE are developing a new curriculum framework, syllabi and learning standards for basic education. This curriculum adjustment is being undertaken in an effort to increase alignment with the curriculum in Thai schools, work towards accreditation and emphasise Thai language instruction. The contents and standards for curricula from the Thai MOE will be translated and adapted from Thai into Karen and Burmese for instruction in the seven predominantly Karen temporary shelters. The subjects to be adapted include Math, Science, English Language, Thai Language, Social Studies, Career Technology, Physical Education and Art. The new curriculum is still under development and is planned to be introduced in 2012. However, since May 2009, some parts of the new curriculum have been piloted in two schools in Mae La at the KG and Grade 1 levels (ZOA, Interview; ZOA, Email Communication). The KnED has also been working with ZOA to adapt parts of the Thai curriculum (JRS, Interview).

The Thai ONIE programme currently teaches Thai language for communication purposes and incorporates Thai culture into the curriculum. This is useful and relevant for students who will remain in Thailand in the near and intermediate future. The Thai ONIE programme should be supported to continue its educational programmes and to establish an ONIE centre in Tham Hin.

Vocational training is not relevant to the reality of displaced persons' daily lives in Thailand. First of all, displaced persons are unable to use the skills they learn, either because they are unable to leave the shelter to find work, or there is no market in the shelter where they can sell the goods they produce using their VT skills. In addition, there are not enough opportunities to learn skills demanded by the job market. In order to make vocational training more relevant to the current context and needs of displaced persons, a clear effort should be made to increase vocational trainings that teach skills demanded by the job market as well as those that teach agriculture and livestock rearing.

### ***9.2.7 Summary and Recommendations***

Since 1996, international NGOs have supported community-based organisations to deliver educational services in the temporary shelters. Services originally focused on formal education but they have since expanded to nursery schools, special

education, libraries, vocational training, non-formal education, sports and recreation activities, adult literacy and other aspects of education. The KRCEE oversees education in the seven predominantly Karen temporary shelters.<sup>14</sup> KRCEE partners with NGOs such as ZOA and World Education in educational service provision, coordination and improvement of education. As for the two predominantly Karenni temporary shelters,<sup>15</sup> the KED oversees education affairs with the support of the NGO Jesuit Refugee Service.

With regard to the availability of education, the Thai ONIE should consider establishing non-formal education centres in Tham Hin and Ban Mai Nai Soi, and the Thai MOE should continue to support curriculum development and technical assistance for Thai language instruction in the temporary shelters. NGOs should consider offering a higher number of English and computer courses in both formal and non-formal education settings.

Currently, there is no access to higher education or distance learning in the temporary shelters. Efforts to initiate such opportunities have not yet been successful. The RTG should revisit both issues and consider opening up the opportunity for certain highly motivated students to study in Thai colleges and universities or through distance learning on a case-by-case basis. Scholarship opportunities should also be made available for these students.

Teacher turnover rates will remain high and the displaced persons community will continue to face challenges with teacher recruitment and retention if the current situation is maintained. As suggested by the ZOA Education Survey 2009, teachers should be motivated through by increasing teacher subsidies, raising the social status of teachers by presenting awards and providing recognition for their work, and arranging regular visits from leaders and ZOA staff to speak with teachers and provide positive reinforcement and encouragement.

Finally, funding shortages for educational facilities and materials is common. Some school buildings need repair and vocational training equipment needs to be updated and modernised. There is a need to secure additional funds for educational facilities and materials.

For accessibility of education, special initiatives or programmes should be undertaken in order to offset the school fees for students unable to pay them. More research is needed to explain why males enroll at a less frequent rate than females in secondary school. In addition, more attention needs to be paid to meeting the needs of non-Karen speakers, such as using Burmese as the main language of instruction.

In terms of acceptability of education, skilled teachers will continue to resettle and be replaced by new, inexperienced teachers. It will be a challenge to achieve and maintain teacher quality. Skilled teachers from outside the shelter should be recruited to teach and/or provide technical support.

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<sup>14</sup> Ban Don Yang, Mae La, Mae La Oon, Mae Ra Ma Luang, Nupo, Tham Hin, Umpiem.

<sup>15</sup> Ban Mai Nai Soi and Ban Mae Surin.

It is anticipated that KRCEE's adoption and adaptation of universal educational standards will lead to educational improvement. This application of standards is a key step towards improving education quality and acceptability in the temporary shelters and should be encouraged in all programmes and shelters.

In Ban Mai Nai Soi, education leaders in the temporary shelters support the idea of accreditation and its associated benefits; however, they do not have the capacity to undertake the process of certification at this time due to the resettlement of education staff. Efforts should be taken to increase the capacity and resources of education staff in Ban Mai Nai Soi to take steps towards standardisation of the grade system, adapt the curriculum to be aligned with the Thai curriculum, and implement educational standards and indicators.

Finally, with regard to adaptability of education, NGOs and CBOs should continue their efforts to align the curriculum in the temporary shelters with the Thai curriculum so as to prepare students for remaining in Thailand in the near to immediate future. In addition, vocational training programmes should emphasise relevant, applicable skills training so displaced persons can utilise their vocational skills and knowledge. Vocational training programmes that support market-oriented skills and agricultural training requires a supportive policy framework on the part of the RTG regarding work and land usage opportunities.

### 9.3 Health Care

Displaced people all over the world suffer from health issues during emergencies. Temporary humanitarian assistance can reduce such suffering, with the assumption that one day displaced persons will return to their homeland, resettle in third countries, or access health care in the host country. However, the situation of displaced persons along the Thai–Myanmar border has remained unsolved for more than 20 years. Humanitarian actors and the host country are confronted with many challenges related to health care, such as lack of financial and human resources in maintaining the current situation, availability and accessibility to health care services, and hygiene issues.

The ability to receive appropriate health care services is fundamental to strengthening human capability needed to function in life. According to Nussbaum, bodily health is one of the basic principles of the human capability approach (2007), and refers to being able to have good health, including reproductive health, and the ability to be adequately nourished and have adequate shelter. Lack of adequate health care services may reduce the capability of displaced persons and increase their vulnerability.

This section will analyse current health care services for displaced persons according to the five health security criteria: availability of health care, access to health care, quality of health care, prevention and treatment of disease, and basic awareness and knowledge of hygiene. However, it should be noted that there is a limited amount of documentary evidence available on health care services, and the

literature covers only issues such as reproductive health, HIV/AIDS, SGBV, adolescent health and mental health.

### ***9.3.1 Structure of Health Care Services***

CCSDPT, the main coordinating body, takes the role of health care policymaking and coordination with the RTG. The CCSDPT Health Sub-Committee is composed of all community health leaders from the nine temporary shelters. Under this subcommittee, the Health Information System programme coordinates disease surveillance in the temporary shelters, collects data on health and provides regular epidemiological reports.

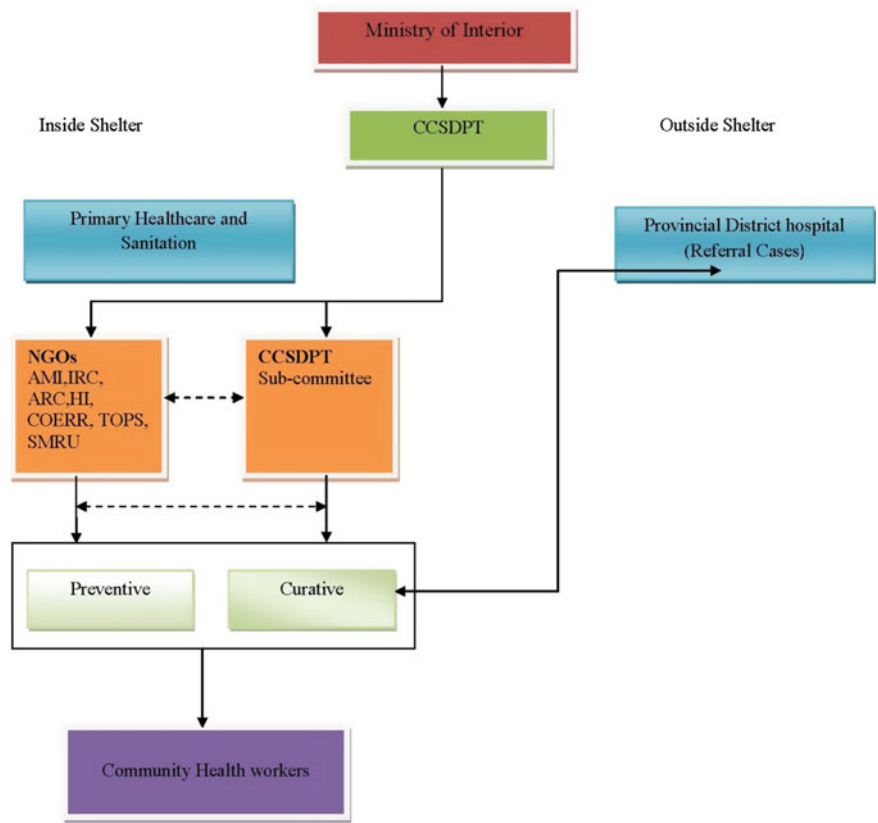
Primary health services, training, information campaigns, educational programmes and rehabilitation programmes are provided by NGOs in partnership with CBOs.<sup>16</sup> NGOs such as AMI, ARC, COERR, HI and IRC provide basic health care including both preventive and curative services. They also train displaced persons to be medics, midwives, nurses and other health care providers. These capacity building activities are necessary to sustain the health care system since NGO health staff are not allowed to stay overnight in the temporary shelters.

The present health care services in the temporary shelters function similar to a local Thai clinic with an In-Patient Department. However, as the health care system in the temporary shelters cannot handle secondary and tertiary medical cases, these cases must be referred to local government health facilities under the Provincial and District Health Offices, such as district and provincial hospitals (D'Souza 2007 cited in Sciortino/Punpuing 2009; Key Informant Interviews).

The present health system in the temporary shelters is often referred to as a *parallel* health system funded by international donors, which CCSDPT/UNHCR see as being unsustainable in the long term. Therefore, in their 5-Year Strategic Plan, CCSDPT/UNHCR envision working towards a border-wide health strategy and strengthening coordination between NGOs and the Thai Ministry of Public Health in an effort to increase access of displaced persons to Thai health care services. This would allow for a health care approach that encompasses prevention, health education and access to direct medical care for displaced persons, while minimising disease outbreak and transmission and thus contributing towards the overall public health of local Thai communities (CCSDPT/UNCHR 2009) (Fig. 9.1).

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<sup>16</sup> For a detailed list of CCSDPT organisations working on health activities, please refer to: CCSDPT (2010). *CCSDPT Directory for 2010*. Bangkok: CCSDPT.



**Fig. 9.1** Structure of health care services. *Source* The authors

### 9.3.2 Availability of Health Care Services

Current available health services can be divided into two main types: preventive and curative. However, services differ according to specific health conditions in each temporary shelter, donor mandates, and health care service providers and their responsibilities. The IRC plays an important role in health care provision in Tham Hin and Ban Mai Nai Soi temporary shelters. Meanwhile in Mae La, AMI has been the main organisation responsible for health care provision since 2000, when it replaced Medicine Sans Frontiers (MSF).

Primary health care provision is adequately available for displaced persons in each of the three selected temporary shelters; services available meet both Thai and international standards. There are around 22 health programmes and services which cover the needs of displaced persons (Table 9.18).



**Table 9.18** NGO health programmes as compiled by CCSDPT in January 2009

Shelter	Agency	Health and sanitation services
Ban Mai Nai Soi	AMI	Health Messenger Magazine
	COERR	Social Services for Extremely Vulnerable Individuals, Environmental Management
	IRC	Capacity Building, Community-Based Rehabilitation, Community Eye Care, Environmental Management, Social Services for Extremely Vulnerable Individuals, Health Education, HIV/AIDS Treatment, IPD, OPD, Lab, Maternal Child Health, Medical Referral, Medic Training, Primary Health Care Training, Supplementary/Therapeutic Feeding, Tuberculosis treatment, Water and Sanitation
Tham Hin	AMI	Health Messenger Magazine
	COERR	Social Services for Extremely Vulnerable Individuals, Environmental Management
	IRC	Capacity Building, Community-based Rehabilitation, Community Eye Care, Environmental Management, Social Services for Extremely Vulnerable Individuals, Health Education, HIV/AIDS Treatment, IPD, OPD, Lab, Maternal Child Health, Medical Referral, Medic Training, Primary Health Care Training, Supplementary/Therapeutic Feeding, Tuberculosis, Water and Sanitation
Mae La	AMI	OPD, IPD, Tuberculosis Treatment, Medical Referral, Supplementary/Therapeutic Feeding, Primary Health Care Training, Lab, Health Messenger Magazine
	COERR	Social Services for Extremely Vulnerable Individuals, Environmental Management
	HI	Rehabilitation for people with disabilities, Physiotherapy, Community-based Rehabilitation
	IRC	Community Eye Care
	TOPS	Supplementary/Therapeutic Feeding, Social Services for Extremely Vulnerable Individuals

Source CCSDPT (2010)

### 9.3.2.1 Ban Mai Nai Soi and Tham Hin

In Ban Mai Nai Soi and Tham Hin, the IRC is the major health care provider in terms of preventative and curative health care, as well as water and sanitation services. Services provided through the clinics include reproductive and child health care, primary health care and eye care, in addition to training for health workers. The IRC also manages prevention programmes against diseases such as HIV/AIDS, Tuberculosis and malaria (International Rescue Committee 2010).

### 9.3.2.2 Mae La

AMI, which operates in the temporary shelters in Tak, gets funding from sources that include ECHO and Europe Aid. AMI is responsible for both preventative and

curative health care in Mae La, and for curative care only in Umpiem and Nupo. Among the services provided by AMI are an In Patient Department (IPD) and an Out Patient Department (OPD), which encompasses laboratory services, mental health services, Voluntary Counselling and Training (VCT) services, health education, and emergency and non-emergency referral to Thai hospitals (CCSDPT 2010).

Recently, AMI has added other programmes such as outbreak prevention, immunisation, adolescent health, and more HIV/AIDS programmes, Voluntary Counselling and Testing, reproductive health care, mental health care and SGBV services. Currently, AMI also provides health services for ophthalmology, chronic diseases, Avian Influenza surveillance and preventive health campaigns.

### 9.3.2.3 Other Temporary Shelters

Other organisations provide health care services in other temporary shelters. ARC mainly works in Umpiem and Nupo temporary shelters in Tak Province, and Ban Don Yang temporary shelter in Kanchanaburi Province, with some programmes in Mae Ra Ma Luang temporary shelter, Mae La Oon temporary shelter, surrounding local villages. Among the health-related activities conducted by ARC are mental health, child health, community health, clinical services, laboratory services, water sanitation, gender-based violence prevention and response, and health education. Malteser has run a primary health care programme for displaced persons in Mae Ra Ma Luang and Mae La Oon temporary shelters. Services provided include reproductive health, HIV/AIDS, communicable disease control, immunisation, essential drugs, laboratory services, medical evacuations to referral hospitals, capacity building for example on gender, and water and sanitation and vector control (CCSDPT 2010).

### 9.3.2.4 Overview of Health Services

There are a variety of health services provided in the temporary shelters; however, there is a limited amount of documentary information available about these services. Therefore, this section will focus on reproductive, maternal and child health care; HIV programmes; SGBV programmes; adolescent health; and mental health.

#### Reproductive Health care and Maternal and Child Health Care

According to a study on reproductive health in the predominantly Karenni temporary shelters, reproductive health care was offered as a part of the Maternal and Child Health (MCH) services. These health services were usually provided by female staff. MCH services included family planning, antenatal care, clean delivery with emergency obstetrical referral, post partum follow-up, supplementary food for lactating mothers, health education and immunisation for mother and child. Married couples were able to access family planning methods such as the

progestin pill, Depo-Provera and condoms. Surgical sterilisation, however, needed approval by clinic managers for referral to Mae Hong Son Hospital. Reproductive tract infections could sometimes be diagnosed and treated in the temporary shelters, but difficult cases could be referred to Mae Hong Son (Khin 2002).

The Women's Commission for Refugee Women and Children has published a comprehensive assessment of reproductive health on the Thai–Myanmar border. Among the topics covered are safe motherhood/abortion, emergency obstetric care, family planning, sexually transmitted infections and HIV/AIDS (Women's Commission for Refugee Women and Children 2006b). With regard to safe motherhood, in Mae La temporary shelter, 11.8 % of 5,000 pregnancies between August 1997 and May 2002 ended in an abortion. As for emergency obstetric care, it has been reported that local health staff in the temporary shelters have limited capacity to perform emergency obstetric care.

Family planning is offered in clinics in the temporary shelters and most local area clinics, although supplies are not always available. In the predominantly Karenni temporary shelters, there is some debate over the use of family planning, and the Karenni leadership does not allow family planning and condom use for unmarried persons. Depo-Provera, oral contraceptives and condoms are the most commonly accepted contraception methods. Female sterilisation is also requested quite often, although written consent is not always obtained, and there are concerns that both women and men do not truly understand that this family planning method is permanent. Planned Parenthood Association of Thailand staff report that unmarried persons usually choose to use condoms and pills, as there are frequent complaints about Depo-Provera. Use of intrauterine devices and Norplant is rare, and there is increased demand for vasectomies and a long waiting list for sterilisation procedures for men and women (Women's Commission for Refugee Women and Children 2006b).

Health agencies in all the camps implement the Supplementary and Therapeutic Feeding Programmes (SFP/TFP), which are supported by TBBC. The feeding programmes target malnourished children and adults; pregnant and lactating women; TB, HIV and chronically ill patients; infants unable to breastfeed; and patients with chewing or swallowing problems. Malnourished children are mainly identified through growth monitoring and promotion activities (TBBC 2010a).

### HIV/AIDS Services

Availability of health care programmes is lacking in the area of reproductive health and HIV/AIDS. Comprehensive programming concerning HIV/AIDS, including prevention, behaviour change communication, reduction of stigma, and care, support and treatment, is needed. However, with regard to HIV/AIDS treatment, displaced persons currently have access to antiretroviral therapy through NGOs working on health care services, such as AMI and IRC. The RTG receives funding from the Global Fund to Fight AIDS, Tuberculosis, and Malaria and distributes antiretroviral drugs to these NGOs (AMI, Interview).

A study by the IRC and Burmese Border Program in the predominantly Karenni temporary shelters in Mae Hong Son Province found that 66 % of respondents had

never heard of HIV or AIDS, and a small minority of those who had heard of AIDS actually had accurate information about AIDS. The study concluded that newly arrived displaced persons were much less likely to have knowledge about HIV/AIDS, and accurate educational materials were needed for those who were illiterate and semiliterate, especially emphasising transmission via unprotected sexual intercourse. There appears to be a zero-to-low prevalence of HIV among the temporary shelter population, but the population is still at risk due to its location (IRC and Burmese Border Program, 1997 cited in Women's Commission for Refugee Women and Children 2004).

Documentary evidence shows that stigmatisation of HIV/AIDS among the Muslim population is the largest challenge for NGOs working on this issue, and NGOs are operating programmes to reduce stigma among Muslims. Embarrassment related to HIV/AIDS is another challenge. Because HIV-infected persons try to keep their HIV status a secret, they do not receive appropriate treatment from a doctor.

### Sexual and Gender-Based Violence Programmes

In terms of the health and psychosocial dimensions of Sexual and Gender-Based Violence (SGBV), health agencies are actively involved in various SGBV-related services and activities, such as the development of SGBV Standard Operating Procedures (SOPs). Health programmes in all nine temporary shelters offer medical care to SGBV survivors; however sometimes rape survivors do not receive medical support within 3 days as set out in the SGBV SOPs. For instance, only 8 out of 21 cases of rape of minors reported to UNHCR in 2006 had visited the health centre within 3 days of the incident. Meanwhile, only 3 out of 10 adult rape cases visited the health centre within 3 days. This could be because many rape cases are reported long after the incidents took place. Aside from medical care, SGBV survivors usually receive various forms of counselling and emotional support from different groups and individuals, such as SGBV committee members, Karen Women's Organisation/Karenni Women's Organisation, SGBV programme staff of NGOs and others. Despite the psychosocial programmes that are already available, it is widely acknowledged that mental health services in the camps, including for SGBV, need to be improved (UNHCR 2006).

### Adolescent Health Services

Adolescent health has clearly been identified as an area in need of health services and education, especially for HIV/AIDS, reproductive health and incorporating life skills (UNHCR 2007).

Knowledge, attitude, beliefs and behaviours of the Karenni in relation to adolescent reproductive health have been analysed. Shyness, the perception that reproductive health was only for married couples, and the desire for same-sex providers, were barriers to accessing reproductive health care. It is recommended that age-appropriate reproductive health services be made available to adolescents in a non-threatening environment using same-sex providers, as well as developing information, education and communication messages targeting adolescents, which are a high-risk age group (Khin 2002).

An ARC study identified health, education and community needs of adolescents aged 10–19. The study found that adolescents go to the hospital for general health problems but do not seek hospital care for reproductive health concerns. Young women report going to the herbal clinics for menstrual-related concerns but do not go to the health clinics run by NGOs. It was also found that reproductive health services in the camps are available only for married couples. The study made the following recommendations in order to promote adolescent health: conduct further research on knowledge, attitudes and practices regarding adolescent reproductive health; health services need to create an ‘adolescent-friendly’ environment with staff trained to deal with adolescent concerns specifically; young workers may be identified as ‘adolescent health workers’; and hours of operation should coincide with adolescent schedules. Moreover, the study recommended the incorporation of comprehensive adolescent health education into secondary schools using a standardised curriculum that is both culturally and religiously sensitive, as well as developing an adolescent peer education programme through existing CBOs that provide services for adolescents. Finally, a border wide adolescent health policy should promote adolescent health, particularly adolescent reproductive health (Walsh/Hendy 2006).

ARC researchers concluded that “adolescent health is not being addressed in the camps due to its cultural taboo and a lack of information and evidence from adolescents themselves to support the belief that they are an important segment of the population whose health should be of concern to everyone in the camp community”. It is recommended that findings from the survey be used to inform a school curriculum on adolescent health; promote the idea of youth/adolescent-friendly health service facilities in the temporary shelter; pursue targeted information and campaigns addressing adolescent concerns, and inform advocacy and education for camp leaders and community members on adolescent health needs and wants (Galati/Hendy 2007).

### Mental Health

Few attempts have been made to examine mental health issues in the predominantly Karen temporary shelters in Mae Hong Son. In 2001, researchers from the United States Centers for Disease Control and Prevention and IRC conducted a study to assess mental health problems among this population. The study aimed to determine the prevalence of mental illness, identify risk factors and develop a culturally appropriate intervention programme. The study looked at major mental health problems such as Post-Traumatic Stress Disorder (PTSD), depression, anxiety and functioning. The findings of the study showed high prevalence rates of depression, anxiety and psychosomatic complaints, suggesting that a mental health or psychosocial intervention might be of benefit to the Karen displaced persons community. Groups which might be at higher risk for poor mental health outcomes included displaced persons who had suffered from previous mental illness and those who had experienced a high number of traumatic events. The study also found that women had a higher risk than men for anxiety and depression. Based on the findings, the study recommended a training programme on diagnosis and treatment of basic mental illness, especially depression, anxiety, psychosomatic

symptoms and PTSD, be provided for medics and other health professionals working in the clinics in the temporary shelters. This sort of programme could also lessen the burden on regular clinical services. However, the study recommended more community-based rather than health facility-based interventions, such as the establishment of multipurpose community centres offering community services (Cardozo et al. 2004).

In order to identify specific gaps in the area of mental health, in 2004 ARC conducted a psychosocial needs assessment in Ban Don Yang, Umpiem and Nupo temporary shelters. This study found significant levels of situational depression, anxiety and psychosomatic disorders, and alcohol abuse. A few cases of major psychosis conditions which were observed needed improved clinical management. The study also found that the lack of employment opportunity was the largest barrier to the overall improved emotional well-being of the displaced persons. Furthermore, crowdedness, limitations of movement, restrictions and the tendency to create increased dependency over time were main factors that contributed to general emotional difficulties (ARC 2004 cited in UNHCR 2007).

According to UNHCR, mental health treatment in the temporary shelters is insufficient. Moreover, the lack of psychiatric care and facilities in the temporary shelters is an ongoing problem border wide. Individuals in need of psychiatric treatment are often viewed by the community as security risks and many have been detained instead of referred to medical care. The little care that is available is inadequate in appropriately addressing psychiatric problems. Furthermore, health agencies usually do not have the capacity or resources to deal with mental health problems (UNHCR 2007).

### ***9.3.3 Accessibility of Health Care Services***

Accessibility of health care provision can ensure that all displaced persons are not excluded and receive the best health care based on their needs. According to the Thai Human Rights Sub-committee on Ethnic Minorities, Stateless, Migrant Workers and Displaced Persons, the right to public health care services is a human right. All displaced persons in the temporary shelters, regardless of their registration status, gender, ethnicity, age, disability and other vulnerable conditions, are able to adequately access health care services in the temporary shelters. In fact, due to such access, mortality and morbidity rates in the shelters are better than those in Myanmar and similar to those in Thailand (United Kingdom Department for International Development 2008). Data from the baseline survey confirms that more than 90 % of displaced persons surveyed have access to and receive adequate health care services in the temporary shelters.

However, access to health care at Thai hospitals is more problematic, as only certain cases are referred to Thai hospitals. The most commonly referred hospital cases are due to obstetric reasons, complicated surgeries, mine injuries, broken limbs, leprosy and tuberculosis (EC Humanitarian Aid Decision, 2006 cited in

United Kingdom Department for International Development 2008; Key Informant Interviews). However, emergency obstetric care cases that need hospital referral have often been referred very late or not at all (Women's Commission for Refugee Women and Children 2006b).

Despite the fact that health agencies have the ability to refer cases for treatment in local hospitals and facilities, they are actually reluctant to do so in some cases due to funding constraints (UNHCR 2007; Key Informant Interviews). Referrals for chronic illnesses such as hypertension, diabetes, cancer and heart disease are particularly expensive (CCSDPT/UNHCR 2007; Key Informant Interviews).

### 9.3.3.1 Barriers to Access to Health Care Services

Access to health care is often bound up with principles of equity. Equal access is about maximising fair access to health care and minimising disparities in health. Equal access is attained when the needs of patients determines the allocation of resources, regardless of other factors such as ethnicity, culture, religion, gender, language and age. For displaced persons, barriers to access to health care are complex. Special health risks and access problems affect different groups, including New Arrivals and undocumented groups; minority ethnic groups; and youth and adolescents. Cultural attitudes and language differences can also serve as barriers to access. These barriers to health care access for various groups are further compounded by the fact that displaced persons lack knowledge about available health care services.

New Arrivals face particular difficulty in being referred to Thai hospitals. Some New Arrivals cannot access referral services to Thai hospitals due to their unclear registration status as well as limited NGO budgets for referrals (Key Informant Interview).

According to TBBC (2010b), some minority ethnic groups face greater barriers in access to health care. Muslims, for example, lack outreach of health care services due to their traditional beliefs, lack of access and suitable services. In Mae La shelter, the Muslim community is located far from the clinic and the community usually uses traditional healing methods. Muslim women, in addition, felt uncomfortable to be inspected by a male gynaecologist (TBBC 2010b).

Cultural beliefs are also a factor in health care access. Karen culture considers sexual relations to occur only in marriage and prohibits sexual relations between non-married adolescents, resulting in a lack of adolescent access to reproductive health services. If adolescents do not have appropriate knowledge about sex education and reproductive rights, this may result in premature pregnancy, abortion, sexual assault or rape (Key Informant Interview).

Language and communication are often barriers to accessing health care for displaced persons referred to local Thai hospitals. Referral cases experience language barriers with hospital staff (Women's Commission for Refugee Women and Children 2006b). In one particular case, a displaced person could not understand or communicate with the Thai doctor, despite the fact that an interpreter was present (Interview).

### ***9.3.4 Quality of Health Care Services***

In evaluating the quality of health care services, morbidity and mortality rates, and the quality of health care staff, are key factors.

#### **9.3.4.1 Morbidity and Mortality**

The quality of health care services can be reflected in levels of morbidity and mortality. This section will thus describe the quality of health care based on health statistics available from published reports. It should be noted, however, that data on birth rates, mortality rates and mobility rates are still not fully complete or reliable. It is especially difficult to document mobility rates since there is a high level of movement into and out of the temporary shelters between New Arrivals and those leaving for resettlement. Such lack of basic demographic data is a major challenge for long-term health policy planning.

As mentioned earlier, displaced persons have adequate access to primary health care, as mortality and morbidity rates are better than those in Myanmar and similar to those in Thailand (United Kingdom Department for International Development 2008). Although primary health care is provided in the temporary shelters with adequate access to basic health care, there is still a relatively high incidence rate of infectious diseases, despite the fact that the rate has decreased over the past 10 years. Insufficient waste disposal sites further add to disease spread. Infectious and chronic diseases are still prevalent, with cancer and cardiovascular diseases among the top causes of death in 2007. Respiratory diseases, skin diseases, diarrhoea, fever from unknown causes and malaria were the most common illnesses (CCSDPT cited in Sciortino/Punpuing 2009). Chronic malnutrition among children has decreased but is still higher than the Thai average (D'Souza 2007 cited in Sciortino/Punpuing 2009). In order to systematically prevent disease outbreaks in the shelters, UNHCR has recommended 'enhanced response mechanisms and preparedness against an outbreak of infectious disease, jointly planned by NGOs and the RTG' (UNHCR 2007).

IRC health statistics in the predominantly Karenni temporary shelters cited a maternal mortality rate of 130 per 100,000 live births. Three-quarters of deliveries were assisted by Maternal and Child Health workers, while one-quarter of deliveries were referred to hospitals (IRC 2002 cited in Women's Commission for Refugee Women and Children 2004).

#### **9.3.4.2 Health Care Staff**

The resettlement of highly trained health staff has severely affected the capacity of health services to provide quality health care for displaced persons, resulting in a higher risk of public health crises in the temporary shelters (Banki/Lang 2008a). This is an ongoing situation as health staff continue to depart every year.



Health NGOs have had to train new medical staff at all levels, including medics, nurses, midwives, laboratory technicians and community health workers. However, there is a limited supply of skilled workers in the temporary shelters, making it difficult to find replacements (Banki/Lang 2008a). Training new staff also means that there is a waiting period before new health staff are able to practice.

NGOs have tried to find alternative solutions, such as recruitment of additional Thai and expatriate staff to work in the camp, but this can be costly (CCSDPT/ UNHCR 2007; United Kingdom Department for International Development 2008). It has been suggested that the most sustainable long-term solution for the loss of skilled health staff in the temporary shelter is to increase links with the local health system (United Kingdom Department for International Development 2008).

### ***9.3.5 Prevention and Treatment of Disease***

This section examines methods to prevent and treat disease, with a focus on displaced persons' knowledge about disease prevention and their treatment-seeking behaviour. It also discusses displaced persons' experiences and perceptions regarding health care treatment.

A 2001 study by the Faculty of Medicine, Chiang Mai University commissioned by IRC looked at knowledge, attitudes and practices about health treatment-seeking behaviour in the predominantly Karenni temporary shelters. With regard to health knowledge, respondents were surveyed about malaria prevention, diarrhea prevention, knowledge about Oral Rehydration Salt (ORS) and Sugar Salt Solution (SSS), hygienic practices, diet for healthy eyes, reproductive health including HIV/AIDS, MCH Services, and child immunisation and family planning. In comparison to results of the previous year's survey, there were improvements in knowledge on the topics of malaria prevention, diarrhea prevention, reasons for using a latrine, reasons for drinking boiled water and hygienic practices. With regard to HIV/AIDS, respondents seemed to have less opportunity to have access to health education resources in comparison to the previous survey, although knowledge about HIV/AIDS transmission and methods of prevention seemed to have increased. As for knowledge about MCH, respondents had greater knowledge about services available at the MCH clinic, reasons that pregnant women should attend the MCH clinic and have a regular blood test, and reasons for child immunisation. Nonetheless, less than half of respondents were aware of the availability of family planning services, and around half of those who were aware of family planning never used any family planning method, demonstrating that there were some obstacles to accepting contraception (Faculty of Medicine, Chiang Mai University 2001).

In terms of treatment-seeking behaviour, the majority of sick individuals went to the clinic and nearly half reported taking medication. A very small minority of respondents chose self-treatment or traditional treatment, or doing nothing. About half the respondents reported that they usually provided homecare, such as

checking for a fever, providing close observation, drinking a large amount of water, eating healthy foods and other methods of self-treatment. Less than 1 % reported taking medicine by themselves. While the majority of respondents received medicine from the clinic, a small minority obtained medicine from other places such as shops or markets in the temporary shelters, medicine from Thai hospitals/clinics, shops outside the temporary shelter and from Myanmar/Karenni State (Faculty of Medicine, Chiang Mai University 2001).

The Chiang Mai University study stated that increasing capacity building programmes for health personnel training was important and should be continued. The following recommendations were also put forward in order to mitigate health problems in the temporary shelters: increase adult literacy, especially for females, in order to increase access to health education materials; increase knowledge in the area of respiratory tract infections; increase knowledge on environmental control in order to reduce vectors of malaria and other mosquito-borne diseases; focus on hygienic practices related to diarrhea prevention and ORS preparation in health education; emphasise awareness of available MCH services available and reasons pregnant women should attend the MCH clinic; increase promotion of family planning methods; encourage men to play a larger role in MCH and reproductive health; and create more jobs in the temporary shelters to strengthen displaced persons' ability to supplement their health needs, as well as decrease mental health problems (Faculty of Medicine, Chiang Mai University 2001).

Displaced persons feel that they do not receive adequate treatment for their illnesses. Some informants mentioned that they were not treated well by clinics in the temporary shelter. They stated that the clinic usually gave them the same medicine without considering the causes of their symptoms. Moreover, some displaced persons stated that NGOs were not concerned with the lives of their relatives but instead the cost of medical treatment. While NGOs must deal with budget deficits, displaced persons who were interviewed felt that they do not receive adequate health support.

Every time we visit the doctor, we only receive paracetamol (Displaced person, Interview). I have been living here for more than 10 years. The longer I have stayed the less proper health treatment I have gotten (Displaced person, Interview).

We cannot complain although we felt that our relative did not get proper treatment. She had breast cancer, but she did not get proper treatment from the doctor. The clinic doctor cut her breasts. NGOs did not refer her to get treatment in the provincial hospital; finally, she died (Displaced person, Interview).

### ***9.3.6 Basic Awareness and Knowledge of Hygiene***

Hygiene is the most significant challenge for health care provision. The poor living conditions of displaced persons can lead to disease outbreaks. For example, respiratory and skin diseases can both be caused by dusty conditions and lack of clean water. Outbreaks of diarrhea in Mae La and Tham Hin have occurred as a

result of poor hygienic knowledge about clean food as well as sanitary garbage and waste management. Community health workers mentioned that displaced persons lack awareness about hygiene, including its relationship to illness. This can be addressed through improvement of displaced persons' standard of living and knowledge about hygiene (Key Informant Interviews).

### ***9.3.7 Summary and Recommendations***

The present health care services in the temporary shelters function similar to a local Thai clinic with an In-Patient Department. Primary health services, training, information campaigns, educational programmes and rehabilitation programmes are provided by NGOs in partnership with CBOs. Current available health services can be divided into two main types, preventive and curative. Available health care programmes cover all epidemics which may occur in the temporary shelters, such as malaria, tuberculosis, H1N1 and HIV/AIDS.

Generally, displaced persons are able to access and receive adequate health care both through the primary health care services available in the shelters as well as through the secondary and tertiary health care services available through referrals to Thai hospitals. However, New Arrivals who lack official documents do not have adequate access to referral services to Thai hospitals. Some minority ethnic groups also have more limited access to health care. Statistics show that mortality and morbidity rates are better than those in Myanmar and similar to those in Thailand. The resettlement of highly trained health staff has severely reduced the capacity of health services to provide quality health care for displaced persons, resulting in a higher risk of public health crises in the shelters. Lack of knowledge about disease prevention and treatment, in addition to hygiene, are the most significant challenges for health care provision.

Recommendations for strengthening health care services in the shelters include: promoting sexual education and reproductive health for adolescents; ensuring that health care services take into account local languages, literacy levels and religious and cultural differences; and increasing health education on disease prevention and hygiene.

## **9.4 Security and Legal Protection**

This section will apply the Human Security framework to examine the existing security situation and the current mechanisms for the protection of displaced persons. The concept of personal security will primarily be employed to analyse data. Relevant indicators under personal security include: fear of violence; levels of crime; efficiency of legal and judicial institutions; prevention of harassment and SGBV; and prevention of domestic violence and child abuse. The concepts of

community security, fear of multiregional conflicts and fear of internal conflicts, and political security, respect for basic human rights, under the Human Security framework will be secondarily applied.

The structures and mechanisms for security and protection both inside and outside the shelters will first be described. Based on the aforementioned indicators, this section will discuss: level of crimes and civil disputes in and around the shelters; efficiency of the traditional community-based justice system and access to the Thai justice system; and mechanisms to prevent sexual and gender-based violence and domestic violence. Finally, challenges that affect the compliance of such rights will be identified.

#### ***9.4.1 Structures and Mechanisms for Security and Legal Protection***

The RTG considers displaced persons from Myanmar to have *prima facie* legal status, not full refugee status. The RTG uses the phrase *displaced people fleeing conflict*. Under the RTG's definition, displaced persons will be repatriated back to Myanmar or will be resettled in a third country after the conflict in Myanmar ends.<sup>17</sup> In theory, the RTG is in charge of administering and providing security both inside and outside the shelters, with support from UNHCR and international NGOs to ensure that displaced persons' rights are respected and that displaced persons are well-informed about Thai laws and policies. The security of displaced persons is a key concern as shelters are typically located close to the Thai–Myanmar border. Although shelters are located in rural areas, displaced persons do not have access to land, and their housing structures must be constructed using temporary materials only (Thai official, Key Informant Interview).

The Thai National Security Council, on behalf of the RTG, sets out policies for displaced persons that are implemented by the MOI through provincial and district authorities. The Royal Thai Army Paramilitary Rangers and the Border Patrol Police provide external security outside the shelters. The RTG cooperates with the Karen or Karenni Refugee Committee and the respective Camp Committee in each shelter. For security inside the shelters, the MOI District Officer on *Palat* is assigned as the Camp Commander while the Territorial Defense Volunteer Corps *Or Sors* provide security under the jurisdiction of the Camp Commander (Key informant interviews).

Three main bodies form the security structure administered by displaced persons in the shelters: the Community Elders Advisory Board (CEAB), the Karen/

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<sup>17</sup> Although UNHCR has three main 'durable solutions' for refugees—voluntary repatriation to the country of origin, local integration in the country of asylum, and resettlement in a third country—the RTG still prefers the two durable solutions of repatriation and resettlement, rather than local integration in Thailand.

Karenni Refugee Committee (KRC/KNRC) and the Camp Committee. While the CEAB provides guidance, assists in resolving conflicts and plays the role of judicial persons and advisors, the KRC/KNRC is similar to an executive branch which acts as the governing body of the temporary shelter system (Key Informant Interview).

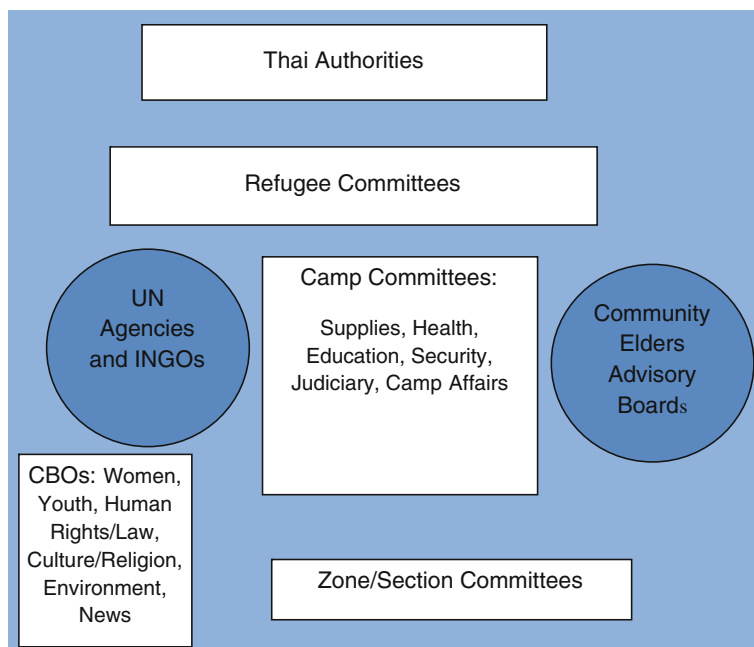
Documentary and field data reveal that the Camp Committee of each shelter plays an important role in the security and protection of displaced persons in terms of handling day-to-day operations and general services inside the shelters. Each Camp Committee is composed of five executive members, administrative staff, and heads of subcommittees, including Security and Judiciary Committees. The Security Committee maintains security inside the shelter and coordinates with Thai authorities outside the shelter. The Justice Committee, elected from the displaced person community, is responsible for intervening in, reconciling and arbitrating over conflicts.

The Camp Justice Committee works with IRC LAC, UNHCR and Thai authorities on serious cases that require referral to the Thai justice system. Normally, the Thai justice system focuses on serious crimes, while the community-based justice system focuses on civil disputes. Examples of serious crimes that must be adjudicated by the Thai justice system include seven types of cases: murder, rape, weapons violations, deforestation, drugs, torture and human trafficking (Key Informant Interviews). The Justice Committee is composed of two members of the CEAB, two members of the Security Committee, and one representative of the Camp Committee, who is normally the leader or deputy leader of the Camp Committee. For SGBV cases, two members of the Karen Women's Organisation (KWO) or Karenni Women's Organisation (KNWO) are added as members (Fig. 9.2).

#### **9.4.1.1 Profile of Tham Hin Shelter**

Tham Hin was established in 1997 by combining three temporary shelters into one. Tham Hin is located approximately 10 km from the Thailand–Myanmar border. Displaced persons living in Tham Hin fled conflict in Tenasserim State, Myanmar. Tham Hin was used as a shelter for political refugees and UNHCR Persons of Concern before they were resettled to the United States. The UNHCR Maneeloy Shelter for political refugees was closed in 2001, resulting in the creation of a new zone (Zone 4) for sheltering remaining residents from Maneeloy Center. UNHCR is solely responsible for legal protection of displaced persons in Tham Hin since there is no IRC Legal Assistance Center (LAC) available.

Tham Hin is divided into three main zones with five sections in each zone. There are a total of 30 security staff members in the shelter. These security staff are elected by shelter residents and are responsible for the safety and protection of displaced persons in each section. Camp Judges adjudicate disputes between displaced persons that occur inside the shelter. Since Tham Hin does not have a LAC, UNHCR acts as an intermediate coordination office for legal justice. Around 20 UNHCR staff oversee Tham Hin and Ban Don Yang temporary shelters. In



**Fig. 9.2** Administrative structure of the temporary shelters. *Source* TBBC (2010a)

Tham Hin, there is a UNHCR SGBV office which is separate from the main UNHCR office.

#### 9.4.1.2 Profile of Mae La Shelter

Mae La is the most populated shelter along the Thailand–Myanmar border due to the Thai government’s policy of consolidating five shelters into one shelter in this area. Mae La is located approximately 8 km away from the Thailand–Myanmar border, opposite Karen State and close to the Karen National Liberation Army (KNLA) 7th Brigade Headquarters and a Democratic Karen Buddhist Army (DKBA) outpost. Although there have been no reports of casualties, displaced persons still fear armed attack on Mae La since the shelter was mortar-attacked by DKBA and Burmese troops in 1997 and 1998, while some sections were also burned down by the DKBA in 1995. UNHCR and IRC LAC are jointly responsible for protection of displaced persons in Mae La. Mae La was the first shelter in which IRC, UNHCR and relevant Thai authorities worked together to improve the administration of justice, resulting in the opening of the Mae La LAC after extensive negotiations (Key Informant Interviews).

Mae La is divided into three zones. Zone A is composed of five villages, Zone B of eight villages and Zone C of nine villages. In terms of internal security, 259

security personnel drawn from the shelter community are responsible for the safety and protection of displaced persons in each zone. Out of the 259 security officers, 30 security officers are female (10 per zone). Security and judicial staff are responsible for arresting the accused, after which staff may consult with the IRC LAC about referring serious cases to the Thai justice system (Key Informant Interviews).

In Mae La, there are three levels of mediation: section level, Section Leader; zone level, Zone Leader; and shelter level, Camp Judge. Mae La has its own court and traditional justice system to deal with family disputes and minor crimes. Under the traditional community-based justice system, Camp Judges use Karen Refugee Committee Law, which is a mix of civil and criminal law. Customary Karen law applies to civil disputes and criminal cases related to family affairs. The most common dispute cases arbitrated by the traditional community-based justice system include domestic violence, debt and loan, family disputes, custody and divorce cases (Key Informant Interview).

Punishment under KRC law involves putting the defendants into one of five detention centres in Mae La. The length of detention ranges from 3 to 6 months. According to a justice officer, most cases are related to alcohol, physical fighting, youth gangs and robberies. Camp Judges coordinate with the IRC LAC on SGBV cases and serious crimes that need to be transferred to the Thai justice system.

#### **9.4.1.3 Profile of Ban Mai Nai Soi Shelter**

Ban Mai Nai Soi Shelter is located approximately two kilometres away from the Thailand–Myanmar border. Due to its location close to the border, this shelter was attacked by Burmese Army troops in December 1996, January 1997 and September 1998. A small number of casualties from gunfire and landmines during these attacks was reported. UNHCR and IRC LAC are jointly responsible for the protection of displaced persons in Ban Mai Nai Soi.

Ban Mai Nai Soi is divided into two zones, Ban Tractor and Ban Kwai, with 20 sections. For internal security, Ban Mai Nai Soi has 82 security personnel with four rotating duties: guarding at the checkpoint, foot patrol, staying on duty at the main office and looking after the warden at the detention centre. Security and judicial personnel are responsible for arresting the accused, after which they may consult with IRC LAC to refer the case either to the judiciary in the community justice system or to the Thai justice system depending upon the seriousness of the case (Camp Security, Interview, Ban Mai Nai Soi).

Ban Mai Nai Soi has its own court with three judges who use the traditional community-based justice system to deal with civil disputes and petty crimes. According to a Camp Justice officer, the community court has been setup for more than 10 years. It arbitrates family affairs, divorce, capital compensation and teenager quarrelling cases. Any case with a punishment of more than 7 days in prison is sent to the IRC LAC which then coordinates the transfer of the case to the Thai justice system (Key Informant Interview).

According to interviews with security officers, Ban Mai Nai Soi has 11 regulations for all displaced persons. Displaced persons will face punishment if they disobey the following rules: no drinking of alcohol in public areas; teenagers below 18-years old are not allowed to buy and sell alcohol beverages; no destroying of other people's property; no lighting of fires; no physical fighting in public; no physical threats; no threats with weapons; no stealing; no money defrauding; no verbal insults; no naked or sexual obscenity.

### ***9.4.2 Level of Crimes and Civil Disputes in and Around the Shelters***

#### **9.4.2.1 Overall Caseload in the Shelters**

Several forms of threats and physical violence such as physical torture, ethnic tension, crime, street violence, rape and domestic violence exist in the displaced persons community. An IRC assessment survey regarding access to justice in the temporary shelters revealed the following significant displaced persons protection concerns: alcohol and substance abuse; fear of the Burmese military; inability to access food entitlements; physical violence in the community in general and specifically rape; lack of proper documentation; deportation; inability to access justice; and incidents involving Thai security volunteers, *Or Sor*. Women are more prone to threats of violence. Furthermore, those women who were divorced separated, or unmarried felt more vulnerable to risks such as exploitation for goods and services and physical abuse (Harding et al. 2008).

In the baseline survey, displaced persons expressed concerns similar to IRC's assessment in that they are most worried about alcohol and related abuse and physical violence in the community, specifically rape. Some displaced persons living in temporary shelters near the border are still afraid of possible attacks by the Burmese military or DKBA military. Due to ethnic conflicts along the border, there is ongoing dialogue between UNHCR/NGOs and Camp Committees on the civilian nature of the shelters and the protection implications of the presence of military elements in the shelters. Meanwhile, those living in temporary shelters near cities are more concerned with lack of proper documentation and deportation. Many displaced persons also voiced concerns over their ability to access justice in cases and incidents that involve Thai *Or Sor* security volunteers (Key Informant Interview).

The overall caseload in the temporary shelters can be divided into two categories: criminal disputes and civil disputes. According to key informants, the caseload typically handled by the community-based justice system in the shelters involves various cases such as family disputes, alcohol abuse, juvenile offenses, guardianship of children, domestic violence, debt/loan, quarrelling and abuse of power. The most serious cases in 2010 occurred in Tham Hin; one case was a murder case outside the shelter, whereas another case involved the counterfeiting of money.



#### **9.4.2.2 Sexual and Gender-Based Violence and Domestic Violence**

Women are particularly vulnerable to SGBV incidents, specifically if they are disabled, divorced, separated or unmarried. A 2006 UNHCR document on SGBV reports that most SGBV cases were related to domestic violence and rape or attempted rape. According to key informants in all three shelters, dispute cases related to SGBV are still common despite the fact that the community-based justice system issues a harsh verdict for SGBV offenses. For example, those who commit domestic violence, including physical beating or abuse or sexual adultery, will be put in jail. In 2010 alone, around ten cases from among the three shelters were related to SGBV or domestic violence, of which most of the cases were also related to alcohol abuse (Key Informant Interviews).

#### **9.4.2.3 Adolescent Cases**

Adolescent cases in the shelters are also of high concern. In such cases, adolescents are drawn to alcohol and substance abuse, which can create protection risks for the general community as well as the adolescents themselves (UNHCR 2007). UNHCR recommends that additional activities for children and youth be organised as a preventative measure. According to a key informant, adolescents are not criminals, but their behaviour is influenced by the conditions and situation of their lives in the shelters. Children and young teenagers lack opportunities for development, especially in the areas of education, family, activities and leisure. They cannot see a future beyond living in the closed temporary shelter. Many of them have been judged by the community as being 'bad' and in need of punishment without the chance for rehabilitation. The Ministry of Justice is being approached to improve existing mechanisms for juvenile justice (Key Informant Interview).

#### **9.4.2.4 Trafficking**

It is generally acknowledged that trafficking of displaced persons has taken place in and around the temporary shelters. Many displaced persons leave the temporary shelters to seek economic opportunities, making them vulnerable to trafficking. Although there is low reporting of trafficking incidents, it is clear that trafficking can occur at any point in the process of migration from the temporary shelters to urban or semi-urban areas. As displaced persons are not officially allowed to leave the temporary shelters, there are risks regarding the reporting of people who leave or return to the shelters. The shame and stigma attached to being trafficked may also account for the low reporting of trafficking incidents. There is conflicting information regarding which groups are most vulnerable to trafficking, whether it is women in their mid-teens, or men who tend to seek employment outside the temporary shelters more than women (Women's Commission for Refugee Women and Children 2006a).

### 9.4.2.5 Incidents Involving Local Authorities

In regard to security incidents involving local authorities, key informants stated that there are some concerns related to *Or Sors* from time to time. Vogler's research in one predominantly Karenni temporary shelter revealed feelings of contempt of displaced persons towards *Or Sor* security staff. The research also suggested that domestic and sexual violence aggressions were sometimes committed by Thai security personnel. Research participants repeatedly expressed their fear of Thai security personnel assaulting, molesting or seducing displaced persons, and this was confirmed by observations made by humanitarian aid agencies. Accounts were made of Thai soldiers who harassed individuals who walk around after curfew hours in the camp, as well as cases of Karenni girls having romantic relations with Thai soldiers. UNHCR confirms that incidents of verbal and physical abuse by Thai security staff occur quite often. For example, there have been accounts of a drunken security guard allegedly firing gunshots in the air and Thai security staff using excessive force against a displaced person who did not respect the night-time curfew in the temporary shelter (Vogler 2006).

#### Tham Hin Shelter

Most dispute cases in Tham Hin are related to drunken behaviour, teenager quarrels or SGBV incidents. However, displaced persons are hesitant to report SGBV cases. According to one key informant, since 1997, three serious cases have been adjudicated by the Thai justice system, of which two cases were SGBV cases while the third was an attempted murder case with serious injuries. If a victim wishes to report a case, the victim normally informs shelter security officers or the Section Leader first. For SGBV cases, victims discuss with KWO and the SGBV committee, which then typically refer the SGBV cases to the Thai justice system. SGBV victims first undergo a medical examination in the shelter, after which their case enters the Thai justice system. Next they undergo another medical examination at a Thai hospital where they are accompanied by female interpreters (Key Informant Interviews, Tham Hin).

Dispute cases in Tham Hin involving children are normally handled by the Thai justice system. For any criminal case that must go through the Thai justice system, the police will go to the shelter to document evidence. According to one Thai authority, Thai authorities do not discriminate against displaced person cases because the cases are accompanied by UNHCR. If the Camp Justice Committee is unable to resolve a case, the case will also be referred to UNHCR and then to the Thai court (Key Informant Interviews, Tham Hin).

#### Mae La Shelter

In Mae La, the most common dispute cases that are arbitrated by the traditional community-based justice system include domestic violence, debt and loan, family disputes, custody and divorce cases. According to a judicial officer, many cases are also related to alcohol, physical fighting, youth gangs and robberies. The length of detention in the shelter ranges from 3 to 6 months. Camp Judges coordinate with

IRC LAC on SGBV cases and serious crimes that need to be transferred to the Thai justice system (Key Informant Interviews, Mae La).

#### Ban Mai Nai Soi

According to security officers in Ban Mai Nai Soi, common dispute cases in Ban Mai Nai Soi include drunken behaviour, physical fighting and stealing goods from grocery shops. In 2009, there were 257 complaints dealing with civil disputes and family conflicts. Of all complaints, 33 were petty crimes, of which one case was sent to the Thai court. In 2009, there were less than 10 cases that were considered serious cases that were transferred to the Thai justice system (Security Officers, Interviews, Ban Mai Nai Soi).

### ***9.4.3 Efficiency of the Traditional Community-Based Justice System and Access to the Thai Justice System***

As mentioned earlier, displaced persons living in the temporary shelters have access to parallel legal protection systems: the traditional community-based justice system and the Thai justice system. The community-based justice system focuses on petty crimes and civil disputes while the Thai justice system focuses on serious crimes such as murder, rape, weapons violations, deforestation, drugs, torture and human trafficking. However, ambiguity still exists regarding the categorisation of crimes as serious versus non-serious. Despite this general division of crimes, displaced persons still overwhelmingly prefer to use the community-based justice system, including for serious crimes such as murder, even though the appropriate punishment for murder (10 years or more in prison or the death penalty) cannot be delivered by the community-based justice system (Harding et al. 2008).

#### **9.4.3.1 The Traditional Community-Based Justice System**

IRC reports that overall, “refugee leaders have, generally speaking, tried to administer camp affairs fairly and, considering the scale of the challenge, have done a great deal with limited resources” (Harding et al. 2008). Nonetheless, there are various challenges associated with the traditional community-based justice system in the temporary shelters that are barriers to access to justice. These challenges include institutional capacity, the capacity of Camp Justice officials, effective prosecution and punishment and administration of justice in SGBV cases.

With regard to institutional capacity, the IRC assessment revealed that the traditional community-based justice system lacks the capacity to deliver appropriate judicial processes and outcomes, especially for more serious crimes. Furthermore, community governance structures are unable to deal with children in conflict with the law, despite the fact that children are more vulnerable to violence, particularly rape and attempted rape incidents (Harding et al. 2008).

Camp justice officials in particular often lack training. They also believe there is an urgent need for legal reform since laws are confusing and inappropriate. Meanwhile there are several problems related to methods of punishment. First of all, perpetrators are not prosecuted for crimes they commit or are sometimes released without punishment. Second, detention facilities in the temporary shelters are more similar to holding cells than facilities appropriate for long-term detention. Finally, punishment in terms of heavy fines or compensation is not realistic since few people have the capacity to pay (Harding et al. 2008; Key Informant Interview).

The majority of SGBV survivors prefer to use the traditional community-based justice system in the temporary shelter (UNHCR 2006). However, Camp Justice officials lack sensitivity and capacity when it comes to SGBV cases. The traditional community-based justice system emphasises reconciliation and compromise, which pressures women to accept judicial decisions that are inadequate (Harding et al. 2008). Penalties for SGBV incidents are not in line with either national law or international human rights standards. Such inadequate penalties include settling rape cases through financial compensation or marriage, or for domestic violence survivors, denying requests for divorce and instead proposing alternative solutions such as having the perpetrator sign an agreement not to commit domestic violence again which often do not protect the survivor from a repeat of violence. When the perpetrator of an SGBV crime is an influential person, it has been particularly difficult for the community to intervene on behalf of the survivor (UNHCR 2006).

#### **9.4.3.2 Access to the Thai Justice System**

According to the IRC assessment on access to justice, it is difficult for displaced persons to access the Thai national judicial system due to language, lack of transportation, fear of reprisal, concern about police reaction and ignorance of the system. Displaced persons may also be afraid of rejection by the community if they report a crime outside the temporary shelter. Furthermore, community-based officials in the temporary shelters are sometimes reluctant to allow cases to go outside the temporary shelters to access the Thai justice administration system, while Thai officials hesitate to deal with cases from the temporary shelters due to lack of resources or concerns about workload increases (Harding et al. 2008).

With regard to SGBV cases, some procedural and regulatory limitations, such as the 3-month statutory limitation on reporting sexual crimes, have served as barriers to accessing the Thai judicial system. Overall, Thai authorities have been more willing to pursue SGBV cases but some are occasionally reluctant to do so. In 2006, more than 15 SGBV cases were reported and investigated by the police, including some which were successfully prosecuted (UNHCR 2006).

#### **9.4.3.3 The Role of the IRC Legal Assistance Center**

Under the collaboration of UNHCR, IRC and CCSDPT in 2006, the LAC project was established to promote the rule of law, help displaced persons bring their complaints to the Thai justice system, and support information and counselling for displaced persons who wish to use the traditional community-based system for their civil disputes. LAC also supports the implementation of international standard practices in the shelters. Examples include no torture, no shackle, and other international standard practices for community detention centres (Key Informant Interviews).

The major pillars of LAC's work include technical assistance in compliance with Thai law and international standards and referral of cases to the Thai justice system. Technical assistance involves projects on capacity building and legal awareness, access to justice, and training for displaced persons leaders and the general displaced persons population on the law and their rights, such as through community drama or legal workshops. Technical assistance is also provided via LAC Legal Advisors and Rule of Law Officers whose role is to assist in referring cases to the Thai justice system, monitor hearings in the shelters, follow-up with cases, and monitor the conditions of detention centres. Additionally, LAC works to strengthen child protection networks, improve reporting and referral mechanisms to be on an issue basis, such as SGBV and repatriation, and supports ongoing collaboration on legal training (Key Informant Interview).

The major costs of LAC programmes are for capacity building activities, materials, assistance with detention centre construction, staff remuneration, transportation and fuel. Lawyers representing cases in the Thai court are paid by UNHCR. Alternatively, volunteer lawyers can be recruited from the Law Society of Thailand.

Due to LAC's activities, the legal awareness of displaced persons leaders has significantly increased. The trust of displaced persons has been built over the years of working on access to justice. However, displaced persons who have been trained on legal knowledge and awareness are sometimes resettled, so legal awareness that has previously been built may not be sustainable. Other concerns are related to community outreach. Although awareness of legal rights of displaced persons has increased, there is still concern about whether such awareness can reach everyone in the shelter, especially minority ethnic groups such as non-Karen or Karen persons in each shelter.

In Mae La, LAC's services and projects include providing legal advice, rule of law and legal reform, training on basic Thai law, and interpretation services and facilitation for displaced persons. LAC has raised awareness on basic rights and provided legal training for local police and other law enforcers to respect the rights of civilians. LAC has also provided information for displaced or returning populations to allow them to make informed decisions and seek remedies to injustice. Ten paralegals observe and accompany clients to go to the court. On SGBV cases in particular, LAC mainly works with KWO. Furthermore, LAC targets children

and ethnic minorities who face difficulty in accessing justice and security institutions in the shelters (Key Informant Interviews).

Although there have been tensions between the Mae La Camp Justice Committee and LAC in the past, the Camp Justice Committee is beginning to trust and work more with LAC (Key Informant Interviews). Since 2009, trust has been increasingly built and there is increased reporting of cases to LAC and interest in bringing cases to the Thai justice system. There have even been some Camp Justice Committee requests for IRC to help refer cases to the Thai justice system. The Camp Justice Committee and KRC have also welcomed LAC's assistance on redesigning the community-based justice process and on community referendums of legal code amendments (Key Informant Interview).

In Ban Mai Nai Soi, LAC provides technical support and training for SGBV committees to respond to and prevent sexual and domestic violence, set up a referral system for rape and violence survivors with the regional hospital, and establish safe shelters for women and children. LAC has also established rape crisis teams and developed the first rape and domestic violence response protocols. Since the start of these programmes, an increasing number of rape and domestic violence cases have been reported to health and social service staff, which indicates that women facing violence are now seeking assistance (Key Informant Interview).

#### ***9.4.4 Mechanisms to Prevent Sexual and Gender-Based Violence and Domestic Violence***

##### **9.4.4.1 Caseload**

UNHCR (2006) reported that domestic violence and rape were the most widespread type of protection incident between 2003 and 2006. In 2006 alone, UNHCR received reports of 186 SGBV incidents against displaced persons in the nine temporary shelters. Displaced persons who were at higher risk of SGBV incidents included New Arrivals, physically and mentally disabled persons, children separated from parents or who suffer from abuse by their parents or caretakers, and survivors of multiple SGBV incidents (UNHCR 2006). In the 97 cases that were formally reported to UNHCR, displaced persons formed the majority of the perpetrators of both child and adult rape, while a minority of the cases was perpetrated by Thai nationals including authorities and villagers. Meanwhile, almost all domestic violence cases were committed by husbands against wives, including one incident where a wife was murdered (Table 9.19).

**Table 9.19** SGBV cases by location for 2006, based on reports received by UNHCR, IRC and ARC

Incident type	Kanchanaburi			Mae Sot			Mae Hong Son				2006 Total
	BKK	THI	BDY	ML	NP	UMP	MLO	MRML	BMN	BMS	
Rape	0	3	0	4	10	6	1	4	4	3	35
Attempted rape	0	0	0	3	4	0	0	0	0	0	7
Domestic violence	3	3	2	31	10	12	1	4	51	5	122
Sexual exploitation	0	0	0	0	0	0	0	0	1	0	1
Other sexual assault	0	0	2	3	2	2	0	0	0	7	16
Trafficking	0	0	0	0	0	1	1	0	0	0	2
Other	1	1	0	1	0	0	0	0	4	0	7
Pre-asylum SGBV	9	0	0	0	0	0	0	0	0	0	9
Total	13	7	4	42	26	21	3	8	60	15	199

Source UNHCR (2006)

\*Pre-asylum SGBV is all rape incidents except one case and taking place in country of origin

\*Others include: forced marriage, attempted forced marriage, threat of execution based on gender/status and trespass

#### 9.4.4.2 Reporting of Cases

Sexual exploitation and abuse appear to be underreported and need to be addressed, for example, through relevant training for all stakeholders. Reports of SGBV incidents increased each year from 2003 to 2006, showing that SGBV cases are being more actively and systematically reported through NGOs, CBOs and SGBV committees to UNHCR. This increased reporting could be attributed to awareness-raising and capacity and confidence building in the temporary shelters, such as through: SGBV training for various stakeholders; activities organised by CBOs and NGOs; an improved reporting and referral mechanism through temporary shelter SGBV committees, CBOs, NGOs and temporary shelter committees; and the implementation of SGBV Standard Operating Procedures in 8 out of 9 shelters during 2006 (UNHCR 2006).

LAC works on capacity building and awareness raising activities specific to SGBV, such as SGBV training for stakeholders; support for activities organised by CBOs and NGOs; an improved reporting and referral mechanism through SGBV committees; and the implementation of SGBV Standard Operating Procedures in eight temporary shelters. The reporting of SGBV incidents, including domestic violence, rape/attempted rape, sexual exploitation, has increased as a result of the success of these activities. In addition, LAC aims to develop an effective inter-agency mechanism to coordinate prevention and response to sexual abuse and exploitation and trafficking in persons (IRC, Interviews 2010).

Despite the increased reporting of incidents, however, the statistics reported should not be considered to be conclusive since many SGBV cases go reported for reasons such as shame and social stigma (UNHCR 2006). Underreporting of cases could be due to the fact that it is taboo for displaced persons to discuss domestic violence (Vogler 2006). Vogler's research also found that residents in the

predominantly Karenni temporary shelters hesitate to go to the Women Community Center, which is a shelter house for women who have been abused (2006). SGBV incidents are sometimes not dealt with appropriately because they are not viewed as crimes by national authorities or even displaced persons themselves. This is especially true in the case of domestic violence, which is generally seen as a private issue that should be dealt with by families.

#### 9.4.4.3 Access to Justice for SGBV Cases

When SGBV incidents are dealt with, displaced persons prefer to use traditional justice mechanisms as opposed to the Thai justice system, despite the fact that the traditional justice system inadequately deals with penalising perpetrators. Indeed, of the SGBV cases formally reported to UNHCR in 2006, only 15 % of the cases preferred to access the Thai justice system, while 63 % preferred to access the community-based justice system or a combination of both. When only looking at rape or attempted rape incidents and excluding domestic violence cases, 35 % of the cases preferred to access the Thai judicial system. It is, therefore, necessary to ensure a balance between using traditional justice mechanisms and national legal/judicial mechanisms (UNHCR 2006).

Although there are strong penalties for domestic violence and adultery under the traditional justice system, many cases have been settled through financial compensation or an alternative solution such as asking the perpetrator to sign an agreement not to commit domestic violence again, which often does not protect the survivors. Due to lack of legal remedies for SGBV cases, many survivors remain vulnerable to repeat incidents (UNHCR 2006). In some but not all of the temporary shelters, safe houses run by CBOs such as the KWO are available to SGBV survivors, although these emergency shelters are not considered to be up to standard. In some serious cases, UNHCR has arranged for survivors to move to other shelters or resettle in a third country for their own protection (UNHCR 2006).

#### 9.4.5 Summary and Recommendations

The Thai government does not consider displaced persons from Myanmar to have full refugee status but instead considers them to be *displaced people fleeing conflict*. The Royal Thai Army Paramilitary Rangers and the Border Patrol Police provide external security outside the shelters while the MOI cooperates with the Karen and Karenni Refugee Committees and the respective Camp Committee in each shelter. Inside each shelter, three main bodies form the security structure and protection administered by displaced persons: the Community Elders Advisory Board (CEAB), the Karen/Karenni Refugee Committee (KRC/KNRC) and the Camp Committee. To administer justice and legal protection, the Justice



Committee, elected from the displaced persons community, is responsible for intervening in, reconciling and arbitrating over conflicts as well as working with LAC, UNHCR and Thai authorities on serious cases that require referral to the Thai justice system. Examples of serious crimes that must be adjudicated by the Thai justice system include murder, rape, weapons violations, deforestation, drugs, torture and human trafficking.

The overall caseload in the shelters can be divided into two categories: criminal disputes and civil disputes. The caseload typically handled by the community-based justice system in the shelters involves various cases such as family disputes, alcohol abuse, juvenile offenses, and guardianship of children, domestic violence, debt/loan, quarrelling and abuse of power. Under an assessment of 'personal security', several forms of threats and physical violence such as physical torture, ethnic tension, crime, street violence, rape and domestic violence still exist in the shelters. An IRC assessment survey revealed that significant concerns included alcohol and substance abuse; fear of the Burmese military; inability to access food entitlements; physical violence in the community in general and specifically rape; lack of proper documentation; deportation; inability to access justice; and incidents involving Thai security *Or Sor* volunteers. In the baseline survey, displaced persons expressed concerns similar to IRC's assessment survey in that they are most worried about alcohol and related abuse and physical violence in the community, specifically rape.

With regard to the efficiency of the traditional community-based justice system and access to the Thai justice system, the categorisation of crimes as serious versus non-serious remains ambiguous. Displaced persons have overwhelmingly preferred to use community-based justice system even though the appropriate punishment for serious crimes such as murder cannot be delivered by the community-based justice system. Overall challenges associated with the traditional community-based justice system include institutional capacity, the capacity of Camp Justice officials, effective prosecution and punishment and administration of justice in SGBV cases. The community-based justice system has a limited ability to deliver appropriate judicial processes and outcomes; to deal with children in conflict with the law; and to deliver appropriate methods of punishment. Furthermore, although there are strong penalties for domestic violence and adultery under the community-based justice system, many of these cases have been settled through financial compensation or a substitute solution, which did not protect the survivors.

In terms of access to the Thai justice system, the collaboration of UNHCR, IRC and CCSDPT in 2006 resulted in establishing the LAC in order to promote the rule of law, help displaced persons bring their complaints to the Thai justice system, and support information and counselling for displaced persons who wish to use the traditional community-based system for their civil disputes. The IRC assessment survey shows that it is difficult for displaced persons to access the Thai national judicial system due to reasons such as language, lack of transportation, fear of reprisal, concern about police reaction and ignorance of the system. With regard to SGBV cases, some procedural and regulatory limitations have been seen as barriers to accessing the Thai judicial system.

Finally, UNHCR, NGOs and CBOs are continually improving the mechanisms to prevent SGBV and domestic violence. According to UNHCR (2006), the increased reporting of SGBV incidents could be attributed to awareness-raising and capacity and confidence building in the temporary shelters, such as through: SGBV training for various stakeholders; activities organised by CBOs and NGOs; an improved reporting and referral mechanism through temporary shelter SGBV committees, CBOs, NGOs and temporary shelter committees; and the implementation of SGBV Standard Operating Procedures in eight out of nine shelters during 2006. Despite the increased reporting of incidents, however, statistics reported should not be considered as conclusive since many SGBV cases go unreported for reasons such as shame and social stigma. When SGBV incidents are dealt with, displaced persons prefer to use traditional justice mechanisms as opposed to the Thai justice system despite the fact that the traditional justice system inadequately deals with penalising perpetrators. UNHCR (2006) therefore, recommends ensuring a balance between using traditional justice mechanisms and national legal/judicial mechanisms for SGBV cases.

## 9.5 Social Tension Between Displaced Persons and Local Communities

Local people living in surrounding Thai communities still have misperceptions about displaced persons, and many blame displaced persons for problems, even though some local Thais may be of the same ethnicity as displaced persons living in the shelters. Since most shelters comprise several small shelters that have been consolidated into one large site, they have become permanent or semi-permanent shelters and have had a large impact on the surrounding communities, especially in terms of impact on natural resources.<sup>18</sup> Tensions between displaced persons and local communities have occurred occasionally, depending upon each shelter's location and activities that might affect the resources of local communities.

Local community members expressed several concerns related to the presence of a temporary shelter in the local community, although these concerns have not been verified: deforestation, substance abuse, communicable diseases, crimes and social disorder. Key informant interviews further revealed that local community members may feel resentment towards displaced persons over the international humanitarian assistance and attention given to displaced persons in comparison to the local community. Long-term encampment of displaced persons in isolation

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<sup>18</sup> All three selected shelters of Tham Hin, Mae La and Ban Mai Nai Soi were established by combining at least two shelters into one shelter. Tham Hin is a consolidation of Huay Sot, Bor Wii and Phu Muang temporary shelters. Mae La is a consolidation of five shelters (Mae Ta Waw, Mae Salit, Mae Plu So, Kler Kho and Kamaw Lay Kho) into one large shelter. Even the remote shelter of Ban Mai Nai Soi is a consolidation of two shelters, Ban Tractor and Ban Kwai, into one shelter.

from local communities, in addition to negative media portrayals, exacerbates social tensions. Language and cultural barriers further lead to misunderstandings and misperceptions, thereby creating the notion of displaced persons as *the other* in relation to the Thai people.

As local communities are often poor and lack resources, many instances of social tension have occurred due to misperception, misinformation and conflict over limited health care resources between local people and displaced persons. As mentioned earlier, clinics in the temporary shelters only provide primary preventive and curative health care, while secondary and tertiary health services such as operations or specialist cases are referred to district and provincial hospitals in local Thai communities. Information gathered from interviews shows that local Thai people perceive displaced persons as a privileged group that is an extra burden, carries new diseases and drains resources.

Displaced persons are receiving better services than Thai people since all displaced persons have car transportation from the shelter to the hospital. Meanwhile for Thai people, if they want to see a doctor they need to find our own transportation and wait in a long queue since there are many patients. Thai people usually go to a private clinic, as they prefer to pay for private services instead of waiting in a long queue (Local Thai community member, Interview).

Like Burmese migrant workers, displaced persons carried diseases with them while crossing the border from Myanmar to Thailand, such as meningococcal fever, elephantitis, measles and polio. These kinds of diseases have already disappeared from Thai society. But I understand that health care in Myanmar is worse compared to Thailand (Nurse at Thai hospital, Interview).

I received many complaints from local people that displaced persons were treated better than Thai people. For example, one patient asked me why he was placed outside the recovery room while displaced persons were inside the room receiving close supervision from nurses. As health practitioners, we need to treat everyone equally. But because our hospital has a small capacity and limited resources, our rule is 'first come first serve'. Furthermore, almost all [patients referred from the temporary shelter] are considered severe cases that need close supervision. It is not about preference (Health practitioner at Thai hospital, Interview).

It is necessary for stakeholders such as the RTG and NGOs to increase opportunities for interaction, and to strengthen the relationship between local Thai communities and displaced persons in the temporary shelters. This could be achieved through expansion of resources and services for both groups and promotion of cultural exchange. Stakeholders should consider implementing public awareness campaigns or other activities that will allow displaced persons and local community members to dialogue and work together to combat crimes and address other common concerns. Some key informants suggested expanding the Thai Ministry of Justice's community justice project to displaced persons in the shelter to improve the relationship between displaced persons and local Thai communities.

In order to alleviate social tension, informants further suggested that international NGOs provide assistance to local communities and schools. Some education NGOs are already support local schools with funding for school infrastructure, materials and salaries, as well as support for teacher training.

TBBC has also been proactive in contributing to local Thai communities. TBBC recognises that Thai communities bordering the temporary shelters are often under-resourced and do not have access to other assistance. As a result, these villages may feel neglected when support is provided to displaced persons. TBBC therefore provides support to local Thai communities and Thai authorities.

From July to December 2010, TBBC provided a total of 4,846,688 baht in support to Thai communities and Thai authorities (TBBC 2010a). Specifically, 1,605,360 baht was provided for educational support, non-food items and school lunches to schools, and food and charcoal for village communities, temples, boarding houses and Thai NGOs. TBBC also provided 127,102 baht for food to support emergencies in Thai villages and road repairs after the rainy season. Aside from support to Thai communities, TBBC also provides support to Thai authorities in an amount that is proportional to each province's share of the displaced persons population. From July to December 2010, TBBC provided 3,114,226 baht for local Thai authorities, mainly through rice, other food items and building materials to border personnel (TBBC 2010a).

## **9.6 Consequences of Maintaining the Current Situation**

### ***9.6.1 Food and Shelter***

The majority of displaced persons are entirely dependent on food rations as they are not allowed to leave the shelters to earn a living to buy food. The current trend of reduced funding for food assistance therefore poses a significant threat to the food security of displaced persons. The food security of New Arrivals is particularly at risk due to the recent MOI policy prohibiting them from receiving food rations. As food rations become less available and less accessible, it becomes more difficult to meet the nutritional needs of displaced persons. If the availability of food assistance continues to decrease, and no major policy and programmatic adjustments are made to increase livelihood opportunities, both the food security and human security of displaced persons will be under serious threat.

### ***9.6.2 Education***

The Thai government does not currently allow displaced persons to leave the temporary shelters, limiting the educational, training and livelihood opportunities

of displaced persons. Due to this policy, displaced persons have no official access to higher education. However, the Thai government is gradually accepting that the refugee situation is likely to continue for the foreseeable future and the MOE, in particular, appears open to improving the educational opportunities of displaced persons as part of its commitment to achieving Education for All (EFA) goals (Van der Stouwe/Oh 2008).

If the current situation of education services is maintained, the ongoing resettlement of skilled educational staff and the high teacher turnover will continue to negatively affect the availability of experienced teachers as well as the quality and continuity of education services. In addition, the present trend of donor and NGO funding reductions will continue to negatively impact the availability of educational programmes, infrastructure and materials.

NGOs are now transitioning from a traditional basic delivery approach to a longer term approach focusing on enhanced quality of education and sustainability. The focus will be on multilevel long-term capacity building initiatives in the temporary shelters (Van der Stouwe/Oh 2008). ZOA, the primary NGO supporting education programmes in seven out of the nine shelters, has announced that it is phasing over its programming to the newly created U-sa Khanae Development Foundation (UKDF). ZOA plans to phase out its operations in Thailand within the next few years.<sup>19</sup> ZOA's strategy is to shift from humanitarian assistance to development by building the self-reliance of local organisations, increasing cooperation with the Thai government, increasing involvement with CCSDPT and building an NGO network.

ZOA's vocational training programmes will be taken over by Adventist Development and Relief Agency (ADRA). Other educational programmes such as non-formal education and post-secondary programmes may be transferred to organisations such as World Education, Child's Dream, Curriculum Project/Thaybay Network and KRCEE, although plans are not yet finalised. It is anticipated that core ZOA staff will transfer over to the UKDF, so there will be minimal impact on the working relationship with UKDF and KRCEE. However, there are concerns over visibility, track records and donor agreements as a result of ZOA's future withdrawal (ZOA, Interview).

Due to NGO funding uncertainties, efforts should be geared towards developing the roles of both CBOs and the RTG. Especially in light of ZOA's future withdrawal, it is necessary to build the capacity and self-reliance of local organisations and CBOs such as KRCEE and the UKDF to implement quality education programmes. ZOA already has a process in place to train and build the capacity of local partners such as KRCEE. Increased cooperation of the RTG is also crucial.

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<sup>19</sup> For details on the ZOA-Thailand phase-over of operations, please see ZOA-Thailand Newsletters at [http://www.zoa.nl/worldwide/zoas-work/where-we-work/thailand/newsletter\\_thailand/](http://www.zoa.nl/worldwide/zoas-work/where-we-work/thailand/newsletter_thailand/).

### 9.6.3 Health Care

Health care provision based on the idea of ‘emergency-oriented response’ faces several challenges due to the protracted nature of the current situation. For instance, local Thai hospitals along the border and NGOs providing health care services face financial challenges and resource shortage.

In temporary emergency situations, the need for funding of health care services is open-ended. According to CCSDPT/UNHCR, the health care system in the temporary shelters along the Thailand–Myanmar border is a *parallel system* to the local health care system (2009). If this current situation is maintained, local Thai hospitals located near the Thailand–Myanmar border will continue to confront financial challenges. Furthermore, as NGO funding has decreased, so has funding for referral cases. In the end, it is displaced persons who will be most negatively impacted by maintain the current situation.

District and provincial hospitals receive referral cases from NGOs for secondary and tertiary treatment. All medical bills for referral cases from the temporary shelters are reimbursed by NGOs so these cases do not pose a financial burden for hospitals. However, hospitals located near border areas face financial challenges from treatment of patients living along the border who have crossed into Thailand to seek better medical treatment. Treatment of this group of patients has at times led to conflicts between NGOs and local hospitals over responsibility of payment for medical charges.

Every public hospital located near the Thailand-Myanmar border faces financial problems since revenue comes from the RTG based on house registration in that district instead of patient numbers. So local hospitals have to manage their budget to cover all costs every year (Health practitioner at Thai hospital, Interview)

NGOs such as IRC and AMI are also facing budget decreases since some donors have reduced support for what they see as a chronic situation. This budget shortfall mainly affects curative programmes and referral cases. Moreover, the high rate of people moving into and out of the shelters presents an additional challenge for health care providers. According to universal health care principles, health care services must be provided to everyone regardless of their registration status in the shelters. Hence, NGOs provide health checks, immunisation services and curative services for New Arrivals. However, as it is difficult to estimate the number of New Arrivals each year, there is potential for a shortage of resources and funding. This constraint directly affects the quality of health provision for displaced persons.

If the current situation continues, there will be negative impacts on displaced persons, NGOs and local health organizations. Health care providers will continue to encounter financial challenges. While NGOs will face a funding decrease from donors, local hospitals will need to take on increasing expenses both from referral cases and cross-border patients who seek health care in Thailand.

### ***9.6.4 Security and Legal Protection***

If the current situation is maintained, several challenges will need to be addressed. The largest overall challenge to legal protection for displaced persons is their legal status. For example, displaced persons cannot directly access the Thai justice system themselves. Another limitation is the isolation of displaced persons, especially vulnerable groups, from resources. It is difficult for displaced persons to access justice in an enclosed environment. This is particularly true for complicated cases that need close supervision and support for access to justice.

Some challenges related to the traditional community-based justice system are barriers to access to justice for displaced persons. These challenges include lack of institutional capacity; lack of capacity of temporary shelter justice officials; prosecution and punishment; and administration of justice in SGBV cases, especially for children, women and youth. There is also an urgent need for legal reform in the community-based justice system, as laws are confusing and inappropriate.

According to field interviews, Camp Justice officials still lack training and many of them are easily pressured by influential displaced persons or those who have power in the shelters. Since the community-based justice system involves a range of dispute resolution processes that take place within the shelters, many cases remain unresolved and escalate from level to level. For example, some perpetrators are not prosecuted for crimes they commit or are sometimes released without considerable punishment.

With regard to punishment methods and penalties, the improvement of detention facilities in the shelter is also critical as many are more similar to holding cells rather than facilities appropriate for long-term detention. Penalties for SGBV incidents are not in line with either national law or international human rights standards. Examples include concluding rape cases through financial compensation or marriage; denying requests for divorce and instead proposing alternative solutions which often do not protect survivors from repeat violence.

Further challenges lie within the displaced persons community. Displaced persons have limited knowledge about access to justice and legal protection and furthermore lack motivation to learn more about these issues. Underreporting of SGBV cases or other legal disputes demonstrates that displaced persons cannot use the law in many cases because they may feel threats to their safety and security. In addition, displaced persons still prefer to use the community-based justice system, including for serious crimes such as SGBV or murder, even though the appropriate punishment for murder (10 years or more in prison or the death penalty) cannot be delivered by the community-based justice system. Power relations and conflict-of-interest issues also impact access to justice, especially in relation to camp politics, ethnic/religions divisions and family relations in a closed community.

**Table 9.20** Education and health care sector expenditures, 2008–2010

Year	2008 (baht)	2009 (baht)	2010 (baht)	Average annual expenditures (2008–2010) (baht)
Education sector	115,000,000	135,000,000	106,000,000	119,000,000
Health care sector	193,000,000	251,000,000	222,000,000	222,000,000

Source Adapted from TBBC (2010a)

### ***9.6.5 Current Cost of Education and Health Care in the Shelters***

The majority of agencies working in the education and health care sectors in the shelters are members of the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT). UNHCR also provides some funding for social services.

The total expenditures of UNHCR/CCSDPT for the education sector averaged around 119,000,000 baht per year over the period of 2008–2010 (TBBC 2010a; See Table 9.20). Nearly half of the total expenditures in the education sector are for basic education in seven out of the nine shelters where ZOA works. ZOA's annual basic education expenditures total 58,448,600 baht. These expenditures cover the cost of education for approximately 36,000 basic education students, which puts the annual cost of basic education at around 1,624 baht per student. The majority of these expenditures are for materials and resources, construction and renovation of schools and subsidies to teachers and education staff (budget figures provided by ZOA, Jul 2011).

This basic education annual cost of 1,624 baht per student is at least less than half of the Thai Ministry of Education's rates for supporting annual expenses per student under the policy of 'Free Quality Education for 15 Years'. MOE has three different annual expense rates for basic education: the primary level is 3,563 baht, lower secondary level is 5,919 baht and upper secondary level is 6,607 baht (Office of the Higher Education Commission, Thailand, 2010; See Table 4.2 for details).

For the health care sector, expenditures in 2008, 2009 and 2010 totalled 193,000,000 baht, 251,000,000 baht and 222,000,000 baht, respectively. This puts the annual average of health care expenditures for the period of 2008–2010 at approximately 222,000,000 baht (TBBC 2010a; See Table 9.20). The average annual health care expenditure is nearly double the amount for the average annual education expenditure during 2008–2010.

Health care expenditure cannot be disaggregated by type of services such as primary and secondary health care, secondary health care and referrals to Thai hospitals due to limited access to budgetary data from health agencies. However, a rough estimate of the average annual health care cost per person can be made by dividing the total annual health care expenditure (222 million baht) by the total annual population number. As the average annual population during 2008–2010



**Table 9.21** Annual displaced persons population, 2008–2010

Year	2008	2009	2010	Average annual population (2008–2010)
Displaced person population	134,957	138,360	140,452	137,923

Source Adapted from TBBC (2008, 2009, 2010a)

was 137,923, the average cost of health care per person is around 1,700 baht (See Tables 9.20 and 9.21). This number is similar to the annual cost of individual insurance paid by documented migrant workers in Thailand, which is 1,900 baht per person. However, it is less than the Thai government's annual health care budget for Thai citizens, which is approximately 2,400 baht per person.

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## Chapter 10

# Potential Access to Thai Services

Naruemon Thabchumpon, Bea Moraras, Jiraporn Laocharoenwong  
and Wannaprapa Karom

**Abstract** As the current situation of social service provision in the temporary shelters is not sustainable, considerable attention needs to be placed on alternatives to the current situation, such as access to local Thai services for displaced persons. How and to what extent displaced persons living in the temporary shelters can access education, health care and legal justice services in local Thai communities is discussed. Specific attention is paid to current and future RTG collaboration on these services. The potential implications of displaced persons' access to local Thai education, health and legal justice services are evaluated.

**Keywords** Social services • Provision • Access • Refugee • Alternatives

### 10.1 Education

This section will first describe the current situation of displaced person access to Thai schools; their interest in access to Thai schools; their readiness to attend Thai schools; and favourable conditions of displaced person access to Thai schools. This will be followed by discussion on current RTG collaboration on education and future access to Thai schools for displaced persons.

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N. Thabchumpon (✉) · B. Moraras · J. Laocharoenwong · W. Karom  
Master of Arts in International Development Studies, Faculty of Political Science,  
Chulalongkorn University, Henri-Dunant Road, Bangkok 10330, Thailand  
e-mail: junaruemon@hotmail.com

### ***10.1.1 Current Displaced Person Access to Thai Schools***

Due to RTG restrictions on movement outside the temporary shelters, there is no official or formal access to Thai schools for students from the shelters. However, a few students from the three selected shelters have been able to access Thai schools, mostly at the primary school level and on a case-by-case basis<sup>1</sup> (Key Informant Interviews).

In most instances, local Thai school officials do not distinguish between non-Thai students who live inside or outside the temporary shelters. They allow access to education for all students under the MOE policy of Education for All. However, without a Thai ID students from the temporary shelters are sometimes unable to continue studying in Thai school at the secondary level. They also do not receive any official Thai education certificates for their studies (Key Informant Interviews).

The local school community generally views students from the temporary shelters as members of ethnic minority groups rather than displaced persons from the temporary shelters. Fellow local students and teachers of the same ethnic background as the students from the shelters can sometimes help facilitate the students' social, cultural and linguistic adaptation (Key Informant Interviews).

### ***10.1.2 Displaced Persons' Interest in Access to Thai Schools***

Based on the baseline survey, interviews and focus group discussions, there is no overall consensus on displaced persons' interest in access to Thai formal and non-formal education schools. Nonetheless, the broadening of any educational opportunities would be supported by most displaced persons (KRCEE, Interview). Interest in access to Thai schools depends on the circumstances of each individual and the conditions of access. Specific conditions and policies related to potential access to Thai schools are not yet decided or laid out, so some individuals feel they do not have enough information to make an accurate judgment of their interest. An in-depth needs assessment should be undertaken to determine the educational needs, preferences and concerns of displaced persons regarding access to Thai schools at the non-tertiary level.

An education official in Tham Hin estimated that around 50–60 % of students would be interested in studying in Thai schools (Interview). In Ban Mai Nai Soi, an education official stated that some students would be very interested in studying in Thai schools, whereas others may not be as interested if they wish to go back to Myanmar and/or are used to the Burmese education system (Interview). An individual's Thai language ability may also be a factor in interest to access Thai schools. In a focus group discussion with students in Mae La, those students with a

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<sup>1</sup> There is no official documentation of displaced person students studying in Thai schools.

higher level of Thai language competency felt more comfortable and confident to study in Thai schools.

Compared with displaced persons' interest in access to Thai formal and non-formal education, there is greater consensus on displaced persons' interest in access to Thai colleges and universities, especially since there are currently no educational opportunities past the post-secondary level in the shelters. One member of the Mae La CCEE stated *If we have the opportunity, we will support [access to Thai schools], especially higher education* (Interview). An education official in Tham Hin also stated that there is a high level of support for access to Thai higher education among the displaced persons population in Tham Hin (Interview). Meanwhile, in Ban Mai Nai Soi, an education official estimated that 60–70 % of post-secondary students wish to further their education in Thai colleges and universities (Interview).

In the baseline survey, displaced persons were asked about the educational option they prefer most among: RTG certification of basic education in the temporary shelter; distance learning at the higher education level; access to Thai formal and non-formal education schools; or access to Thai higher education. At least half of survey respondents in all temporary shelters chose the second or fourth option relating to higher education access, with the majority of survey respondents in Tham Hin and Mae La making the same choices. In Tham Hin, distance learning was most frequently selected, followed by access to Thai higher education. In Mae La, access to higher education was the most popular at 33 %, with 22 % choosing distance learning. In Ban Mai Nai Soi, the second and fourth choices combined were more popular than the options not related to higher education. These survey results show that there is greater desire for access to higher education when compared to other options such as RTG certification of basic education or access to schooling in Thailand at the non-tertiary level.

### ***10.1.3 Displaced Persons' Readiness to Access Thai Schools***

If displaced persons are able to access Thai schools in the future, they will need considerable preparation in the form of additional Thai language instruction and cultural orientation such as cultural trainings or exchanges. Currently, a limited number of students are proficient enough in the Thai language to study in Thai schools. Most students studying Thai language through formal or non-formal education programmes in the shelters are doing so at the basic or intermediate level. Furthermore, as Thai language instruction focuses on basic speaking and communication skills, students may not have adequate reading and writing skills to study in Thai schools. The quality of Thai language instruction also varies. The quality depends on the Thai language ability of the instructor as well as the instructor's ability to engage students with various methods and materials. Outside of the formal education system, some displaced persons can speak Thai as a result of informal self-learning, but they may not have the opportunity to learn reading and writing (Key Informant Interviews).

The baseline survey showed that at least 89 % of respondents in all three temporary shelters are interested in learning more Thai language to be more prepared for Thai school, should they have the opportunity to access Thai schools in the future. The interest was highest in Tham Hin at 99 %, followed by Mae La at 93 % and Ban Mai Nai Soi at around 89 %.

According to education leaders in the temporary shelters, students are interested to learn Thai and are receptive to Thai language instruction in the basic education schools. An education official in Mae La commented that if students have the opportunity to access Thai schools, their motivation to learn Thai will increase, while another informant suggested introducing Thai language earlier in school so that young students can learn and adjust to the Thai language more quickly.

#### ***10.1.4 Favourable Conditions of Displaced Person Access to Thai Schools***

Displaced persons have various concerns regarding access to Thai schools. Concerns related to language and culture include the lack of Thai language skills, difficulty adjusting to Thai culture, discrimination and social tension in local Thai communities and loss of culture and traditional values. Financial concerns include inability to pay for school fees and related expenses such as supplies and uniforms, as well as inability to pay for housing and food expenses, if applicable. Other concerns were also voiced such as inability to receive a Thai education certificate, distance of the school from the temporary shelter and separation of students from their families should they be unable to return to the shelter every day (Focus group discussions with displaced persons, Tham Hin, Mae La and Ban Mai Nai Soi).

Favourable conditions of access to Thai schools for displaced persons would involve the following: Thai language and cultural preparation of students prior to entrance to Thai schools; a curriculum partially adapted to the local and cultural background of displaced persons; minimal school fees and associated costs; day school option; the school has a high level of ethnic and cultural sensitivity so as to ensure inclusiveness and decrease the potential for discrimination, preferably a school which already enrolls students of the same ethnic background as displaced persons students or a school with a high level of ethnic diversity; the school is a close distance to the temporary shelter or at the very least within the same province of the shelter; receipt of an official educational certificate upon completion of studies.

#### ***10.1.5 Current RTG Collaboration***

The RTG, mainly via the MOE, has collaborated on several education initiatives for displaced persons. The MOE has been a strong collaborative partner on non-formal Thai language instruction, vocational training and trainer-of-trainers

**Table 10.1** Current Thai Ministry of Education collaboration on educational programmes

Temporary shelter	Ministry of Education Office	Collaboration	Remarks
Mae La Ban Mai Nai Soi	Office of Non-formal and Informal Education <sup>a</sup>	Provision of Thai language instruction	Funded by UNHCR Tham Hin: No presence Mae La: Seven Thai NFE centres Ban Mai Nai Soi: Provides Thai language instruction at the high school and post-secondary levels, but no Thai NFE centres
All	Office of Basic Education, Mae Hong Son	Development of Thai language curriculum materials and Training-of-Trainers courses	Working with education NGOs and CBOs such as ZOA, KRCEE, KnED
Tham Hin Mae La	Office of Vocational Education	Technical support to ZOA-sponsored VT courses, including training-of-trainers courses	Some funding by UNHCR ZOA signed a framework of cooperation with Mae Sot industrial and community college and Ratchaburi polytechnic college <sup>b</sup> Trainers who are trained directly by the Thai VT colleges receive certificates from the VT colleges Trainers trained directly by the SDC receive certificates signed by SDC/JRS/KnED
Ban Mai Nai Soi	Skill Development Center (SDC), Office of Non-formal and Informal Education, Mae Hong Son	Training-of-Trainers courses for VT courses	
Ban Mai Nai Soi	Special Education Department, Mae Hong Son	Cooperation on Special Education programmes	

Source: The authors

<sup>a</sup> Also commonly known as “Kor Sor Nor” in Thai

<sup>b</sup> A Framework of Cooperation was also signed with Kanchanaburi Polytechnic College and Mae Sariang Industrial and Community College for VT cooperation in other temporary shelters in which ZOA works

courses, curriculum development and special education for displaced persons (in the case of Mae Hong Son) (Table 10.1).

### ***10.1.6 Future Access to Thai Schools for Displaced Persons***

The educational opportunities for displaced persons are presently limited to only those programmes and services offered in the shelters since displaced persons do not have official access to Thai schools. Allowing access to Thai schools, including formal, non-formal, vocational and higher education, will significantly broaden the educational opportunities of displaced persons and contribute to fulfilling the 4As framework of the right to education, thereby contributing to the overall human security of displaced persons.

At the policy level, education policies which support access to Thai schools for displaced persons children are already in place, but due to restrictions on displaced persons movement outside the shelters, displaced persons are unable to access Thai schools. According to the National Education Act B.E. 2542 (1999) and Amendments [Second National Education Act B.E. 2545 (2002)]:

All individuals shall have equal rights and opportunities to receive basic education provided by the State for the duration of at least 12 years. Such education, provided on a nationwide basis, shall be of quality and free of charge (Chapter 2, Section 10).

The 2005 Education for All Act further aims to provide access to equal educational opportunities for all children in Thailand, including children of migrants.

Key informants highlighted the need for a gradual and sensitive approach towards future displaced persons access to Thai schools. As a starting point, further collaboration among all stakeholders, including displaced persons, NGOs, RTG, should be pursued, including a more active role for MOE. Both the displaced persons community and local Thai communities can benefit from collaborative programmes. Various stakeholders suggested the following areas for collaboration: building of social/personal connections and partnerships, sharing of resources, teacher training and exchanges between displaced persons teachers and Thai teachers and regular meetings and seminars for all stakeholders.

Collaboration by MOE was also requested by key informants in the following areas: standardisation of training courses, strengthening of technical support, monitoring of the new curriculum that is currently being adapted from the Thai curriculum and certification of teacher training. MOE collaboration could perhaps be improved through greater coordination and replication of best practices among MOE offices in different districts. Increased collaboration on the part of MOE would require greater ease of access to the temporary shelters than exists currently. These recommendations by key informants are in line with the CCSDPT/UNHCR Five-Year Strategic Plan, which envisages expanded support and involvement by MOE, access to the internet for students and improved access to appropriate educational opportunities outside the camps (CCSDPT/UNHCR 2009).



Key informants suggest incremental collaboration with the RTG such as through pilot programmes that would allow displaced persons access to local Thai schools. Although many pilot programmes have been proposed, it has been difficult to obtain RTG approval. Nonetheless, eventual displaced persons access to Thai schools would be the most sustainable approach to education of displaced persons (Oh et al. 2010). Funding for local Thai schools would also contribute to improving the overall quality of education in Thai schools (Oh et al. 2010).

Allowing access to Thai schools for displaced persons would have direct implications for local Thai schools as well as various MOE offices which may need to provide indirect support to displaced persons students. Local officials in Thai schools, OBEC and ONIE who were interviewed were aware of and willing to implement the RTG's Education for All policy as long as they are provided with adequate support and clear guidelines. They stated that they would be willing to increase their role in education provision for displaced persons if they were provided with sufficient financial, infrastructural and human resources to support additional students. Local Thai education officials also stressed the need for policy clarity and coherence among different government ministries on education provision for displaced persons.

It is difficult to estimate the cost of future displaced persons' access to Thai schools without knowing how many students. There would surely be additional human resource and infrastructural costs that are difficult to account for. However, it may be possible to estimate school-related expenses per student based on the Thai MOE's current annual rates for supporting expenses per student under the government policy of *Free Quality Education for 15 Years* (Table 10.2).

Finally, key informants from all involved parties cited benefits for both displaced persons and Thai communities as a result of displaced persons access to Thai schools. Such access would involve greater interaction between the displaced persons and local Thai communities, thereby increasing cultural exchange, reducing social tensions and dispelling rumours.

### ***10.1.7 Summary and Recommendations***

As displaced persons do not have official access to Thai schools, their educational opportunities are limited to only those programmes and services offered in the shelters. Allowing access to Thai schools, including formal, non-formal, vocational and higher education, will significantly broaden the educational opportunities of displaced persons and contribute to fulfilling the Right to Education framework, thereby strengthening the overall human security of displaced persons.

There is presently no clear consensus on displaced persons' interest in access to Thai formal and non-formal schooling. An in-depth needs assessment should be undertaken to determine the educational needs, preferences and concerns of displaced persons regarding access to Thai schools at the non-tertiary level. Meanwhile, there is rather strong displaced persons consensus on interest in access to

**Table 10.2** Thai Ministry of Education rate for supporting expenses per head/per year according to the policy of *free quality education for 15 years* (2010)

Level of education (all figures in baht)	Total	Tuition	Textbooks	School supply expenses	Uniforms	Activity fee
<i>Formal education</i>						
1. Nursery	2,830	1,700	200	200	300	430
2. Primary	3,563	1,900	433	390	360	480
3. Lower secondary	5,919	3,500	669	420	450	880
4. Upper secondary						
4.1. General education	6,607	3,800	897	460	500	950
4.2. Vocational training						
4.2.1. Industrial	10,810	6,500	2,000	460	900	950
4.2.2. Commerce	9,210	4,900	2,000	460	900	950
4.2.3. Home economics	9,810	5,500	2,000	460	900	950
4.2.4. Arts	10,510	6,200	2,000	460	900	950
4.2.5. Agriculture						
• General	10,210	5,900	2,000	460	900	950
• Reformed	16,210	11,900	2,000	460	900	950
<i>Non-formal education</i>						
1. Primary	1,960	1,100	580	–	–	280
2. Lower secondary	3,600	2,300	720	–	–	580
3. Upper secondary						
3.1. General education	3,680	2,300	800	–	–	580
3.2. Vocational training	6,300	4,240	1,000	–	–	1,060

Source Office of the Higher Education Commission, Thailand, 2010 (In Thai)

Thai higher education. As no higher education opportunities are currently available in the shelters, displaced persons see access to Thai higher education as a clear enlargement of their educational opportunities.

To ameliorate certain displaced persons concerns over access to Thai schools, several conditions need to be in place. These conditions include: Thai language and cultural preparation of students prior to entrance to Thai schools; a curriculum partially adapted to the local and cultural background of displaced persons; minimal school fees and associated costs; a day school option; access to schools located close to the temporary shelter or at the very least within the same province of the shelter; and receipt of an official educational certificate upon completion of studies.

The MOE has been a strong collaborative partner on non-formal Thai language instruction, vocational training and trainer-of-trainers, curriculum development and special education for displaced persons (in the case of Mae Hong Son). MOE and other stakeholders should continue their collaboration on the aforementioned initiatives. MOE-ONIE should consider expanding its NFE centres to Tham Hin and Ban Mai Nai Soi, while MOE-OVEC should consider expanding its technical support and training-of-trainers programmes to more shelters and more vocational training courses.

RTG, NGO and CBO collaboration should be encouraged for activities such as: building of social/personal connections and partnerships, sharing of resources, teacher training and exchanges between displaced persons teachers and Thai teachers and regular meetings and seminars for all stakeholders. MOE should also provide support in the following areas: standardisation of training courses, strengthening of technical support, monitoring of the new curriculum that is currently being adapted from the Thai curriculum and certification of teacher training. Increased collaboration on the part of MOE would require greater ease of access to the temporary shelters than exists currently. Key informants also suggested incremental collaboration with the RTG such as through pilot programmes that would allow displaced persons access to local Thai schools.

## **10.2 Health Care**

This section first describes current access to Thai health care services for displaced persons. It then discusses displaced persons' interest in access to Thai health care services and favourable conditions of access to Thai health care services for displaced persons. Finally, it examines current RTG collaboration on health care for displaced persons and future access to Thai health care services for displaced persons.

### ***10.2.1 Current Displaced Persons Access to Thai Health Care Services***

Since clinics in the temporary shelters provide only primary health care services, patients who need secondary and tertiary treatment from specialists are referred to district and provincial hospitals in local Thai communities. NGOs provide transportation, interpretation services and payment for treatment for referred patients. Provincial hospitals which treat referral cases are located near the temporary shelter, are fully equipped, and have specialist doctors available. IRC cooperates with Srisangwan Hospital in Mae Hong Son District, Mae Hong Son Province, for referral cases from Ban Mai Nai Soi Temporary Shelter, and with Suan Pueng Hospital in Suan Pueng District, Ratchaburi Province, for referral cases from Tham Hin Temporary Shelter. As for Mae La, AMI refers cases from Mae La Temporary Shelter to Tha Song Yang Hospital in Tha Song Yang District and Mae Sot Hospital in Mae Sot District, Tak Province.

### ***10.2.2 Displaced Persons' Interest in Access to Thai Health Care Services***

According to the baseline survey in the three temporary shelters, 78 % of respondents desire the ability to access health care services in local hospitals and clinics on their own, not just through referral cases as is currently the situation. This group also wishes to purchase a health card to cover basic health care treatment in Thai hospitals and clinics. Reasons cited for desire for access to Thai health care services include: local Thai hospitals are fully equipped with medical equipment; there are specialists available; and there is a large number of health staff available.

### ***10.2.3 Favourable Conditions of Access to Thai Health Care Services for Displaced Persons***

Displaced persons have some concerns related to access to Thai health care services, should they 1 day be able to access Thai clinics or hospitals on their own without a referral from the shelter clinic. Sixty percent of survey respondents are afraid to be arrested due to having to leave the temporary shelter to access Thai health care services. In addition, 30 % of survey respondents are concerned about payment for medical treatment and transportation costs since they are unable to work. Lastly, 10 % of respondents are afraid of facing discrimination and language barriers when being treated at a Thai hospital or clinic.

Based on these concerns, mechanisms and policies should be put in place to guarantee that displaced persons are not arrested should they have the ability to access Thai hospitals or clinics on their own in the future. A funding scheme that ensures affordable treatment and reimbursement for transportation costs would also need to be implemented. The ability to work and generate income would increase the ability of displaced persons to pay for medical treatment and associated costs. Finally, Thai hospital and clinic staff would need to be culturally sensitive, ensure equal treatment for all and provide interpreters for displaced persons.

### ***10.2.4 Current RTG Collaboration on Health Care***

CCSDPT, NGOs, the MOPH and local and provincial hospitals currently work together on health care and sanitation services for displaced persons. These stakeholders collaborate on referral cases to Thai hospitals, medic training and standardisation of the medic training curriculum, disease outbreak prevention, immunisation programmes, periodic vectors in the shelter and family planning programmes. The aim of MOPH collaboration is twofold: to help displaced

persons access adequate health services and to prevent disease outbreaks from affecting not only the population inside the temporary shelters but also nearby communities.

In addition, local and provincial hospitals have assisted with initiating health and birth records for displaced persons since 2006. Health records aim to collect all patient physical health conditions such as disease and sanitation while birth records serve the purpose of collecting demographic information on birth rates. These birth records can also function as documents similar to birth certificates (Key Informant Interviews).

Although the RTG collaborates in many areas of health care and sanitation, current collaboration is carried out at a local and informal level. NGOs may therefore face difficulties planning a long-term health policy. In order to ensure sustainable health care provision for displaced persons, exchange trainings between health staff in the shelters and in local communities should be promoted. In addition, formal and strategic collaboration among health care stakeholders and strengthening of existing collaboration initiatives is needed.

## ***10.2.5 Future Access to Thai Health Care Services***

### **10.2.5.1 Thai Human Rights Laws on Provision of Health Care Services**

According to the Thai Human Rights Sub-committee on Ethnic Minorities, Stateless, Migrant Workers and Displaced Persons (2007), the right to public health care service is a human right: “Everyone is able to access health care provision regardless of their place of origin and immigration status.” This universal principle is also stated in the Constitution of the Kingdom of Thailand (B.E. 2550) regarding the right to receive public health services.

Section 52. A person shall enjoy an equal right to receive standard public health service, and the indigent shall have the right to receive free medical treatment from public health centres of the State, as provided by law.

The public health service by the State shall be provided thoroughly and efficiently and, for this purpose, participation by local government organisations and the private sector shall also be promoted insofar as it is possible.

The State shall prevent and eradicate harmful contagious diseases for the public without charge, as provided by law (Constitution of the Kingdom of Thailand, B.E. 2550).

Based on the aforementioned Thai laws, in theory, everyone has equal access to government public health services. However, in practice, the RTG only takes responsibility for its own citizens and excludes non-citizens. The RTG should be encouraged to apply these human rights laws to provide access to public health care for all migrants, displaced persons and non-citizens.

### 10.2.5.2 Health Card Option for Displaced Persons

A health card option which would allow displaced persons to pay for their own medical treatment fees and to access basic health care in local Thai hospitals and clinics would not only alleviate funding shortages but also mitigate social tensions arising from competition over limited resources. The health card is an existing RTG universal health scheme that was expanded to migrant workers from Laos, Cambodia and Myanmar. The card costs 1,900 baht per person per year; 600 baht is for health check-ups and 1,300 baht is for health insurance. The health card, which covers both preventive and curative treatment, has similar coverage to the health insurance scheme for Thai citizens. There is support by key informants in the Thai health care sector for expansion of coverage under this migrant health scheme.

...the Thai government should make a strong decision on this issue; it used to swing between national security and economic security. The policy on the health care scheme for migrants is mostly influenced by politics. It is difficult for those of us who implement the policy in real situations. Expanding the services and providing access to the Thai health care system not only brings profit to our domestic economy but also reduces the risk of disease outbreaks (Director of Thai National Health Scheme Organisation, Interview).

I think NGOs and related actors should promote the ability of displaced persons to buy a health card. It would be more sustainable than the current situation. Moreover, they would be able to access local services and take responsibility for their own health (Thai health practitioner, Interview).

### Strengthening Formal Collaboration Between the RTG and Civil Society Organisations

Besides the RTG, civil society and NGOs have played a key role in provision of health care services for displaced persons, stateless persons and undocumented migrant workers in temporary shelter areas. In Mae Sot District, Tak, the Mae Tao Clinic provides free health care services for all patients who seek medical treatment. The Mae Tao Clinic was founded and is currently directed by Dr. Cynthia Maung. The medical services offered by the Mae Tao Clinic are very similar to a public hospital. Such services include in-patients, out-patients, health education, primary eye care and eye surgery, laboratory and blood bank, HIV/AIDs program, social services, training, outreach and child protection and education. Formal collaboration between the RTG and the Mae Tao Clinic may be a possible option for sustaining health care provision for displaced persons.

If displaced persons can access local services, this would definitely be good. But the RTG should promote formal collaboration with NGOs. All we need now is to find sustainable healthcare services for displaced people (NGO health staff member, interview).

### Collaboration with Health Stations in Local Communities

Health stations, or public health centres, are administered by the MOPH and are located in local communities near the temporary shelters. Health stations provide

primary health care services, health check-ups, a prenatal clinic, immunisation and vaccination services, outbreak prevention and child nutrition programmes. Public health administrators, public health technicians, nurses and dental and pharmaceutical staff work in the health stations. However, the number of staff available depends on local population numbers in each particular district. Some health stations are fully staffed and offer complete services, but most have a small number of staff available who provide less services than are offered by NGO-run clinics and hospitals in the temporary shelters. Mutual collaboration, cooperation and sharing of resources between local health stations and health NGOs serving displaced persons would not only increase the sustainability of health care services for displaced persons but also benefit local communities and reduce social tension.

### ***10.2.6 Summary and Recommendations***

Since clinics in the temporary shelters provide only primary health care services, patients who need secondary and tertiary treatment from specialists are referred to district and provincial hospitals in local Thai communities. Displaced persons desire the ability to access health care services in local hospitals and clinics on their own. They also wish to purchase a health card to cover basic health care treatment in Thai hospitals and clinics. However, they worry about paying for transportation, language barriers with Thai health staff and the possibility of arrest due to having to leave the temporary shelter to access Thai health care services. In order to ensure sustainable health care provision for displaced persons, formal and strategic collaboration among health care stakeholders and strengthening of existing collaboration initiatives is needed.

Suggestions to increase future access to Thai health care services for displaced persons include: health card option for displaced persons; strengthening formal collaboration between the RTG and civil society organisations; and collaboration with health stations in local communities. These recommendations will lead to more sustainable health care provision for displaced persons.

## **10.3 Security and Legal Protection**

This section will first assess the current access of displaced persons to the Thai justice system. Secondly, challenges and limitations in access to the Thai justice system for displaced persons will be examined. Finally, the possibility for future access to the Thai justice system for displaced persons and increased collaboration among stakeholders working on justice and legal protection will be discussed, with particular attention paid to RTG collaboration at both local and national levels.

### ***10.3.1 Current Access to the Thai Justice System***

Under the current parallel system of justice administration, the traditional community-based justice system is used for civil disputes and non-serious crimes, while the Thai justice system focuses on serious crimes. Examples of serious crimes that must be adjudicated by the Thai justice system include seven types of cases: murder, rape, weapons violations, deforestation, drugs, torture and human trafficking. The Thai legal process normally starts upon the jurisdiction of a crime that is considered a serious offence and/or criminal dispute. However, the categorisation of crimes as serious versus non-serious remains a topic of debate, especially when such incidents involve customary values. Despite this general division of crimes, displaced persons still prefer to use the community-based justice system, even though this system cannot deliver appropriate punishment for serious crimes such as murder. Nonetheless, displaced persons can use the Thai justice system, even for a civil dispute or a non-serious criminal case, if they feel that the community-based justice system will hinder their access to justice.

Under the community-based justice system, security officers in consultation with LAC and the Karen Women's Organisation or Karenni Women's Organisation, will decide the jurisdiction of a crime based on the incident. Then they will process the case either to Camp Security to use the traditional community-based justice system, or to the Thai police, with social workers if it is a juvenile case, to use the Thai justice system. An exception is SGBV cases which are all directly transferred to the Thai justice system.

According to interviews with key informants, the process of accessing the Thai justice system can be divided into four stages. During the first stage, the displaced persons and an accompanying person obtain a camp pass to go outside the shelter. Next, the case is referred to the police station located in the area, such as Tha Song Yang Police Station for Mae La Shelter, Suan Pueng Police Station for Tham Hin Shelter and Mae Hong Son Police Station (Muang District) for Ban Mai Nai Soi Shelter. For Mae La, legal cases related to juvenile offenders are referred to Tak Police Station as there is a Juvenile Court only in Muang District, Tak. The third stage involves the public prosecutor and the last stage is the Court of Justice (Fig. 10.1).

In theory, as mentioned above, the Thai justice system focuses on serious crimes while the community-based justice system focuses on civil disputes. However, the community-based justice system sometimes works with LAC, UNHCR and Thai authorities on serious cases. For example, for Ban Mai Nai Soi, an agreement was made between the Camp Commander and Camp Committees to establish a protocol to deal with serious cases taking place in the shelter, including the types of cases involved and the action that each stakeholder should take (Key Informant Interview).

One key informant reported that in Mae La, less than five serious cases a month have been processed in the Thai justice system. Most serious crimes that were referred to the Thai court were murder and rape cases with some accidental death





**Fig. 10.1** The process of justice for displaced persons. *Source* The authors

cases. According to the key informant, there are around two to five cases of murder a year. Meanwhile, approximately 10–20 % of the overall caseload allegedly involves Thai authorities or Thai people. Cases of trafficking and smuggling have also occurred at Mae La. Although these cases were difficult to distinguish, most trafficking cases were related to domestic work, factory work and fishing work far away; cases of trafficking for sex work have also been alleged. In addition, cases of labour abuse have been reported including child labour and wage exploitation in contract farming.

### ***10.3.2 Challenges in Access to the Thai Justice System for Displaced Persons***

Several challenges still exist in access to the Thai justice system for displaced persons. Most significantly, there are reservations to such access on the part of various stakeholders for different reasons. First of all, officials in the traditional community-based justice system prefer to deal with cases in the shelter first before referring cases to the Thai justice system, as they wish to resolve conflicts and problems which occurred inside the shelters.

Secondly, as mentioned earlier, displaced persons themselves also prefer to use the traditional community-based justice system rather than the Thai justice system. Field data confirms that a number of displaced persons are still worried about being rejected by community members because of reporting a crime that occurred outside the shelter (Harding et al. 2008; Key Informant Interview). Furthermore, displaced persons have several specific concerns about access to the Thai justice system, such as language barriers, lack of transportation to go to the court, police reaction, fear of revenge from perpetrators and skepticism of due process (Harding et al. 2008; Key Informant Interviews).

Lastly, resistance to adjudicating cases from the temporary shelter also exists on the part of Thai authorities. Thai officials hesitate to deal with more cases due to lack of resources or concerns about workload increases (Harding et al. 2008). Key informant interviews with local Thai justice authorities reveal that Thai justice officials have limited knowledge about displaced persons. Many are reluctant to take cases from the temporary shelter because of concerns about language and cultural differences with displaced persons. Further efforts to increase the knowledge and sensitivity of Thai authorities towards displaced persons should be encouraged.

Meanwhile, with regard to SGBV, some procedural limitations under Thai law, such as undergoing medical exams only from Thai hospitals for cases being pursued in the Thai justice system, and regulatory limitations, such as 3-month statutory limitation on reporting sexual abuse, are seen as barriers to displaced persons access to the Thai justice system (UNHCR 2006).

### ***10.3.3 Current RTG Collaboration on Security and Legal Protection***

The LAC project can be considered as a successful example of collaboration between NGOs, CBOs and local Thai authorities working to promote displaced persons access to justice in the Thai justice system. The LAC project was set up under the collaboration of UNHCR, IRC and CCSDPT in 2006 with the cooperation of the Thai government. On the Thai side, a LAC Working Group and LAC Committee are led by MOI and composed of many ministries including MOJ, Ministry of Social Development, the army, the police and other Thai authorities. LAC works with Thai authorities to provide legal and rights training for Thai security volunteers.

### ***10.3.4 Future Access to the Thai Justice System for Displaced Persons***

MOI officials and Camp Commanders expressed that jurisdiction of crimes should be based on Thai law because the temporary shelters are situated on Thai territory (Interviews). Furthermore, they believe that Thai law should apply to displaced

persons because displaced persons are living in Thailand. A UNHCR representative agrees that Thai law should be applied, although based on the perspective that the traditional community-based justice system does not represent a democratically governed institution with adequate checks and balances of judicial power (Interview). Although the existing model of community-based shelter management enables the displaced persons community to participate in decision-making and implementation, the community-based justice system remains under discussion, especially in relation to governance and democratic processes.

Documentary and field data show that in order to improve access to justice and legal protection, it is necessary to build the capacity of the Thai justice system including increasing the resources available. It is also necessary to integrate the displaced persons community into Thai justice administration structures. CCDDPT/UNHCR has drafted a five-year strategic plan that aims to provide durable solutions to long-term encampment of displaced persons along the Thailand–Myanmar border (2009). One main strategy is to move from humanitarian methods to a development model. Under such a model, the strategy on legal protection is to increase access to Thailand's judicial system and other essential state services. Emphasis is also placed on strengthening efforts and policy development relating to Thai administration of justice for displaced persons and facilitating full access to civil registration for displaced persons in accordance with Thai law.

Taking into consideration the aforementioned challenges in current displaced persons access to the Thai justice system, improvement of future access to the Thai justice system will require the following: increased training for displaced persons on Thai law and the Thai judicial process; availability of interpretation services for displaced persons; availability of transportation for displaced persons; guarantee of no reprisal from the perpetrator; guarantee of no deportation of displaced persons by the Thai police; knowledge-building and training of Thai authorities to sensitise them and raise awareness about the displaced persons context; and reform of SGBV procedural regulations under Thai law.

To further facilitate access to the Thai justice system for displaced persons, all stakeholders need to discuss and create additional cooperative arrangements. At the moment, there is no clear understanding among displaced persons about which justice system to use, whether it is the traditional community-based justice system or the Thai justice system. It is therefore necessary to establish clear guidelines for all stakeholders. More collaboration between partners to encourage displaced persons to use the Thai justice system is needed since many community-based officials are sometimes reluctant to allow cases to go outside the shelter while Thai officials hesitate to deal with displaced persons cases due to lack of resources or concerns about workload increases.

In terms of human resources, there is a shortage of service providers such as social workers and psychologists for SGBV cases, for example, and legal defenders who can provide support for displaced persons in Thai court. Thai service providers as well as justice authorities need adequate financial and human resource support if they are to manage an increased caseload from the temporary shelters.

### 10.3.5 Summary and Recommendations

Displaced persons can use the Thai justice system, even for a civil dispute or a non-serious criminal case, if they feel that the community-based justice system will hinder their access to justice. However, several challenges still exist in access to the Thai justice system for displaced persons. Most significantly, there are reservations to such access on the part of various stakeholders for different reasons. First of all, officials in the traditional community-based justice system prefer to deal with cases in the shelter first before referring cases to the Thai justice system, as they wish to resolve conflicts and problems which occurred inside the shelters. Secondly, displaced persons themselves also prefer to use the traditional community-based justice system rather than the Thai justice system. They may be worried about being rejected by community members because of reporting a crime that occurred outside the shelter. Furthermore, they are concerned about language barriers, lack of transportation to go to the Thai court, police reaction, fear of revenge from perpetrators and skepticism of due process. Lastly, resistance to adjudicating cases from the temporary shelter exists on the part of Thai authorities who hesitate to deal with more cases or have limited knowledge about displaced persons.

In order to improve access to justice for displaced persons under the Thai justice system, it is necessary to build the capacity of Thai justice authorities, increase resources available and integrate displaced persons into Thai justice administration structures. Recommendations include increasing training for displaced persons on Thai law and the Thai judicial process; making interpretation and transportation services available for displaced persons; guarantee of no reprisal from the perpetrator; guarantee of no deportation of displaced persons by the Thai police; knowledge building and training of Thai authorities to sensitise them and raise awareness about the displaced persons context; and reform of SGBV procedural regulations under Thai law. For SGBV cases, in particular, more service providers such as social workers and psychologists and legal defenders who can provide support for displaced persons in Thai court are needed.

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# Chapter 11

## Conclusion and Recommendations

**Naruemon Thabchumpon, Bea Moraras, Jiraporn Laocharoenwong  
and Wannaprapa Karom**

**Abstract** The current level of provision of welfare services to the displaced persons in the settlements is neither adequate nor sustainable. All aspects of security are under threat, from food to personal safety. Dependency on food rations provided by international agencies is acute, and educational levels are inadequate. Access to justice is limited and problematic, especially for women and children, with sexual gender-based violence at high levels. Given the high number of displaced persons, and until permanent and lasting solutions can be found, adequate provision of welfare services cannot realistically be allocated to the TRG alone; it will need to be shared by a variety of international actors, including UN agencies.

**Keywords** Welfare services • Refugee • Dependences • Gender-based violence • Permanent solutions

### 11.1 Conclusion

The situation of displaced persons from Myanmar living in the temporary shelters in Thailand has been described as the largest protracted refugee situation in East Asia. Consequently, residents are basically dependent on external assistance for the funding of basic needs and services since they are not allowed to leave or work outside the shelters. Basic needs are provided by non-governmental organisations for essential food and non-food items as well as support for education and health care services. Security and legal protection is addressed by the community-based justice systems in the shelters. LACs in three out of nine temporary shelters also provide legal protection services for displaced persons.

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N. Thabchumpon (✉) · B. Moraras · J. Laocharoenwong · W. Karom  
Master of Arts in International Development Studies, Faculty of Political Science,  
Chulalongkorn University, Henri-Dunant Road, Bangkok 10330, Thailand  
e-mail: junaruemon@hotmail.com

In order to find alternative and sustainable solutions to the current situation, the study assessed the availability of existing welfare services (food/shelter, education, and health care) and legal protection for displaced persons and evaluated the extent to which these services are meeting the needs of displaced persons. It also examined the potential implications and sustainability of access to local Thai education, health and judicial services as well as identified possible social tension and conflict between displaced persons and local communities in relation to access to social welfare services. The Human Security Framework and Right to Education framework were used to analyse empirical data.

The study found that the current situation of provision of social services is not sustainable in the medium to long term. If the current situation is maintained and no alternative policy or programmatic options are explored, the human security of displaced persons will be under serious threat.

The majority of displaced persons are entirely dependent on food rations because they are not allowed to leave the shelters to earn a living to buy food. The current trend of reduced funding for food assistance therefore poses a significant threat to the food security of displaced persons. The food security of New Arrivals is particularly at risk due to the recent Thai government policy prohibiting them from receiving food rations. As food rations become less available and less accessible, it becomes more difficult to meet the nutritional needs of displaced persons. If the availability of food assistance continues to decrease, and no major policy and programmatic adjustments are made to increase livelihood opportunities, both the food security and human security of displaced persons will be under serious threat.

The educational opportunities of displaced persons are presently limited only to those programmes and services offered in the shelters. Without freedom of movement to leave the shelters, displaced persons have no access to higher education, which is only available outside the shelters. Displaced persons also have no official access to Thai schools and certified legal education. If the current situation is maintained, the ongoing resettlement of skilled educational staff and the high teacher turnover will continue to negatively affect the availability of experienced teachers as well as the quality and continuity of education services. Allowing access to Thai schools, including formal, non-formal, vocational and higher education, will significantly broaden the educational opportunities of displaced persons and contribute to fulfilling the 4As indicators under the Right to Education framework, thereby contributing to the overall human security of displaced persons.

Health care provision based on the idea of *emergency-oriented response* faces several challenges due to the protracted nature of the current situation. In temporary emergency situations, the funding of health care services is open ended. If the current situation continues, there will be negative impacts on displaced persons, NGOs and local health organisations. Health care providers will continue to encounter financial challenges. While NGOs will face a funding decrease from donors, local hospitals will need to take on increasing expenses from referral cases. In the end, it is the health security and human security of displaced persons which will suffer the most unless alternative solutions are pursued.

Finally, with regard to security and legal protection of displaced persons, there are several existing challenges which pose a serious threat to the personal security, community security and political security of displaced persons. The largest overall challenge to legal protection for displaced persons is their legal status. For example, displaced persons cannot directly access the Thai justice system themselves. Another limitation is the isolation of displaced persons, especially vulnerable groups, from resources. It is difficult for displaced persons to access justice in an enclosed environment. This is particularly true for complicated cases that need close supervision and support for access to justice. Further challenges include lack of institutional capacity of the community-based justice system; lack of capacity of temporary shelter justice officials; proper prosecution and punishment methods; and administration of justice in SGBV cases, especially for women and children. There is also an urgent need for legal reform in the community-based justice system, as laws are confusing and inappropriate.

The aforementioned research findings are in line with the CCSDPT/UNHCR Five-Year Strategic Plan (2009), which emphasises the development of significant new frameworks and policies for displaced persons, including greater ability for displaced persons to move outside the shelters, particularly for educational and livelihood-related purposes, as well as increased access to the Thai judicial system and other essential state services. Documentary and field data findings both point to the necessity of exploring gradual and partial access of displaced persons to key social services in local Thai communities, including education, health care and administration of justice.

As an approach to a critical connection between human development, human security and human rights for the benefit of displaced persons, it is necessary to ensure basic human needs are met in order to build the capability of displaced persons. The ability to access public services in one's locality and to participate in society, theoretically, depends on capability of movement (Earnest 2006 cited in Gasper/Truong 2010). Opening up both dialogue and opportunities for alternative solutions to the current situation will contribute to strengthening the human security of displaced persons. Under the Human Security framework, finding sustainable solutions to the current protracted situation may need to go beyond the state's traditional responsibility. However, placing full responsibility on the host country to provide social services not only creates an increased burden for the host country, but it may also lead to forced repatriation of displaced persons. Therefore, responsibility for the sustainable social welfare and protection of displaced persons should be equally shared amongst international agencies, the host country and civil society.

## 11.2 Recommendations

The research findings demonstrate that under the current protracted situation, displaced persons have neither *freedom from fear* nor *freedom from want*, which are the defining concepts of the Human Security framework. Stakeholders should

aim to attain human security for displaced persons, as this will lead to less social problems both inside and outside the shelters, as well as increased stability for Thailand's national security. Moreover, improving the human security of refugees from Myanmar can only increase the potential for positive relations between Thailand and Myanmar should displaced persons repatriate in the future.

Attainment of the human security of displaced persons requires adequate access to social services, both inside and outside the shelters, to meet their basic needs. Although displaced persons do not have any legal rights in Thailand, they should at least have the ability to access social services in local Thai communities. To achieve the human security of displaced persons, the study proposes the following recommendations based on the empirical research findings.

### ***11.2.1 Moving from Humanitarian Assistance to Development***

As the current situation is no longer a humanitarian emergency, the model of humanitarian assistance needs to gradually move towards that of development. For example, the promotion of income generating activities for displaced persons both inside and outside the shelter will allow them to be more self-reliant. Such livelihood opportunities will also enable them to pay for their own social welfare expenses in the future. In addition, it is necessary to ensure that displaced persons have a meaningful voice and participation in any future policy or programmatic adjustments which move towards a development model.

### ***11.2.2 Collaboration Between Stakeholders***

The overall collaboration of all stakeholders, including displaced persons, CBOs, NGOs, international organisations and the RTG, is crucial for meeting the needs and attaining the human security of displaced persons. Currently, collaboration between displaced persons, service providers and the RTG is informal and done on a case-by-case basis. Such collaboration amongst stakeholders needs to be more formalised, strategic and systematic. Institutionalising collaboration between stakeholders will increase communication, avoid duplication of work and reduce overall funding required to provide social services.

### ***11.2.3 Capacity Building of Stakeholders***

In light of continual donor funding decreases, particular efforts should be geared towards developing the roles and capacity of both CBOs and the RTG to provide food/shelter, education, health care and legal protection services for displaced persons. Capacity building activities between displaced persons and local Thai



community members were frequently suggested by all stakeholders as a new avenue for collaboration. For example, efforts should be taken to organise health and teacher staff exchanges between the temporary shelters and local Thai communities.

#### ***11.2.4 Pilot Project***

A pilot project allowing displaced persons to work outside the temporary shelters and access local services could be established as an initial step towards a more sustainable solution to the current situation. The selection of the pilot shelter by stakeholders could be based on criteria such as natural resource availability, economic conditions and the justice system.

#### ***11.2.5 Flexible Policy Frameworks***

The current government policy based on the model of national security remains problematic. Government policy needs to balance national security and human security to meet the needs of displaced persons. Such a flexible government policy is especially necessary for the attainment of human security for displaced persons and allowing displaced persons access to local social services.

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**Map 2** Provinces of Thailand. Source <http://www.landkartenindex.de/kostenlos/>. This map is in the public domain and not protected by copyright



**Map 3** Thailand Administrative Divisions. <http://www.landkartenindex.de/kostenlos/>. This map is in the public domain and not protected by copyright

# Appendix A

## Training Programmes Provided in the Shelters

**Table A.1** Number of training programmes provided by ZOA from 2003 to 2006

Training course	2003	2004	2005	2006		Total
	Total	Total	Total	Male	Female	
Agriculture	121	140	147	167	100	267
Animal husbandry	16	0	0	62	10	88
Auto mechanic	105	156	260	297	2	299
Bakery cooking	120	312	342	126	195	321
Blacksmith	10	15	37	28	0	28
Carpenter	10	8	24	31	0	31
Computer operation	0	0	440	628	410	1038
First aid	47	52	0	0	0	0
Goat raising	0	0	27	0	0	0
Mini-hydro repair and maintenance	0	0	0	0	0	0
Handicraft	13	0	0	0	0	0
Knitting	18	78	85	0	128	128
Music	180	238	343	133	107	240
Radio mechanics	35	22	79	35	0	35
Sewing	122	335	497	24	370	394
Stove making	18	17	30	41	25	66
Tin-Smith	15	32	53	29	1	30
Typing	25	177	0	0	0	0
Weaving	0	33	32	8	17	25
Fishing breeding	0	0	0	0	0	0
Fish raising	0	0	0	0	0	0
Total	857	1634	2436	1619	1365	2948

Source ZOA issue paper no. 1 (Brees 2008: 6)

**Table A.2** Number of training/people trained in CAN project

Shelter	Number of trainings	Total number of people trained	Female	Males
Site #1 (Ban Mai Nai Soi)	0	0	0	0
Site #2	0	0	0	0
Mae Ra Ma Lauang	3	70	33	37
Mae La Oo	0	0	0	0
Mae La	2	63	40	23
Umpiem	3	47	18	29
Nu Po	2	54	26	28
Ban Dong Yang	2	71	28	43
Total	12	305	145	160

Source TBBC 2010 programme report (January–June)

**Table A.3** Longyi production, 2010

Shelters	Looms	Weavers	For 2010 distribution	Longyis made	Difference
Site #1 (Ban Mai Nai Soi)	10	20	7,269	0	7,269
Site #2	4	10	1,255	0	1,255
Mae Ra Ma Lauang	14	28	7,027	1,603	5,424
Mae La Oo	14	26	6,062	1,026	4,856
Mae La	18	31	13,779	5,772	8,007
Umpiem	6	14	6,881	2,000	4,881
NuPo	10	20	5,252	2,250	3,002
Ban Dong Yang	2	8	2,175	531	1,644
Tham Hin	4	8	3,026	136	2,890
Total	82	165	52,726	13,498	32,228

Source TBBC 2010 programme report (January–June)

## **Appendix B**

### **Thai Labour Market**

**Table B.1** Demand for labour in three selected provinces

Education level	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
<i>Mae Hong Son</i>										
<i>Total employed persons</i>										
Secondary education and lower	125,032	125,420	127,049	130,375	133,763	135,276	136,204	137,075	137,921	138,765
<i>Total additional demand</i>										
Secondary education and lower	11,270	2,570	3,842	5,599	4,147	3,888	3,324	3,287	3,277	3,289
<i>Demand for expansion</i>										
Secondary education and lower	9,116	388	1,629	1,580	1,808	1,513	928	871	846	844
<i>Demand for replacement</i>										
Secondary education and lower	2,154	2,182	2,213	2,302	2,339	2,375	2,396	2,415	2,431	2,445
<i>Tak</i>										
<i>Total employed persons</i>										
Secondary education and lower	255,324	260,969	264,494	272,033	275,259	277,999	279,669	281,470	283,249	285,087
<i>Total additional demand</i>										
Secondary education and lower	7,125	10,199	8,145	8,801	8,047	7,620	6,601	6,759	6,770	6,860
<i>Demand for expansion</i>										
Secondary education and lower	2,677	5,645	3,525	4,044	3,226	2,740	1,670	1,801	1,780	1,838
<i>Demand for replacement</i>										
Secondary education and lower	4,448	4,555	4,620	4,757	4,821	4,880	4,930	4,958	4,991	5,022
<i>Ratchaburi</i>										
<i>Total employed persons</i>										
Secondary education and lower	371,118	374,209	378,613	386,397	390,034	392,784	395,235	397,540	399,753	401,987
<i>Total additional demand</i>										
Secondary education and lower	12,383	9,656	11,043	10,449	10,490	9,666	9,415	9,313	9,261	9,322
<i>Demand for expansion</i>										
Secondary education and lower	5,890	3,091	4,403	3,666	3,637	2,750	2,451	2,305	2,212	2,234
<i>Demand for replacement</i>										
Secondary education and lower	6,493	6,565	6,640	6,783	6,853	6,916	6,964	7,008	7,049	7,088

Source: Socio-economic survey, the office of education council

Table B.2 Labour supply

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
<i>Working age population (15–59 years old)</i>										
Ratchaburi	64,832	64,007	63,111	61,752	59,921	57,729	55,093	52,250	49,627	47,515
Mae Hong Son	23,890	23,888	23,797	23,368	22,488	21,208	19,461	17,508	15,788	14,581
Tak	46,895	47,028	46,741	45,973	44,630	42,688	40,352	37,659	35,218	33,359
<i>Participation rate</i>										
Ratchaburi	0.6547	0.6517	0.6545	0.6544	0.6536	0.6542	0.6541	0.6539	0.6541	0.6540
Mae Hong Son	0.6390	0.6488	0.6371	0.6365	0.6408	0.6382	0.6385	0.6392	0.6386	0.6388
Tak	0.5455	0.5679	0.5606	0.5656	0.5647	0.5636	0.5646	0.5643	0.5642	0.5644
<i>Lower secondary school graduates and lower</i>										
Ratchaburi	6,940	6,852	6,756	6,610	6,414	6,180	5,898	5,593	5,312	5,086
Mae Hong Son	2,779	2,779	2,768	2,718	2,616	2,467	2,264	2,037	1,837	1,696
Tak	4,947	4,961	4,931	4,850	4,708	4,503	4,257	3,973	3,715	3,519
<i>Graduate-population ratio (15–59 years old)</i>										
Ratchaburi	0.1070	0.1070	0.1070	0.1070	0.1070	0.1070	0.1070	0.1070	0.1070	0.1070
Mae Hong Son	0.1163	0.1163	0.1163	0.1163	0.1163	0.1163	0.1163	0.1163	0.1163	0.1163
Tak	0.1055	0.1055	0.1055	0.1055	0.1055	0.1055	0.1055	0.1055	0.1055	0.1055
<i>Continuation rate</i>										
Secondary education and lower	0.8820									
<i>New supply</i>										
Ratchaburi	536	527	522	510	495	477	455	432	410	393
Mae Hong Son	210	213	208	204	198	186	171	154	138	128
Tak	318	332	326	324	314	300	284	265	247	234

Source Graduate population ratio was from Office of the Basic Education Commission (based on graduate population ratio in 2010). Participation rate was from the socio-economic survey (quarterly 2) 2007–2009. Estimated by moving average 3 years. Population age between 15 and 59 years old estimated from Thai population 2000–2030, October 2007, Office of the National Economics and Social Development Board



**Table B.3** Trend of migrant workers in Kanchanaburi, Ratchaburi, Chiang Mai, Tak and Mae Hong Son source Office of Foreign Worker Administration

	2003	2004	2005	2006	2007	2008	2009
Kanchanaburi	5,126	14,743	14,743	14,743	15,779	8,720	13,571
Ratchaburi	6,096	16,093	16,093	17,636	13,052	13,437	24,830
Chiang Mai	17,105	48,502	48,502	65,274	58,832	61,179	75,780
Tak	31,981	52,018	53,078	39,392	28,283	28,151	45,383
Mae Hong Son	1,428	2,080	2,860	5,820	6,636	7,229	2,046
Total 5 provinces	61,736	133,436	135,276	142,865	122,582	118,716	161,610
Total Thailand	288,780	849,552	913,855	713,605	596,613	562,311	1,334,157
Share to total (%)	21.37	15.71	14.80	20.02	20.54	21.12	12.11

## Appendix C

### Aliens Working Act, B.E. 2521 (1978)

BHUMIBOL ADULYADEJ, REX.

Given on the 8th Day of July B.E. 2521;

Being the 33rd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the Law on working of aliens;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly as follows:

Section 1. This Act is called the “Working of Aliens Act, B.E. 2521”

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.\*

Section 3. The Announcement of the National Executive Council No. 322, Date 13th December B.E. 2515 shall be repealed.

Section 4. This Act does not apply to the performance of a specific duty by aliens in the Kingdom in the following capacities:

- (1) as members of a diplomatic mission;
- (2) as members of a consular mission;
- (3) as representatives of member countries and officials of the United Nations Organization and its specialized agencies;
- (4) as personal servants coming from foreign countries to work regularly for persons in (1), (2) or (3);
- (5) as persons who perform duty or mission under an agreement concluded between the Government of Thailand and a foreign Government of international organization;
- (6) as persons who perform duty or mission for the benefit of education, culture, art, sport of other activities as may be prescribed by the Royal Decree;
- (7) as persons permitted by the Government of Thailand to enter and perform any duty or mission.

Section 5. In this Act,

‘alien’ means a natural person who is not of Thai nationality;

‘work’ means to engage in work by exerting energy or using knowledge whether or not in consideration of wages or other benefit;

‘permit’ means a work permit;

‘holder of permit’ means an alien who has been granted a permit;

‘Committee’ means the Committee Considering Working of Aliens;

‘competent official’ means a person appointed by Minister for the execution of this Act;

‘Registrar’ means a person appointed by the Minister as Registrar of working aliens;

‘Director-General’ means the Director-General of the Employment Department;

‘Minister’ means the Minister having charge and control of the execution of this Act.

Section 6. Subject to Section 12, any work which an alien is prohibited to engage in any locality and at any particular time and whether subject to absolute or conditional prohibition and to any extent shall be prescribed by the Royal Decree.

Section 7. Subject to Section 10, an alien may engage in any work which is not prohibited by the Royal Decree issued under Section 6 only upon receipt of a permit from the Director-General or official entrusted by the Director-General except an alien who is permitted to enter the Kingdom for temporary stay under the law on immigration in order to engage in work which is necessity and urgency for a period not longer than fifteen days, but such alien may engage in the work after he has notified the Director-General or official entrusted by the Director-General in writing in the form prescribed by the Director-General.

Section 8. Subject to the law on immigration, any person wishing to employ an alien in his business in the Kingdom may submit an application on behalf of the alien to the Director-General or official entrusted by the Director-General.

The Director-General or official entrusted by the Director-General may issue a permit to an alien under paragraph (1) only after the entry into the Kingdom of such alien.

Section 9. In granting a permit to an alien under Section 7 and Section 8, the Director-General or official entrusted by the Director-General may prescribe any condition therein for the alien to comply therewith. In such case, the alien is required to give assurances that he will comply with such condition and, the case under Section 8, such alien shall give assurance prior to his entry into the Kingdom.

Section 10. An alien who has been permitted entry to work in the Kingdom under the law on investment promotion or other laws shall submit an application to the Director - General or official entrusted by the Director-General within thirty days from the date of his entry to the Kingdom, but if such alien has been the Kingdom, the period of thirty days he shall begin as from the day he is aware that he has been granted permission to work under the law on investment promotion or other laws. Pending the issue of permit, the applicant shall be allowed to engage in such work.

Upon receipt of application, the Director-General or official entrusted by the Director-General shall issue a permit without delay.

Section 11. An alien who may for a permit under Section 7 must possess the following qualifications:

- (1) having a place of residence in the Kingdom or having been permitted entry into the Kingdom for temporary stay under the law on immigration but not as tourist or in transit;
- (2) not being disqualified or prohibited under the conditions prescribed by the Minister as published in the Government Gazette.

Section 12. The following aliens may engage in such works as to be prescribed by the Notification of the Minister in The Government Gazette. In such Notification, the Minister may prescribe any condition as he may deem appropriate:

- (1) aliens under a deportation order under the law on deportation who have been permitted to engage in occupation at any place in lieu of deportation or while awaiting deportation;
- (2) aliens whose entries into the Kingdom have not been permitted under the law on immigration and are awaiting deportation;
- (3) aliens who were born within the Kingdom but have not acquired Thai nationality under the Announcement or the National Executive Council No.337, dated 13 December B.E.2515 under other laws;
- (4) aliens whose Thai nationality have been revoked by the Announcement of the National Executive Council No.337, dated 13 December B.E. 2515 or under other laws.

An alien may engage in such works as to be prescribed by the Minister under paragraph (1) only upon receipt of a permit from the Director-General of official entrusted by the Director-General.

Section 13. Permits issued under this Act shall be valid for one year from the date of issue except that:

- (1) the permit issued to an alien under Section 10 shall be valid for a period as long as he has been permitted to work under such laws;
- (2) the permit issued to an alien under Section 12 shall be valid for the period prescribed by the Director-General or official entrusted by the Director-General which must not exceed one year from the date of issue;
- (3) the permit issued to an alien who has been permitted entry into the Kingdom for temporary stay under the law on immigration shall be valid for a period as long as he has been permitted to stay in the Kingdom at the time of the issue of the permit;
- (4) the permit issued to an alien who has been permitted entry into the Kingdom for temporary stay under the law on immigration without definite period shall be valid for thirty days from the date of issue.

Section 14. In the case where a holder of a permit which is issued under Section 10 has received an extension of the working period under such laws, the holding of a permit shall notify the Registrar within thirty days from the date of receiving extension and the Registrar shall record such extension in the permit.

Section 15. Before a permit is expired and the holder of the permit wishes to continue working, he shall apply for a renewal of the permit to the Registrar prior to the expiration thereof. In such case, the applicant for renewal of the permit may continue working until the Registrar issues an order refusing the renewal of the permit.

Each renewal of permit shall beveled for one year, except that:

- (1) under Section 13(3) shall be made for a period not more than the extension which the holder has been permitted to stay in the Kingdom;
- (2) the renewal of permit under Section 13(4) shall be made for a period of thirty days each time except that, in the case where an alien has been permitted to stay in the Kingdom under the law on immigration for a definite period which is longer than thirty days, the renewal of permit shall be for a period as long as he has been permitted to stay in the Kingdom, but not longer than one year.

Section 16. The Minister has the power to issue Ministerial Regulations prescribing forms, rules and procedures in the following cases:

- (1) application for an issue of permit under Section 7, Section 8, Section 10 and Section 12;
- (2) application for renewal of permit under Section 15;
- (3) application for an issue of permit substitute under Section 19;
- (4) application for an issue or permission to change work of locality or place of work under Section 21;
- (5) issue of identity card under Section 31.

Section 17. In the case of refusing to issue a permit or not granting permission under Section 7, Section 8, Section 10, Section 12 or refusing to renew the permit under Section 15 or not granting permission to change the work or locality or place of work under Section 21, the applicant has the right to appeal to the Minister by submitting a written appeal to the Director-General of official entrusted by the Director-General or the Registrar, as the case may be, within thirty days from the date of the knowledge of the order of refusal. Upon receipt of the appeal, it shall be referred to the Committee within fifteen days and the Committee shall then consider and submit its opinion to the Minister within fifteen days and the Minister shall complete his consideration of the appeal within thirty days. The decision of the Minister shall be final.

In the case of an appeal against an order refusing the renewal of a permit under Section 15 as mentioned in paragraph (1), the appellant has the right to continue working until the Minister decides on the appeal.

Section 18. A holder of permit must keep the permit on himself or at the place of work during working hours in order that it may be readily produced to a competent official or Register

Section 19. If a permit is materially damaged or lost, the holder of the permit shall apply for the permit substitute to the Registrar within fifteen days from the date of the knowledge of such damage or loss.

Section 20. In the case where an alien resigns from the work which is specified in the permit, he shall return the permit to the Registrar of Changwat where the place of work is situated within seven days from the date of his resignation.

Section 21. A holder of permit shall not engage in the work other than that which is specified in the permit or change the locality or place of work from that which is specified in the permit unless permission is obtained from the Registrar.

Section 22. No person shall employ an alien who has no permit nor employ him on the work which of different description or conditions from that specified in the permit.

Section 23. Any person who employs an alien or transfers an alien to work in the locality other than that which is specified in the permit, or allows an alien to resign from his work, shall notify the Registrar within fifteen days from the date of employments, transfer or resignation.

The notice under paragraph (1) shall be in the form prescribed by the Director-General.

Section 24. There shall be a committee called the 'Committee Considering Aliens' Work' consisting of the Permanent Secretary of the Ministry of Labor and Social Welfare or person entrusted by the Permanent Secretary of the Ministry of Labor and Social Welfare as Chairman, a representative of the Ministry of Foreign Affairs, a representative of the Ministry of Industry, a representative of the Police Department of Local Administration, a representative of the Department of Public Welfare, a representative of the Department of Public Prosecution, a representative of the Department of Trade Registration, a representative of the Department of internal Trade, a representative of the Office of the Board of Investment, a representative of the Office of the National Economic and Social Development Board, and not more than three other persons appointed by the Minister as committee members and a representative to the Employment Department as member and secretary.

Section 25. Member appointed by the Minister hold office for a term of two years and may be reappointed.

Section 26. Member appointed by the Minister vacate office period to the end of term upon:

- (1) death;
- (2) resignation;
- (3) removal by the Minister.

In the case where a members is appointed during the term of members already appointed, notwithstanding it is a new or additional appointment, the appointee shall hold office for the remaining term of the members already appointed.

Section 27. The Committee has the duty to consider and give recommendation or advice to the Minister as follows:

- (1) the issue of Royal Decrees under Section 4(6) and Section 6;
- (2) the prescription of works which the Ministry may publish under Section 12;
- (3) the issue of Ministerial Regulations under Section 16;

- (4) the consideration of appeal of order under Section 17;
- (5) other matters as entrusted by the Minister.

Section 28. In a meeting, the presence of not less than on-half of the total number of the committee members shall constitute a quorum. If Chairman is absent from the meeting or unable to perform his duty, the committee members present shall elect one among themselves to preside over the meeting.

The decision of meeting shall be by majority votes. In casting votes, each committee member shall have one vote and in case of an equality of votes, the person presiding over the meeting shall cast an additional vote as casting vote.

Section 29. The Committee has the power to appoint a subcommittee to carry out any activity or consider any matter within the scope of duty of the Committee.

The provisions of Section 28 Shall apply to the meeting of a sub-committee *mutatis mutant* is.

Section 30. In performing the duties under this Act, the Director-General or official entrusted by Director-General, Registrar or competent official is empowered to:

- (1) issue a written inquiry or summon any person to provide facts as well as to require him to produce any document or evidence;
- (2) enter any premises during the working hours where is a reasonable cause to suspect that an alien is working there in order to ensure compliance with this Act. For this purpose, he is empowered to inquire into facts or request production of any document or evidence from the person who is responsible for or connected with it in such place.

In performing the duty under (2), the owner or occupant of such premises for person who is responsible for or connected with it in the said premises shall render appropriate facilities.

Section 31. The Registrar and competent officials must have identity cards.

In the performance of duty, the Registrar and competent officials must produce their identity card upon request of the person concerned.

Section 32. In performing the duties under this Act, the Director-General of official entrusted by the Director-General, Registrar or competent official shall be official the Penal Code.

Section 33. Any alien who is working in violation of the Royal Decree issued under Section 6 shall be liable to imprisonment for a term not exceeding five years or to a fine of two thousand Bath to one hundred thousand baht or to both.

Section 34. Any alien who is working in violation of Section 7 or in violation of the conditions specified under Section 9 or works without a permit or in violation of the conditions prescribed by the Minister under Section 12 shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five thousand baht or to both.

Section 35. Any alien who is working in violation of Section 10 or Section 18 or Section 20 shall be liable to a fine not exceeding one thousand Baht.

Section 36. Any holder of permit who fails to comply with Section 14 or Section 19 shall be liable to a fine not exceeding five hundred Baht.

Section 37. Any alien who continues working after his permit has expired without applying for a renewal before the expiration thereof or has applied for a renewal but the Registrar has issued an order refusing the renewal of the permit under Section 15 and such alien has not appealed the order of the Registrar or he has appealed but the Minister has decided not to grant renewal of the permit under Section 17 shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five thousand baht or to both.

Section 38. Any holder of permit who violates Section 21 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding two thousand baht or to both.

Section 39. Any person who employs an alien in violation of Section 22 shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand Bath or to both.

Section 40. Any person who violates Section 23 or Section 42 shall be liable to a fine not exceeding one thousand baht.

Section 41. Any person who fails to comply with a written inquiry or summons or refuses to give facts or furnish document or evidence or obstructs or fails to render facilities to the Director-General or official entrusted by the Director-General or the Registrar or competent official in the performance of their duties under Section 30 shall be liable to a fine not exceeding three thousand Baht.

Section 42. Any person who employs an alien in his business prior to the date the Announcement of the National Executive Council No. 322} dated 13th December B.E. 2515 comes into force and has not, up to the date this Act comes into force, submitted particulars concerning aliens in his employment under Clause 35 of the said Announcement, shall submit the said particulars in the form prescribed by the Director-General within forty-five days from the date this Act comes into force.

Section 43. A permit issued under the Announcement of the National Executive Council No. 322, dated 13th December B.E. 2515 shall continue to be valid as long as it has not expired and the holder of permit continues to engage in the work for which he has been granted the permit.

Section 44. An alien who has a place of residence in the Kingdom under the law on immigration and has been working prior to the date the Announcement of the National Executive Council No. 322, dated 13th December B.E. 2515 comes into force and has applied for a permit to the Director-General or official entrusted by the Director-General under Clause 34 paragraph one of the said Announcement and the Director-General or official entrusted by the Director-General has issued the permit which has not been collected by the alien who is still working on the date this Act comes into force, shall collect, the permit within sixty days from the date this Act comes into force, or such permit will be regarded as having expired at the end of the said period.



Section 45. An alien under Section 12 who is engaging in any work on the date this Act comes into force may continue to do such work until there is a Notification of the Minister under Section 12

After the Minister has issued a Notification under Section 12, in the case where the work which an alien is engaging is permitted under the Notification of the Minister, such alien may continue to do such work but must apply for a permit within ninety days from the date the Notification of the Minister comes into force, In the case where the work which an alien is engaging is prohibited under the Notification of the Minister, such alien may continue to do such work for one hundred and eighty days from the date this Act comes into force.

Section 46. All the Royal Decrees, Ministerial Regulations and Notifications or Orders of the Minister or Director-General or permits which have been issued or given by virtue of the Announcement of the National executive Council No. 322, dated 13th December B.E. 2515 in so far as they are not contrary to or inconsistent with this Act shall remain in force and shall be regarded as the Royal Decrees, Ministerial Regulations and Notifications or Orders of the Minister or Director-General, or permits issued under this Act.

Section 47. The Minister of Interior shall have charge and control of the execution of this Act and shall have the power to appoint the Registrar and competent officials, issue Ministerial Regulations prescribing fees not in excess of the rates attached hereto, granting exemption of fees and prescribing other activities for the execution for this Act.

Ministerial Regulations shall come into force after their publication in the Government Gazette.

Countersigned by:

General Kriangsak Chommanan  
Prime Minister

Certified correct translation  
T.Chiemwichitra  
(Taksapol Chiemwichitra)  
Office of the Juridical Council

#### **Rate of Fees**

(1) A permit	1,000 baht each year
(2) Renewal of a permit or extension thereof	1,000 baht each year
(3) Substitute of a permit	300 Baht
(4) Permission to change work or locality or place of work	500 Baht

## Appendix D

### Immigration Act

In the name of his Majesty King Bhumibol

Enacted on the 24th of February B.E. 2522

The 34th year of the present reign

Whereas it is deemed proper to revise the Law on immigration

**Section 1:** This Act shall be called the “Immigration Act, B.E. 2522”

**Section 2:** This Act shall be enforced starting ninety days after the date of its publication in the Government Gazette.

**Section 3:** Immigration Acts:

1. B.E. 2493 (1950)

2. B.E. 2497 (1954 – NO.2)

Shall be repealed

In lieu all others laws, regulations, or rules which are provided for in this Act or contradictory hereto or inconsistent herewith, the provision of this Act shall be applied.

**Section 4:** In this Act:

‘Alien’ means any person who is not of Thai nationality under the nationality Act.

‘Conveyance’ means any vehicle or beast of burden or any other object(s) which may be used in conveying persons from one place to another.

‘Owner of Conveyance’ includes an agent of the owner, a person renting, an agent if the person renting, possessor, or an agent of the possessor of the conveyance, as the case may be.

“Person in charge of conveyance” means the master of the vessel or person responsible for the control of the conveyance.

‘Crew of conveyance’ means the person who has a function, duty, or work in the conveyance, and in the interest of this Act, it includes the person in charge of conveyance driving the conveyance without a crew.

‘Passenger’ means any person other than the person in charge, or the crew of conveyance

‘Immigrant’ means any alien who enters the Kingdom.

‘Immigration Doctor’ means any doctor appointed by the Director General to carry out the provisions of this Act.

‘House Master’ means any persons who is the chief possessor of a house, whether in the capacity of owner, tenant, or in any other capacity whatsoever, in accordance with the law on people act.

‘Dwelling Place’ means any place used for habitation such as a house shed, boat or floating house which human beings inhabit. It also includes the precinct of the place used for habitation, whether it be enclosed or not, in accordance with the Panel Code.

‘Hotel’ means any place built for remuneration for travelers or persons who wish to look for a place to stay or rest for a period of time, in accordance with the law on the hotels.

‘Commission’ means The Immigration Commission.

‘Competent Official’ means any officer appointed by the Minister to carry out a function in conformity with this Act.

‘Director’ means Director General of the Police Department.

‘Minister’ means the Minister in charge of this Act.

**Section 5:** The Minister of Interior shall be in charge and have control for the executive of this Act and shall have power to appoint competent officials, and Issue Minister Regulations; to fix fees and other expense not exceeding rates annexed to this Act and to fix other activities for the execution of this Act. Such Ministerial Regulations shall become effective after having been published in the government Gazette.

## **Chapter 1**

### **Immigration Commission**

**Section 6:** The immigration Commission will consist of the Under Secretary of the Minister of Interior as Chairman and the following members:

- Under Secretary of Ministry of Foreign Affairs
- Director General, Police Department
- Director General, labor Department
- Director General, public Prosecution Department
- Secretary General, Board of Investment Committee
- Secretary General, National Security Council
- Director, Tourist Organization of Thailand
- Commander of Immigration Division as member and secretary

**Section 7:** The Immigration Commission shall have power and duty to:

1. Revoke permission for temporary stay in the Kingdom under Section 36 Para 1.
2. Consider an appeal under Section 36 Para 2.
3. Permit aliens to enter into and assume residence in the Kingdom under Section 41 Para 1
4. Fix qualifications of any aliens asking to take up residence in the Kingdom; and to fix Conditions pertaining to the national security; and to fix other conditions under Section 41 Paragraph 2.

5. Fix Regulations for residence applications of aliens temporarily entering into the Kingdom under Section 41 Para 4.
6. Permit aliens to enter into and take up residence on the Kingdom under Section 43 Para 1 and to fix regulations for display of the aliens' financial status under Section 43 Para 2.
7. Permit the aliens, who are authorized to stay in the Kingdom temporarily, to take up residence; and to permit and fix conditions in rendering permission to the alien who has applied for taking up residence in the Kingdom to remain in the Kingdom for the time being under Section 45 Para 1 and 2.
8. Give order to revoke permission for taking up residence in the Kingdom under Section 47 Paragraph 3.
9. Permit aliens, who have a residence in the kingdom, to continue that residence in the Kingdom under Section 51 Paragraph 1.
10. Consider revocation of a residence permit under permit under Section 53.
11. Give advice, suggestions and view to the Minister on establishing standard operating procedures for local official and for other officials, regarding national security, as well as issuance of Ministerial Regulations under this Act.
12. Consider and give opinions on immigration matters as assigned by the cabinet or by the Minister.

**Section 8:** In the performance of duty of the Immigration Commission under this Act, the Committee member who is also the secretary shall, without delay, submit matters under committee jurisdiction to the chairman of the Committee; his duty, he (the committee member who is also the secretary) shall without delay, submit them to the committee member who is appointed by the committee. The chairman of the committee or the committee member so appointed shall call for a meeting in accordance with the urgency of the matter and in accordance with the rules and regulations fixed by the committee. In the meeting of the Commission, if the Chairman does not attend the meeting or is not in the meeting of the members of the meeting shall select one member to preside over the Meeting. The quorum of any meeting will consist of no less than half of all members. Decisions of the meeting will be decided by a majority vote. One member has one vote. If the voting score is equal, the Chairman of the meeting shall make the deciding vote.

**Section 9:** The Immigration commission may appoint Sub-Committees or may empower any

Competent Official to carry out any assigned function. The provision of Section 8 shall be applied Mutatis Mutandis for the meeting of the Sub-Committee.

**Section 10:** In the performance of duties under this Act, the commission shall have power to issue written orders asking persons concerned to give facts or to present documents pertaining to matters under the power and duty of the Immigration Commission.

## Chapter 2

### Entering and Departing the Kingdom

**Section 11:** Persons entering into or departing the Kingdom must enter and leave by way of Immigration check points, designated landing, stations or areas and in accordance to the prescribed time as published in the Government Gazette by the Minister.

**Section 12:** Aliens which fall into any of the following categories are excluded from entering into the Kingdom:

1. Having no genuine and valid passport or document used in lieu of passport; or having a genuine and valid passport or document used in lieu of a passport without Visiting by the Royal Thai Embassies or Consulates in Foreign countries; or from the Ministry of Foreign Affairs, excepting if a visa is not required for certain types of aliens in special instances. Visiting and visa exemptions will be granted based upon the conditions provided in the Ministerial Regulations.
2. Having no appropriate means of living following entrance into the Kingdom.
3. Having entered into the Kingdom to take occupation as a laborer or to take employment by using physical without skills training or to work in violation of the Ministerial Regulations.
4. Being mentally unstable or having any of the disease as prescribed in the Ministerial Regulations.
5. Having not yet been vaccinated against smallpox or inoculated or undergone any other medical treatment for protection against disease and having refused to have such vaccinations administered by the Immigration Doctor.
6. Having been imprisoned by the judgement of the Thai Court; or by a lawful injunction; or by the judgement of the Court of foreign country, except when the penalty is for petty offense or negligence or is provided for as an exception in the Ministerial Regulations.
7. Having behavior which would indicate possible danger to the public or likelihood of being a nuisance or constituting any violence to the peace or safety of the public or to the security of the public or to the security of the nation, or being under warrant of arrest by competent officials of foreign governments.
8. Reason to believe that entrance into the Kingdom was for the purpose of being involved in prostitution, the trading of woman or children, drug smuggling, or other types of smuggling which are contrary to the public morality.
9. Having no money or bond as prescribed by the Minister under him
10. Being a person prohibited by the Minister under Section 16.
11. Being deported by either the Government of Thailand that of or other foreign countries; or the right of stay in the Kingdom or in foreign countries having been revoked; or having been sent out of the Kingdom by competent officials at the expense of the Government of Thailand unless the Minister shall consider exemption on an individual special case basis.

The examination and diagnosis of disease of a physical or mental nature, including protective

Operations as against disease shall be conducted by the Immigration Doctor.

**Section 13:** The bellowed listed aliens shall not be required to have a passport or document in lieu of passport:

1. Any person in charge of or the crew of a seagoing or air conveyance making an entry into a port, station or locality in the Kingdom and departing therefore. For convenience in controlling this person, the competent official may issue them a certificate in accordance with the form as prescribed in the Ministerial Regulations.
2. A citizen of a country with has its boundaries adjacent to Thailand making at a temporary journey across the border under compliance with the agreement between the Government of Thailand and of that country.
3. A passenger of an international train holding a through ticket and making a transit journey across Thailand under compliance with the international agreement between the Government of Thailand and of the country concerned, including the conductor and crew of such train.

**Section 14:** The Minister shall have power to issue public notice in the Government Gazette requiring the alien entering into the Kingdom to have with either money or bond, or shall have power to order an exemption under any condition. The public notice issued by the Minister under the first paragraph of this Section shall not apply to children under the age of twelve years.

**Section 15:** Aliens entering into the Kingdom under bellow listed status shall be exempted from complying out the function or the prohibition under Section 11, Section 12 (1), (4) and (5) and Section 18 Para 2.

1. Persons on Diplomatic Missions sent by a foreign country's government to perform duties in the Kingdom; or which are travelling through the Kingdom to perform duties in another country.
2. Consular parties and their employees sent by a foreign country's government to perform duties in the Kingdom to perform duties in another country.
3. A person which a foreign country's government has sent to perform duties or missions in the Kingdom with the approval of the Thai Government.
4. A person performing duties or missions in the Kingdom for the government of Thailand in accordance with the agreements of the Government of Thailand and of the foreign country involved.
5. Officer Chief of International Organizations or Department performing duties in Thailand, which are protected by law or which the Thai Government has concurred with, including officer, specialists or other persons, who are appointed or responsibilities in the Kingdom for said Organization or Departments or for the Thai Government under an agreement with the Thai Government has made with such International Organizations or Departments.
6. Spouses or children under patronage or being a part of the allow household of persons under paragraph (1), (2), (3), (4) or (5).

7. Privates servants travelling from foreign countries to work at the residence of the persons under (1) or any person having a document showing status equivalent to that of diplomatic immunity, in accordance with the agreement that the Thai Government has made with Foreign Governments or with International Organizations or Departments.
8. Case (1), (2), (6) or (7) shall be in compliance with agreements made between concerned countries and with mutual reciprocity. The competent official shall have power to question or examine evidence for the purpose of ascertaining whether a person entering into the Kingdom is under the exemptions provided for this Section.

**Section 16:** In the instance where for reason of national welfare or safeguarding the public peace, culture, morality, or welfare, or when the Minister considers it improper to allow any alien or any group of alien to enter into the Kingdom, the Minister shall have power to exclude said alien or group aliens from entering into the Kingdom.

**Section 17:** In certain special cases, the Minister, by the Cabinet approval, may permit any alien or any group of aliens to stay in the Kingdom under certain conditions, or may conditions, or may consider exemption from being conformity with this Act.

**Section 18:** The competent official shall have power to inspect persons entering into or leaving the Kingdom, In light of this provision, persons entering into or departing from the Kingdom must submit a list of items as prescribed in the Ministerial Regulations, and must be inspected and approval by the competent official assigned to the Immigration check point.

**Section 19:** In inspecting and considering whether an alien is forbidden from entering the Kingdom, the competent official shall have authority to allow said alien to stay at an appropriate place after promising that he will present himself to the competent official to received his orders on a specified date, time and place; or if the competent official deems appropriate he may call for a bond or call for both bond and security; or the competent official may detain said aliens at any place for paragraph, the competent official shall have power to call a person, who's statement the competent official has reason to believe may be useful in case of doubt, to give oath, testimony, or statements to the competent officials. If there is reason to suspect that any alien has entered into the Kingdom for the purpose committing acts specified in Section 12 (8) or for the purpose taking past therein, or any woman or child enters into the Kingdom for a temporary stay by ordering said person (s) to report in person to him and answer his questions; or the competent official may officials at the Local Police Station where said person (s) will reside, within a period of time prescribed by the competent official which shall not be less than seven day intervals.

**Section 20:** In the instance where the competent official has detained any alien under the provision of Section 19, the competent official shall have grounds to detain said alien in so far as it is necessary, under the circumstance but not more than forty-eight hours beginning at the time of this (detainee's) arrival at the office

of the competent official. In case of necessary, the period of forty-eight hours may be extended, but not to exceed seven days, and the competent official shall record the reason for such extension.

If it necessary to detain any alien longer than the period of time provided in the first paragraph, the competent official shall apply to the Court for an order to further detain said alien and Court may order further detention, if found necessary, not exceeding twelve days at each application. However, if the Court deems it appropriate, the Court may order that said alien be temporary.

**Section 21:** The expense of detaining an alien shall, under Section 19 and 20 be charge to the account of the owner, or person in charge, of the conveyance bringing the alien into the Kingdom. If there appears to be an owner or person in charge of the conveyance, or the alien concerned entered into the Kingdom without coming by way of a conveyance, the expense shall be charged to his (alien's) account.

**Section 22:** In the instance where the competent official discovers that an alien is forbidden from entering into the Kingdom under the provisions of Section 12, the competent official shall have authority to order said alien by written notification to leave the Kingdom. If said alien is not satisfied with the competent official's order, he (alien) may appeal to the Minister. The order of the Minister shall be final. Appealing cases are not allowed under Section 12 (1) or (10), but if the Minister does not have an order within seven days beginning from the date of submitting the appeal, it is considered that the Minister has ordered that said alien is not forbidden from entering into the Kingdom under Section 12. Appeal must be submitted to the competent official within forty-eight hours beginning from the time of receiving said order from the competent official and must comply with the pattern (and a fee must be paid) as provided in the Ministerial Regulations. When appeal is submitted by the alien concerned, the competent official shall delay deportation of said alien until an order for said case is received from the Minister. While processing under order of the competent official or while waiting for an order from the Minister, as the case may be, the provisions of Section 20 shall not be applied.

### **Chapter 3**

#### **Conveyance**

**Section 23:** The owner or person in charge of a conveyance must bring the conveyance into or out of the Kingdom through the proper route, immigration check point, port boundaries station, or area, and time, which the minister shall publish in the Government Gazette.

**Section 24:** The competent official shall have power to check conveyances entering into or leaving the Kingdom; or to check conveyances where there is reason to suspect that passengers are being taken in or out of the Kingdom; except in the case that such conveyance is being used for the official activities of the Government of Thailand or of a Foreign Country for which permission is granted by Government of Thailand.



**Section 25:** When any conveyance enters onto or leaves the Kingdom, the owner or person in charge of said conveyance must report the date and time of arrival or departure of the conveyance at the port, station, or area in accordance with the pattern outlined in the Ministerial Regulation to the competent official at the office of Immigration controlling said port, station or area within the specified time as published by the competent official. In the instance that the provision of Para 1. cannot be carried out, the owner or person in charge of the conveyance shall, in person, as soon as possible, report to the competent official at the nearest Immigration Office. In making a report of the arrival or departure of conveyances under the provision of this Section, the Minister, if he deems it proper, may exempt any conveyance, or place it under new stipulations.

**Section 26:** The owner or person in charge of any conveyance entering into or leaving the Kingdom must submit a list (passenger and crew) in accordance with the pattern prescribed in the Ministerial Regulations and must be inspected by the competent official at the place and under conditions published by the Director General. In the instance that an inspection must be conducted at any other place, which is other than the place published by the Director General under Para of this Section, such inspection must be approved by the Director General or a competent official deputized by the Director General.

**Section 27:** For the purpose of inspection, the owner or person in charge of any conveyance into or leaving the Kingdom shall be required to do as follows:

1. Prevent passengers or crew from leaving the conveyance or any quarters arranged with the approval of the competent official without the permission of the competent official, except in the instance that the person in charge and crew of the conveyance are the same person, such a person is allowed to leave the conveyance in the status of the person in charge for her purpose of notifying the competent official as outlined under Section 25. If the passengers or crew of said conveyance fail to comply with or otherwise cause a disturbance to, the provisions of Section 29 Para. 2 shall be applied *Mutatis Mutandis*. The expense of talking action under the provisions of this paragraph shall be charged to the account of the owner or person in charge of the conveyance.
2. Submit to the competent official a list of passengers and crew, including the person in charge of the conveyance according to the pattern as prescribed by the Ministerial Regulations and within the period of time fixed by the Director General or a competent official.
3. Cooperate fully with the competent official in following the provisions of this Act. The provisions of this Section shall apply to the owner or person in charge of the conveyance from or to the border, and conveying passengers into the kingdom or talking passenger to the border for the purpose of leaving the Kingdom. This applies to passenger entering into or leaving the Kingdom only.

**Section 28:** While in the Kingdom. If there is an increase or production in the number of crew members or a change in crew members of the conveyance or if any crew of the conveyances shall not leave the Kingdom, the owner of the conveyance, or the person in charge of the conveyance in the instance where there

is no conveyance owner in the Kingdom, shall notify the competent official in accordance with the pattern as prescribed in the Ministerial Regulations. In the instance where the crew of the conveyance shall not leave the Kingdom as stated in the Para 1, and the crew of the conveyance are aliens, the owner or person in charge of the conveyance, as the case may be, shall take such person (s) and turn them over to the competent official as soon as possible. If the said crew of the conveyance resists the owner or person in charge of conveyance in the course of complying with the provisions of Para 2, the provision of Section 29 Para 2 shall be applied *Mutatis Mutandis*. The expense for carrying out this paragraph shall be charged to the account of the owner or person in charge of the conveyance.

**Section 29:** When the competent official discovers any illegal alien or has reason to suspect any alien of being illegal for entering into the Kingdom, the competent official shall have authority to order the owner or person in charge to the conveyance to detain said alien in the conveyance or to send said alien to any place for the purpose of interrogation by the competent official or else deporting said alien. In the instance that said alien resists, or cause a disturbance, the owner or person in charge of the conveyance or his agent may ask the local administrative or police officials to detain or arrest said alien. If assistance from such official cannot be immediately rendered, the owner of person in charge of the conveyance shall have authority to arrest said alien over to local administrative or police officials, who shall without delay, turn said alien concerned over to the competent official for the purpose of carrying out this Act. The expense concerning action taken under this Section shall be charged to the account of the owner or person in charge of the conveyance.

**Section 30:** In the instance where there is reason to suspect that a violation of this Act has taken place, the competent official shall have the authority to order the owner or person in charge of conveyance to stop the conveyance or to take the conveyance to any place necessary for inspection. The order under Para 1 may be carried out by giving a signal by any other means which is understandable.

**Section 31:** During the time any conveyance enters into the Kingdom, beginning from the time said conveyance comes through the Kingdom until the competent official will complete his inspection, no person, who is not an official, shall be permitted to board said conveyance or to bring another conveyance alongside or to enter the area or place arranged for inspection, except as authorized by the competent official. The owner or person in charge of the conveyance shall not ignore or allow anyone to do so in accordance with Para 1.

**Section 32:** In the instance of a conveyance which is leaving the kingdom but during or after the time of inspection by the competent official, said conveyance is still within the Kingdom. No person except the competent official shall be allowed to board said conveyance or bring another conveyance alongside the conveyance in question, unless authorized by the competent official. The provisions of Para 1 shall be applied to the area or place which is arranged for the purpose of inspection during the time when the person who is to leave the Kingdom has not yet boarded the conveyance. The owner or person in charge of the conveyance shall not ignore these requirements or allow anyone else to act under this Section.

**Section 33:** In the instance that a competent official has to conduct an inspection of the conveyance during non-duty hours; or at any other place besides the one published by the Director General under Section 26 Para 1: or to go outside his office in order to detain such conveyance; or has to wait to conduct an inspection of the conveyance without it being the fault of the competent official, the owner or person in charge of the conveyance shall have to pay a fee for such services and other expenses as prescribed in the Ministerial Regulations.

## **Chapter 4**

### **Temporary Stay in the Kingdom**

**Section 34:** aliens entering into the kingdom for a temporary stay may enter for the below listed activities;

1. Diplomatic or Consular Missions.
2. Performance of official duties.
3. Touring
4. Sporting
5. Business
6. Investing under the concurrence of the Ministries and Departments concerned.
7. Investing or other activities relating to investing subject to the provisions of the law on investment promotion.
8. Transit journey.
9. Being the person in charge of the crew of a conveyance coming to port, station, or area in the Kingdom.
10. Study or observation.
11. Mass media.
12. Missionary work under the concurrence of the Ministries and departments concerned.
13. Scientific research or training or teach in a Research Institute in the Kingdom.
14. The practice of skilled handicraft or as a specialist
15. Other activities as prescribed in the Ministerial Regulations.

**Section 35:** The Director General or the competent official deputized by the Director General shall have the authority to permit the alien, who entered to stay temporarily in the Kingdom under Section 34, to remain in the Kingdom under any prescribed conditions. The periods of time which one is authorized to stay in the Kingdom are as Follows:

1. Not exceeding 30 days for a case under Section 34 (4), (8) and (9)
2. Not exceeding 90 days for a case under Section 34 (3)
3. Not exceeding one year for a case under Section 34 (5), (10), (11), (12), (13), (14) and (15)
4. Not exceeding two years for a case under Section 34 (6)
5. As deemed necessary for a case under Section 34 (1) and (2)
6. As deemed appropriate by the Commission of Investment Promotion, for a case under Section 34 (7) If it is deemed necessary that the aliens have to stay in the

Kingdom Longer than the period of time prescribed in the paragraphs (1), (2), (3) and (4) the Director General shall consider granting the aliens extension of stay for a period not exceeding one year for each time. After granting permission, the Director General shall report to the Commission for their information, with the reason, within seven days from the date of granting. Each time when applying for an extension of temporary stay in the Kingdom, the alien shall submit an application and pay the fees as prescribed in the Ministerial Regulations. While waiting for directives the alien may be permitted to stay.

**Section 36:** Where there is a proper reason, the Director General or the Immigration Commission shall have power to revoke permission previously authorized the alien to stay temporary in the Kingdom, whether or not the Director General, or the official deputized by the Director General, has granted such permission. In the case the Director General has ordered permission to be revoked, the alien whose permission has been revoked may appeal such orders to the Immigration Commission. Order of the Immigration Commission will be final. The appeal of the Director General's order under paragraph 2 of this Section shall be submitted to the competent official within forty-eight hours from the time of acknowledgement of such order from the Director General and must be complied with from and fees as prescribed in the Ministerial Regulations. After cancellation of the temporary entry permit in reference to the provision of paragraph 1 of this Section, the alien must be notified by a written notice. In the case a written notice cannot be sent to the alien, yet the competent official has post a notice to the alien's place of stay, as previously notified, and forty – eight hours, have passed, it is assumed that the alien has received said notice.

**Section 37:** An alien having received a temporary entry permit into the Kingdom must comply with the following:

1. Shall not engage in the occupation or temporary or employment unless authorized by the Director General or competent official deputized by the Director General. If, in any case, there is a law concerning alien employment provided hereafter, the granting of work privileges must comply with the law concerned.
2. Shall stay at the place as indicated to the competent official. Where there is proper reason that he cannot stay at the place as indicated to the competent official, he shall notify the competent official of the change in residence, within 24 hours from the time of removing to said place.
3. Shall notify the police official of the local police station where such alien resides, within twenty-four hours from the time of arrival. In the case of change in residence in which new residence is not located the same area with the former police stations, such alien must notify the police official of the police station for that area within twenty-four hours from the time of arrival.
4. If the alien travels to any province and will stay there longer than twenty-four hours, such alien must notify the police official of the police station for that area within forty-eight hours from the time of arrival.

5. If the alien stays in the Kingdom longer than ninety days, such alien must notify the competent official at the Immigration Division, in writing, concerning his place of stay, as soon as possible upon expiration of ninety days. The alien is required to do so every ninety days. Where there is an Immigration Office, the alien may notify a competent Immigration Official of that office. The provision of (3) and (4) shall not apply to any cases under Section 34 by any conditions as prescribed by the Director General. In making notification under this Section, the alien may make notification in person or send a letter of notification to the competent official, in accordance with the regulations prescribed by the Director General.

**Section 38:** The house – master, the owner or the possessor of the residence, or the hotel manager where the alien, receiving permission to stay temporary in the Kingdom has stayed, must notify the competent official of the Immigration Office located in the same area with that hours, dwelling place or hotel, within 24 hours from the time of arrival of the alien concerned. If there is no Immigration Office located in that area, the local police official for that area must be notified. In case the house, dwelling place, or hotel where the alien has stayed under provision of Para.1 is located within the Bangkok area, such notification must be reported to the competent official at the Immigration Division. Making notification, in reference to the Para 1 and 2 of this Section, must comply with Regulations prescribed by the Director General.

**Section 39:** After having received permission for temporary entry into the Kingdom, if the alien leaves the Kingdom it is considered that his temporary entry permit has expired. But, if prior to leaving the alien is granted permission to return by the competent official, and the alien returning is not excluded from entry under Section 12 and the period of time previously authorized has not expired, the alien shall be authorized to stay in the Kingdom for the rest of the authorized time. In asking permission for re-entry, the alien must submit an application in accordance with the form and pay a fee in accordance with the rate and regulations as prescribed in the Ministerial Regulations.

## **Chapter 5**

### **Entering to take Residence in the Kingdom**

**Section 40:** Subject to the provisions of Section 42, 43 and 51, the Minister, by the approval of the Cabinet, shall have power to publish, in the Government Gazette, immigration quotas from year to year (not exceeding 100 persons per year from each country and not exceeding 50 persons who have no nationality). For the purpose of fixing immigration quotas, all the colonies of a country or each self – governing country shall be recognized as one country.

**Section 41:** Alien shall not be allowed to take up residence in the Kingdom unless authorized by the Immigration Commission and by the approval of the Minister, within the immigration quota limitation as prescribed by the Minister in accordance with the provision of Section 40, and providing that the alien concerned has received a Residence Certificate in accordance with the provision of

Section 47. For the most benefit of the country in allowing the alien to take up residence in the Kingdom, the Immigration Commission shall fix regulations concerning qualification of the alien entering to take residence in the Kingdom of Thailand by considering income, property, knowledge, technical, professional ability, and family status of such alien in comparison with the Thai national populace, considering condition of national security or other appropriate conditions. So it can be used as a regulation and a condition to consider in allowing the alien to take residence in the Kingdom. In applying for a Residence Certificate, the alien may apply before coming into the Kingdom or apply after he has been granted permission to stay temporarily in the Kingdom. The Committee can stipulate any requirement to an alien under Section 34 who is holding a temporarily permit of stay and applying for a permanent resident visa. A permanent resident visa of alien obtained prior to his entry into the Kingdom will be effective when that alien enters the Kingdom to process the relevant formalities and obtains approval from the authorities indicated under Section 18, Para. 2 that alien must not be the person under Section 12 and Section 44, and must possess a residence certificate under Section 47. The alien is allowed to stay temporarily in the Kingdom during the period of processing the residence certificates.

**Section 42:** The provision of Section 40 concerning immigration quotas as published by the Minister shall not apply to the persons listed below:

1. An alien who previously entered to take up residence in the Kingdom and re-entered into the Kingdom in accordance with Section 48 or 51.
2. A woman having Thai nationality by birth who has renounced Thai nationality in the case of marriage to an alien.
3. A child of an alien father and mother born while the mother was out of the Kingdom and the mother has application of departure for return in accordance with the provision of Section 48. When the child entering into the Kingdom with father or mother who returns within the prescribed time as stated in the application of departure for return and the child is under one year old.

**Section 43:** When any alien brings foreign not less than ten million baht, for investment in the Kingdom and the Immigration Commission has considered that it is not contradictory to the provisions of this Act, the Immigration Commission, with the concurrence of the Minister, shall allow said alien to take up residence in the Kingdom over and the above number of aliens as published by the Minister under Section 40, but not to exceed 5 % of said amount each year. For the purpose of examination of foreign currency brought in for investment, the alien who is allowed to take up residence under Para must display financial status for the period of not less than two years, but not more than five years, in accordance with the regulation prescribed by the Immigration Commission, or as the Immigration Commission may deem appropriate.

**Section 44:** No alien is authorized to take up residence in the Kingdom, if it appears that said alien:

1. Has been punished with imprisonment by judgement or legal order of a Thai or foreign country court, except a minor offense committed by negligence, or an offense exempted as prescribed by the Ministerial Regulations.
2. Is unable to earn his living because of mental defect or physical infirmity or having any diseases as prescribed by Ministerial Regulations. The provision of (2) shall not apply to an alien father, mother, husband, wife or child of the one having domicile within the Kingdom and is able to support each other.

**Section 45:** If the alien who has been granted to stay temporarily in the Kingdom wishes to take up residence in the Kingdom, he must submit an application as prescribed in the Ministerial Regulations to the Immigration Office in the area; the application must be submitted to the nearest Immigration Office. When the Immigration Commission considers that the quota is not over subscribed then notification prescribed by the Minister, in accordance with Section 40 or 43 as the case may be or the alien in the person under Section 44, the alien may be allowed to take up residence in the Kingdom under the concurrence of the Minister. When the alien applies for residence in the Kingdom and the authorized period of time granted him to stay temporarily in the Kingdom has expired during consideration. The alien may apply at the same Immigration Office for an extension of stay till the date the result of the consideration will be made know to him. The Immigration Commission or competent official deputized by Immigration Commission shall have power to grant permission by affixing any conditions. In submitting application in reference to the first paragraph, the applicant must pay a fee as fixed in the Ministerial Regulations.

**Section 46:** Any alien entering into the Kingdom, and if while waiting to receive a Residence Certificate in reference to Section 41 or while waiting to know the result of consideration of the Immigration Commission, or of competent official deputized by the Immigration Commission under Section 45 Para 2, leaves the Kingdom, it is recognized that a leniency for temporary stay in the Kingdom in reference to Section 41 Para 5 or Section 45 Para 2 is expired. Unless prior to departing the Kingdom the alien concerned has been granted permission to return by a competent official, and he has returned within the period of prescribed time, the alien concerned will be allowed to stay for the rest of the prescribed time.

**Section 47:** The alien who is allowed to take up residence in the Kingdom must apply for a Residence Certificate from the Director General or from a competent official deputized by the Director General within 30 days from the date receiving written notification from a competent official. In the case that the alien, whose age is under 12 years, is granted permission to take up Residence in the Kingdom, the person with guardian power or the guardian must apply for a Residence Certificate on behalf of the alien concerned. The Director General, or competent official deputized by the Director General, shall issue a separate Residence Certificate or together with the person having guardian power or the guardian. If the alien concerned fails to apply for a Residence Certificate within prescribed period of time, under Para 1 of this Section, the Immigration Commission may hold back issuing of permission to reside in the Kingdom. If so, a leniency for temporary stay

in the Kingdom in reference to Section 41 Para 5 or Section 45 Para 2 would be expired. The applicant for a Residence Certificate must pay a fee as prescribed in the Ministerial Regulations.

**Section 48:** A residence Certificate is of permanent validity, but it expires when the holder leaves the Kingdom, unless prior to departing, the holder has his departure for return document endorsed by a competent official in accordance with Section 50. In such a case, if the certificate holder returns to the Kingdom within one year from the date of endorsement and he is not excluded from entry according to Section 12 or 44, a Residence Certificate shall be considered still valid. The provisions of Section 12 (1) concerning visa, and (2) and (3) and (4) shall not apply to the first paragraph of this Section.

**Section 49:** The holder or person who has in his possession a Residence Certificate not used in reference to Section 48 must return it to the competent official. The person who has in his possession a Residence Certificate of a dead alien must return it to the competent official.

**Section 50:** Any alien having lawfully entered and being a resident in the Kingdom and wishes to leave the Kingdom with intention to return, shall:

1. Present his Residence Certificate to the competent official for endorsement of departure for return in accordance with the procedure prescribed in the Ministerial Regulations.
2. If no Residence Certificate has been issued, because said alien was granted permission to reside in the country before the regulation to obtain a Residence Certificate was in affect he must apply for the same through the competent official and conform with (1).
3. If there is not enough space for endorsement in accordance with (1), the holder must change his Residence Certificate in accordance to Section 52. Document of departure for returns valid for one year from the date of endorsement made by the competent official. The certificate holder can make as many departures and returns with the one year period as he desire. A fee must be paid as prescribed in the Ministerial Regulations for notification of departure for return and for issuing a residence Certificate in reference to (2).

**Section 51:** Any alien who has formerly resided in the Kingdom but has no document of departure for return or has a document of departure for return, but has not returned to the Kingdom in reference to the time prescribed in Section 48 and the alien wishes to take up residence in the Kingdom again, he must submit an application in accordance with the procedure as prescribed in the Ministerial Regulations for consideration and approval. When the Immigration Commission considers that the alien has reason and proper excuse and he is not excluded from entry under Section 12 and Section 44, the alien may be permitted to enter to take up residence in the Kingdom under the concurrence of the Minister, but the alien has to receive a new Residence Certificate. The provision of Section 45 Para.2 shall be applied Mutatis Mutandis while waiting for permission. The provisions in Section 12 (1) concerning visa, (2), (3) and (9) shall not apply with the case as provided in the first paragraph of this Section. The applicant must pay fees as



prescribed in the Ministerial Regulations.

**Section 52:** Whoever has lost documents issued under this Act, and wants to receive a substitute, or wants to change a Residence Certificate in reference to Section 50 (3), when the competent official is satisfied with the result of an investigation, a substitute or a change of Residence Certificate will be issued. The applicant must pay fees as prescribed in the Ministerial Regulations.

## **Chapter 6**

### **Deportation of the Aliens**

**Section 53:** If it is learned at a late date that aliens who came to stay in the Kingdom are among the persons excluded from entry because of any circumstance as prescribed in Section 12 (7) or (8) or (10) or Section 43 Para 2 or Section 44 or persons convicted under Section 63 or 64, the Director General will submit the matter to the Immigration Commission. If the Immigration Commission decides that the alien's permission to stay in the Kingdom should be revoked, the Immigration Commission will submit their opinion to the Minister for further consideration in revoking the Permission.

**Section 54:** Any alien who enters or come to stay in the Kingdom without permission or when such permission expires or is revoked, the competent official will deport such alien out of the Kingdom. The provisions of Section 19 and 20 will be applied *Mutatis Mutandis* if in the case that investigation for deportation in reference to Para 1 of this Section must be conducted. In case there is an order of deportation for the alien; while waiting for the alien to be deported the competent official may order the alien to stay at any prescribed place or he may order the alien to report to him (competent official) according to a prescribed date, time, and place with Security or with Security and Bond. The competent official may also detain the alien at any given place as many are necessary. The expense of detention shall be charged to the alien's account. The provision of this Section shall not apply to aliens entering and taking up residence in the Kingdom before the enforcement of the Immigration Act B.C. 2480 [1937]

**Section 55:** Aliens being deported under this Act shall be sent back by any conveyance or route as the competent official may consider appropriate. The expense of deportation shall be charged to the owner or person in charge of the conveyance which brought the alien into the Kingdom. If there appears to be no owner or person in charge of the conveyance, the alien committing the act against the provisions of Section 63 or 64 will have to pay the expense of deportation. The competent official shall have power to ask for deportation expenses from one of the aliens committing the offense or from all of them. However, if the alien concerned wishes to go by other conveyance or by another route, at his own expense, the competent official may permit him to do so.

**Section 56 :** In the case where there is an exemption from a visa for the alien, under Section 12 (1), and the alien has shown the competent official a ticket or any travel document of the owner of the conveyance or the person in charge of the conveyance or evidence of any other person, in accordance with the condition as prescribed in the Ministerial Regulations, for the purpose of deporting from the

Kingdom of such alien, the competent official shall have power to order the owner of the conveyance, the person in charge of the conveyance, or the person issuing a ticket, document or evidence, as the case may be, not to cancel, return or alter the important vital statement on the said ticket, document or evidence, with or without any conditions. The order under Para 1 can be done by attaching to or by stamping in the said ticket, document or evidence, when the competent official has ordered, if here is cancellation, return or alternation of the important vital statement in the said ticket, document or evidence, finding it difference from the order given by the competent official, the competent official shall have power to order the owner of the conveyance, the person in charge of the conveyance, or the person issuing a ticket, document or evidence, as the case may be, to conform with the former condition as indicated on the ticket, document or evidence, for the purpose of deportation.

## **Chapter 7**

### **Miscellaneous**

**Section 57:** For the purpose of Chapter 7 miscellaneous; whoever claims his nationality is Thai and if there is not enough evidence for the competent official to believe that he has Thai nationality, it is presumed that such a person is an alien until he can prove otherwise. An application for proof of nationality under Para 1 of this Section will be submitted to the competent official in the accordance with the form and fees as prescribed in the Ministerial Regulations. If such person does not satisfy the competent official's order, he may apply to the Court asking for consideration. In the case where there is an application to the Court upon receiving and application, the Court shall notify the Public Prosecutor, who may, in turn, have a right for objection thereto.

**Section 58:** Any alien who has no lawful document for entering the Kingdom under Section 12 (1); or has no Residence Certificate under this Act; and also has no identification in accordance with the Law on Alien registration, is considered to have entered into the Kingdom in violation to this Act.

**Section 59:** The Director General, or the competent official deputized by Director General, shall have the authority to arrest and suppress any person violating this Act. They shall also have the authority to issue a subpoena, warrant of arrest or search, make arrest, search, or detain. They shall also have the authority to conduct inquiry into the offense against the provisions of this Act in the same manner as the inquiry official under the Criminal Procedure Code.

**Section 60:** In any area where the Minister deems it proper to grant exemption from payment of any fees under this Act, he shall have the authority to do so by making public notification in the Government Gazette.

## **Chapter 8**

### **Penalty**

**Section 61:** Whoever fails to comply with the written order under Section 10 shall be punished by a fine not exceeding 5,000 Baht.

**Section 62:** Whoever fails to comply with the provisions of Section 11 or Para.2 of Section 18 shall be punished by imprisonment not exceeding two years and a fine not exceeding 20,000 Baht. If the person committing an offense under Para 1, holds Thai citizenship he will be punished by a fine not exceeding 20,000 Baht.

**Section 63:** Whoever brings or takes an alien into the Kingdom or does anything which helps, assists, or facilitates an alien in making and entry into the Kingdom in contravention of this Act, shall be punished by imprisonment not exceeding 10 years and a fine not exceeding 100,000 Baht. When any owner or person in charge of a conveyance who fails to comply with the provision of Section 23, and the conveyance carried the aliens entering into the Kingdom in contravention of this Act, it is first presumed that the owner or person in charge of the conveyance has committed an offense under Para 1 of this Section unless it can be proved that the owner or person in charge was unable to know of the presence of said aliens in the conveyance, even though proper caution was exercised.

**Section 64:** Whoever knows of any alien entering into the Kingdom in contravention of this Act, and harbours, hides or in any manner assists said alien to evade arrest, shall be punished by imprisonment not exceeding 5 years and a fine not exceeding 50,000 Baht.

Whoever allows an alien entering into the Kingdom in contravention of this Act, to stay with him, it is first presumed that said person is aware that the alien concerned entered into the Kingdom in contravention of this Act, unless it can be proved that he does not know, even though proper caution has been exercised. If the act committed under Para.1 of this Section is done in order to assist his father, mother, child, husband or wife, the offender may not necessarily be punished by the Court.

**Section 65:** Any owner or person in charge of a conveyance who fails to comply with the provision of Section 23 shall be punished with imprisonment not exceeding 5 years or a fine not exceeding 50,000 baht or both.

**Section 66:** Any owner or person in charge of a conveyance who fails to comply with the provision of Section 25, Section 26 Para 1, or Section 27 (2) shall be punished with imprisonment not exceeding 10,000 baht or both.

**Section 67:** Any owner or person in charge of a conveyance who fails to comply with the provision of Section 27(1) Para 1 or fails to cooperate with the competent official accordance with the provision of Section 27(3) shall be punished with a fine not exceeding 20,000 Baht.

**Section 68:** Any owner or person in charge of a conveyance, who fails to comply with the provision of Section 28 Para 1, shall be punished with imprisonment not exceeding 10,000 Baht.

**Section 69:** Any owner or person in charge of a conveyance who fails to comply with the provision of Section 28 Para 2 shall be punished with imprisonment not exceeding 10,000 baht for each crew member of the conveyance that he has not turned over to the competent official.

**Section 70:** Any conveyance that has an alien passenger who is excludable from entry into the Kingdom according to Section 12(1), the owner or person in charge of the conveyance shall be punished with a fine not exceeding 20,000 baht for each alien.

**Section 71:** Any owner or person in charge of a conveyance, who fails to obey the order given by the competent official under Section 29 Para 1, shall be punished with imprisonment not exceeding 5 years and a fine not exceeding 50,000 Baht. If as a result of non-compliance with the provision of paragraph 1, thus causing the alien to escape, the said owner or person in charge shall be punished with imprisonment not exceeding 10 years and a fine not exceeding 100,000 Baht.

**Section 72:** Any alien, who escapes from a conveyance or escapes while on the way to any destination when the competent official has told the owner or person in charge of the conveyance to detain the alien or to take the alien, in accordance with the provision of Section 29 or he escapes while under detention or the control of the competent official, said alien shall be punished with imprisonment not exceeding two years or a fine not exceeding 20,000 baht or both.

**Section 73:** Any owner or person in charge of a conveyance who fails to obey the order given by the competent official under Section 30 shall be punished with imprisonment not exceeding 5 years or a fine not exceeding 50,000 baht or both.

**Section 74:** Whoever fails to comply with the provisions of Section 31 or 32 shall be punished with a fine not exceeding 10,000 Baht.

**Section 75:** Any alien, who fails to comply with the provisions of Section 37(1) shall be punished with imprisonment not exceeding 1 year or a fine not exceeding 10,000 baht or both.

**Section 76:** Any alien, alien, who fails to comply with the provisions of Section 37(2), (3), (4) or (5) shall be punished with a fine not exceeding 5,000 baht and with and additional fine not exceeding 200 baht for each day which passes until the law is complied with.

**Section 77:** Whoever fails to comply with the provision of Section 38, shall be punished with a fine not exceeding 2,000 Baht. If said person is a hotel manager, he shall be punished with a fine from 2,000 baht to 10,000 Baht.

**Section 78:** Whoever fails to comply with the provision of Section 49 shall be punished with a fine not exceeding 1,000 Baht.

**Section 79:** The owner, or person in charge of a conveyance, or person issuing a ticket, document or evidence, who fails to comply with the order given by the competent official under Section 56, shall be punished with imprisonment not exceeding 6 months or a fine not exceeding 500 for each day until said alien shall leave the Kingdom but not exceeding 50,000 baht or both.

**Section 80:** Whoever destroys an order given by the competent official under Section 56 Para 2, or causes such order to be blurred with the intention of not letting the owner of the conveyance, or the person in charge of conveyance, or the person issuing the ticket, document or evidence to receive said order of the competent official, shall be punished with a fine not exceeding 50,000 Baht.

**Section 81:** Any alien who stay in the Kingdom without permission or with permission expired or revoked shall be punished with imprisonment not exceeding two years or a fine not exceeding 20,000 baht or both.

**Section 82:** Any alien who evades the service of an order issued by the Minister Immigration Commission, Director General, or the competent official designated

by the Immigration Commission, which is required to be served upon him [alien] under this Act, shall be punished with a fine not exceeding 5,000 Baht. If the order as stated in Para 1 is for deportation the offender shall be punished with imprisonment not exceeding two years and fine not exceeding 20,000 Baht.

**Section 83:** In the case where the offenders, who shall be punished under this Act are a juristic person, managing director, manager, or representative of such juristic person, they will be punished in accordance with the penalty provided for such offenses unless they can prove that they are not involved in the commission of an offense by said juristic persons.

**Section 84:** In all offenses under this Act, except the provisions of Section 62 Para 1 Section 63, 64, 71 and 82 Para 2. The settlement Commission, consisting of the Police Department's Director General or Representative, the Public Prosecution Department's Director General or Representative, and the Immigration Division's Commander or Representative, as the, members shall have the authority to assign duty of settlement to the Inquiry Official or the competent official by fixing a settlement rule or any conditions as the Settlement Commission may deem proper. When the offender has paid the fine as stipulate, the case shall be deemed settled under the Criminal Procedure Code.

### **Transitory Provisions**

**Section 85:** It is recognized that any alien who is authorized to stay temporarily in the Kingdom on the date that this Act comes into force is one who has been permitted to stay under this Act, but said alien will be entitled to the rights and benefits only as stated in the previous application.

**Section 86:** Any alien allowed to stay temporarily in the Kingdom and who has stayed more than ninety days on the date that this Act comes into force, shall notify the competent official under Section 37(5) within 7 days from the date that this Act comes into force.

**Section 87:** The house master, owner, or possessor of a dwelling place, or a hotel manager, who has allowed an alien to remain temporarily in the Kingdom on the date that this Act comes into force. Shall notify the competent official under Section 38 within 30 days from the date that this Act comes into force.

**Section 88:** It recognized that a Residence Certificate, issued under the law on Immigration before the date that this Act comes into force and still valid, will be valid as the Residence Certificate issued under this Act.

**Section 89:** It is recognized that the endorsement of departure for return, stamped on the alien's Residence Certificate by the competent official before the date that this Act comes into force, is remain valid as the endorsement issued under this Act.

**Section 90:** It is recognized that an alien who is detained for deportation on the date that this Act comes into force, is viewed as one who is detained for deportation under the provision of this Act.

**Section 91:** It is recognized that all alien's applications pending consideration on the date that this Act comes into force are viewed as applications submitted under the provisions of this Act.

**Section 92:** All ministerial regulations, regulations, orders, or resolutions of the Immigration Commission under the Immigration Act B.E. 2493 (1950), revised by the Second Immigration Act B.E. 249 (1954), which were still in force before the date that this Act came into force, are still in force if they are not in contravention to this Act, until it would have the ministerial regulation, regulations, orders, or the resolutions of the Immigration Commission under this Act come into force.

### **Rate of Fees Services Charges and other Expenses Fees**

1. Appeal in reference to Section 22; each person not exceeding 500.00 Baht.
2. Application for extension of temporary stay in the Kingdom in reference to Section 35; each person, each time, not exceeding 500.00 Baht.
3. Appeal in reference to Section 36; each person not exceeding 500.00 Baht.
4. Application for each re-entry permit, for holders of any visa application of entry, under Section 39. Each person, each re-entry, not exceeding 500.00 Baht.
5. Application for residency in the Kingdom in reference to Section 45; each person not exceeding 2,000.00 Baht.
6. Certificate of Residence in reference to Section 47 or 51; each certificate not exceeding 50,000.00 Baht. In the case the applicant for a Residence Certificate is the spouse or the child who is not sui juris of the alien talking residence in the Kingdom or of the person whose nationality is Thai; each certificate not exceeding 25,000 Baht.
7. Endorsement of departure for returning in reference to Section 50(1); each person not exceeding 500.00 Baht.
8. Certificate of Residence in reference to Section 50(2); each certificate not exceeding 5,000.00 Baht.
9. Document issued in reference to Section 52; each document not exceeding 500.00 Baht.
10. Application for proof of nationality in reference to Section 57; each person not exceeding 200.00 Baht.

### **Fee for Services and other expenses**

1. Inspection of a conveyance during non-duty hours; if the conveyance has no passengers; each conveyance, each time, not exceeding 200.00 Baht.
2. If the conveyance has passengers, the fee will be increased on a per person basis; each passenger not exceeding 10.00 Baht.
3. Inspection of a conveyance at a place other than prescribed by the Director General in accordance with Section 26(Para 1) each conveyance, each day, not exceeding 200.00 Baht.
4. Waiting for inspection of conveyance which is not the official's fault; each day not exceeding 200.00 Baht.
5. Going out of the office for controlling a conveyance; each conveyance, each day, not exceeding 200.00 Baht.

Source: <http://www.immigration.go.th/nov2004/base.php?page=fee>

## Appendix E

### List of Key Informants

Staff of Non-Governmental Organisations (including Bangkok and shelter level)

- Aide Medicale Internationale (AMI)
- Catholic Organisation for Emergency Relief and Refugees (COERR)
- International Rescue Committee (IRC)
- Jesuit Refugee Service (JRS)
- World Education
- ZOA Refugee Care (ZOA)

Representatives of Community-Based Organisations (cross-shelter organisations)

- Karen Refugee Committee-Education Entity (KRCEE)
- Karenni National Education and Health Committee

Tham Hin Temporary Shelter, Suan Pueng District, Ratchaburi Province

Interviews: Displaced Persons

- Camp Committee Members
- Security Committee Members
- Justice Committee Members
- Camp Elders Advisory Board Representatives
- Karen Women's Organisation (KWO) Representative
- Karen Youth Organisation (KYO) Representative
- Education officials (3 p)
- Displaced persons (3 informants on the topic of healthcare)

Interviews: Local Thai Temporary Shelter Officials

- Former Camp Commander, Tham Hin Temporary Shelter, Thai Ministry of Interior
- Current Camp Commander, Tham Hin Temporary Shelter, Thai Ministry of Interior

Focus Group Discussions: Displaced Persons

- Topic of Food and Shelter: New Arrivals (5 informants)
- Topic of Food and Shelter: displaced persons who have received food assistance (5 informants)

- Topic of Education: 1 Basic Education Teacher Trainer and 4 former students (5 informants)
- Topic of Healthcare: Past referral cases to Thai hospitals (3 informants)
- Topic of Security and Justice: Justice Committee, Security Committee, KWO representative, KYO representative (5 informants total)

Ratchaburi Province

Interviews

- Official, Planning and Strategy Unit, Office of Basic Education Ratchaburi District 1, Thai Ministry of Education
- Principal and Teacher, Ban Tham Hin Border Patrol Police School
- Director, Suan Pueng Hospital, Suan Pueng District
- Local community members

Mae La Temporary Shelter, Tha Song Yang District, Tak Province

Interviews: Displaced Persons

- Camp Committee Members
- Camp Justice Committee Members
- Camp Security Official
- Camp Judge
- Karen Women's Organisation Representative
- Camp Committee Education Entity Representatives
- Office of Camp Education Entity Representatives
- Basic Education Teacher
- Medics (3 informants)
- Community Health Workers (2 informants)
- Current referral cases to Mae Sot Hospital (2 informants)
- Displaced persons (4 informants of the topic of Food and Shelter)

Interviews: Local Thai Temporary Shelter Officials

- Camp Commander, Mae La Temporary Shelter, Thai Ministry of Interior
- Thai 'Or Sor' security volunteers (2 informants)
- Thai language teacher in Mae La Temporary Shelter, Office of Non-Formal and Informal Education, Ministry of Education

Focus Group Discussions: Displaced Persons

- Topic of Education: Current secondary school students (20 informants)
- Topic of Education: Current secondary school and vocational training students (5 informants)
- Topic of Education: Basic education teachers (4 informants)
- Topic of Education: 2 Basic Education teachers, 1 Basic Education principal, 1 vocational training teacher (4 informants total)
- Topic of Security and Justice: Security officials (4 informants)

Tak Province



## Interviews

- Chief, Tambon Administrative Organisation, Mae La Sub-district, Tha Song Yang District
- Director and Deputy Director, Office of Basic Education Tak District 2, Ministry of Education
- Director, Office of Non-Formal and Informal Education, Ministry of Education
- Principal, Ban Mae La School
- Director, Mae Sot Hospital
- Nurse, Mae Sot Hospital
- Director, Tha Song Yang Hospital
- Representative, Ministry of Justice
- Local community members

Ban Mai Nai Soi Temporary Shelter, Mae Hong Son District, Mae Hong Son  
Interviews: Displaced Persons

- Camp Committee Members
- Justice Committee Members
- Security Committee Members
- Section Leaders
- Karenni Women Organisation Representative
- Karenni Youth Organisation Representative
- Thai 'Or Sor' security volunteer
- Karenni Education Department Representative
- Education officials (2 informants)
- Medics (3 informants)

Interviews: Local Thai Temporary Shelter Officials

- Camp Commander, Ban Mai Nai Soi Temporary Shelter, Thai Ministry of Interior

Focus Group Discussions: Displaced Persons

- Topic of Education: 2 basic education teachers, 2 students, 1 parent (5 informants total)
- Topic of Healthcare: Community Health Workers (12 informants)
- Topic of Healthcare: displaced persons (4 informants)
- Topic of Security and justice: Security officials (4 informants)

Mae Hong Son Province

- Principal, Ban Nai Soi School
- Director, Ban Nai Soi Health Clinic
- Official, Office of Basic Education Mae Hong Son District, Ministry of Education
- Official, Ministry of Justice
- Director, Srisangwan Hospital

- Representative, Ministry of Justice
- Local community members

Other Key Informants

- Representative, United Nations High Commissioner for Refugees (UNHCR), Bangkok
- Lecturer, Thammasat University
- Director, Thai National Health Scheme Organisation
- Representative, Thai Ministry of Interior
- Representative, International Organisation for Migration, Bangkok

# Appendix F

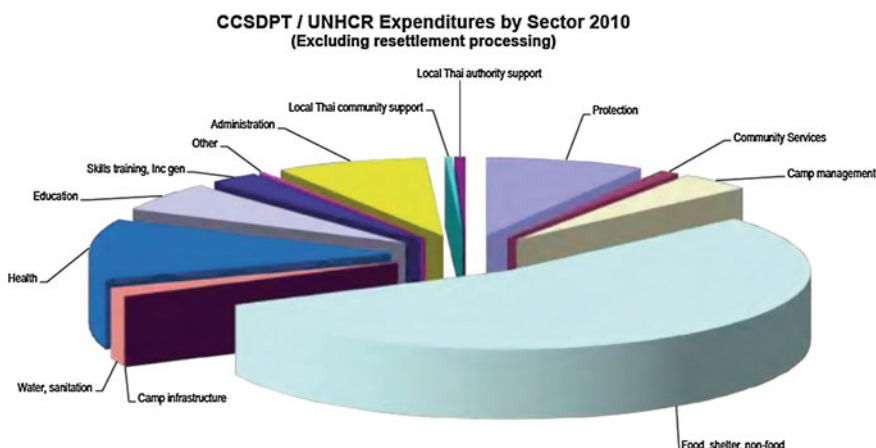
## Budget Data

**Table F.1** CCSDPT/UNHCR expenditures and funding 2008, 2009 and 2010 (millions)

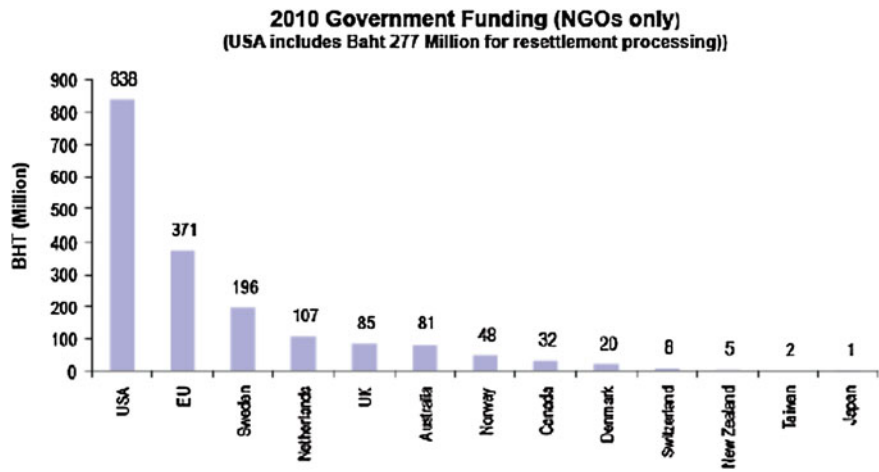
Table B2: CCSDPT/ UNHCR Expenditures and Funding 2008, 2009 & 2010 (millions)												
(DRAFT:2009 data used for WE, WEAVE, MI and OPE)												
Sector	2008 THB	%	2009 THB	%	2010 THB	%	2008 USD	2009 USD	2010 USD	2008 EUR	2009 EUR	2010 EUR
Protection	84	4	110	6	152	9	3	3	5	2	2	4
Community Services	66	4	37	2	18	1	2	1	1	1	1	0
Camp management	75	4	66	3	69	4	2	2	2	2	1	2
Food, shelter, non-food	1,006	53	960	49	972	54	30	28	31	21	20	23
Camp infrastructure	8	0	2	0	0	0	0	0	0	0	0	0
Water, sanitation	44	2	49	3	32	2	1	1	1	1	1	1
Health	193	10	251	11	222	12	6	7	7	4	5	5
Education	115	6	135	7	106	6	3	4	3	2	3	3
Skills training, Inc gen	35	2	38	2	47	3	1	1	1	1	1	1
Other	19	1	12	1	5	0	1	0	0	0	0	0
Administration	207	11	258	14	144	8	6	8	5	4	5	3
Local Thai community support	30	2	14	1	7	0	1	0	0	1	0	0
Local Thai authority support	8	0	9	0	10	1	0	0	0	0	0	0
<b>Subtotal:</b>	<b>1,892</b>	<b>100</b>	<b>1,942</b>	<b>100</b>	<b>1,785</b>	<b>100</b>	<b>57</b>	<b>57</b>	<b>56</b>	<b>39</b>	<b>41</b>	<b>43</b>
Resettlement processing	236		314		307		7	9	10	5	7	7
<b>Total including resettlement:</b>	<b>2,128</b>		<b>2,256</b>		<b>2,092</b>		<b>64</b>	<b>66</b>	<b>66</b>	<b>43</b>	<b>47</b>	<b>50</b>

Notes:

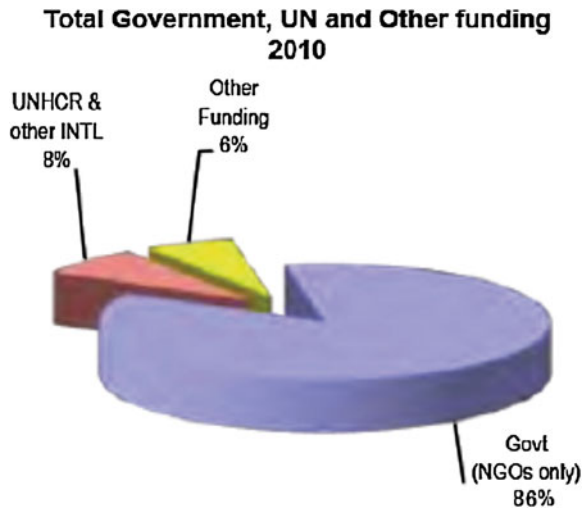
1. Average Exchange rates used, 2008 USD 33, EUR 48, 2009 USD 34, EUR 48, and 2010 USD 31.67, EUR 41.88
2. Some agencies did not separately identify administration costs and these are included in service sectors.
3. In addition to services provided direct to host communities, many local Thai villagers use health & education facilities in the camps.
4. Allocations to community services, camp management, administration and Thai support are not consistent for some agencies between years.



**Fig. F.1** CCSDT/UNHCR expenditures by sector 2010 (excluding resettlement programming)



**Fig. F.2** 2010 government funding (NGOs only) (USA including baht 277 million for resettlement processing). *Source* TBBC 2010a



**Fig. F.3** Total government, UN and other funding 2010. *Source* TBBC 2010a

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# Chulalongkorn University



Chulalongkorn University, Thailand's first institution of higher education, officially came into being in March 1917. The groundwork and preparation for it in terms of planning and development, however, took place more than a century ago. The worldwide economic, social and political changes in the late nineteenth century contributed to Siam's decision to adapt herself in order to avoid conflict with the Western powers ('Siam' became 'Thailand' in the year 1939). Thus the royal policy of King Chulalongkorn (Rama V) was to strengthen and improve government so that the country could successfully resist the tide of colonialism. One of the major parts of the policy, which would later prove to be deep-rooted and highly effective, was to improve the Siamese educational system so as to produce capable personnel to work in both the public and private sectors. As a result, a school was founded in 1871 at the Royal Pages' Barracks within the Grand Palace compound.

The development of Chulalongkorn University continued. From 1934 to 1958, the university emphasised the improvement of undergraduate education, and more faculties were established. In 1961 the university set up the Graduate School to be responsible for graduate-level education. From 1962 till the present, the university has focused on graduate education and has set up research centres and institutes. The University, known familiarly as 'Chula', has grown constantly in the near-century since its founding.



At present Chulalongkorn University is composed of 19 faculties, 23 colleges and 17 research institutes. Currently there are over 38,000 students including 24,951 undergraduates, 13,391 postgraduates (10,881 on the Master's Degree and 2,150 on the Doctoral Degree programmes) and 2,800 faculty members. Its 87 international programmes have enjoyed a long and deserved high reputation for all-round academic attainment.

According to many Asian university rankings, Chulalongkorn University is Thailand's highest-ranked institution, with the highest scores in many subjects including Arts and Humanities, Social Sciences and Management, Natural Sciences, Engineering and Technology, and Life Sciences and Medicine.

Chulalongkorn University's Strategy 2012–2016 has been undertaken to formulate guidelines for the university's development plan. The initiative focuses on different aspects of development and improvement with the objective of raising the university to a level of excellence that will qualify it as a *“World Class National University”* and as the *“Pillar of the Kingdom”*.

# The Institute of Asian Studies (IAS)



The Institute of Asian Studies (IAS) is an interdisciplinary research, teaching and service organisation. IAS was established in 1967 as a unit within the Faculty of Political Science at Chulalongkorn University. After a considerable expansion of activities at IAS in 1979, an upgrade in the Institute's status was determined to be necessary. Consequently, on 10 May 1985, IAS was officially recognised as a separate institute at Chulalongkorn University, granting IAS a status equivalent to that of a faculty at the university.

Today, the strategic vision for IAS is to continue to serve the Thai community and the Asian region as a source of knowledge and expertise for a broad range of subject areas in the region including economic, social, political and security concerns. This has been accomplished through the diligence and cooperation of a team of highly qualified researchers who possess specialised knowledge about each country and subregion within Asia.

# Asian Research Center for Migration (ARCM)



The Asian Research Center for Migration, based at the Institute of Asian Studies of Chulalongkorn University, is an internationally recognised centre of excellence in social science research. Located on the historic campus of Chulalongkorn University in the heart of Bangkok, ARCM is an important contributor to the research output of Thailand's oldest and most respected institution of higher learning, conducting critical policy-relevant research on international migration into, out of and within the South-East Asian Region.

## *History*

ARCM was initially founded in 1987 as the Indochinese Refugee Information Center. The Center was established with the mission of conducting research on the flows of refugees from Cambodia, Laos, Vietnam and other South-East Asian countries seeking asylum in Thailand. After the Indochinese refugee crisis had abated in Thailand and the refugee camps were closed under the Comprehensive Plan of Action, the Center began to conduct research on new refugee situations that had begun to emerge in South-East Asia.

In recognition of this newly broadened research focus, the Center was reconstituted as the Asian Research Center for Migration in 1995. Since that time, the thematic areas of ARCM's research have expanded significantly and now include projects on all forms of international migration in South-East Asia with a particular emphasis on Thailand as a sending, receiving and transit country.

### ***Research Activities***

Through published research, statistical data, consultation and policy recommendations related to cross-border migration in the South-East Asia Region, the objective of ARCM's research activity is to support evidence-based decision-making by governments, international agencies and private sector organisations on migration-related issues. These activities are conducted by a multidisciplinary team of committed researchers, including both Thai and international experts, with backgrounds in a diverse range of academic fields relevant to migration such as sociology, anthropology, political science, economics and law.

## About the Contributors

Sasithorn Archapiraj, Thailand Development Research Institute, c/o yongyuth@tdri.or.th

Songwut Promjene, Thailand Development Research Institute, c/o yongyuth@tdri.or.th

Panisara Meepien, Thailand Development Research Institute, c/o yongyuth@tdri.or.th  
Sunee Saekhoo, Thailand Development Research Institute, c/o yongyuth@tdri.or.th

Wannaprapa Karom, Master of Arts in International Development Studies, Faculty of Political Science, Chulalongkorn University, c/o maids@chula.ac.th

Jiraporn Laocharoenwong, Master of Arts in International Development Studies, Faculty of Political Science, Chulalongkorn University, j.laocharoenwong@gmail.com

Bea Moraras, Master of Arts in International Development Studies, Faculty of Political Science, Chulalongkorn University, beamoraras@gmail.com

## About the Editors



**Dr. Yongyuth Chalamwong** (Thailand) is a Research Director and Labour Expert at Thailand Development Research Institute (TDRI). He has served as Project Director for a wide range of planning evaluations in many studies on manpower demand and supply and skills development; informal labour; child and forced labour; international labour migration in ASEAN; human resources and development; Thai social security, transport and communication etc. His research focuses on labour market, migration and economic policies. He has also served as a lecturer

on business research, agricultural policy and resource economics. He has produced a number of books and journal articles on international migration and the labour market in Asia, labour migration and recent financial crisis, regional economic integration and agricultural administration, land policies and farm productivity, and rural off-farm income and employment. In 1989, he was awarded professional excellence in recognition of superior achievement in Agricultural Economics as exemplified by Quality of Research Discovery by the American Agriculture Economics Association.

*Address:* Dr. Yongyuth Chalamwong, Thailand Development Research Institute, Ram Kamhaeng 39, Ram Kamhaeng Road, Bangkok 10310, Thailand.

*Email:* [yongyuth@tdri.or.th](mailto:yongyuth@tdri.or.th)

*Website:* <http://tdri.or.th>.



**Assistant Prof. Naruemon Thabchumpon** (Thailand), Ph.D. is currently researching Thai foreign direct investment in Greater Mekong Subregion countries and its impact on human security and democracy. Her latest publications are a Thailand chapter in Terrence Chong and Stefanie Elies (eds.), *An ASEAN Community for All: Exploring the Scope of Civil Society Engagement*, Singapore: International Press, pp. 161–184, and a research paper, co-written with Prof. Duncan McCargo, PhD, entitled “Urbanized Villagers in the 2010 Thai Redshirt Protests: Not Just Poor Farmers?” in *Asian*

*Survey*, Vol. 51, No.6, pp. 993–1018.

*Address:* Assistant Prof. Naruemon Thabchumpon, Master of Arts in International Development Studies, Faculty of Political Science, Chulalongkorn University, Phayathai road, Bangkok 10330, Thailand.

*Email:* junaruemon@hotmail.com.

*Website:* <http://www.ids.polsci.chula.ac.th>.



**Supang Chantavanich** (Thailand) is professor emeritus at the Faculty of Political Science, Chulalongkorn University. She is also the director of the Asian Research Center for Migration (ARCM) within the Institute of Asian Studies at Chula. During 2010–2011, she cooperated with UNDP to lead the research project “*Sustainable Solutions to the Displaced Person Situation on the Thai–Myanmar Border*” with EU funding. The project covered six studies of situational and policy analyses of displaced persons along the western borders in Thailand. The studies are finally revised into *Springer*

*Briefs in Environment, Security, Development and Peace (ESDP)*, Volumes 15, 16, 17 and 18.

After she graduated in Sociology from the University of Grenoble, France, Supang Chantavanich focused her teaching and research areas on South-East Asian society and culture, sociological theories, qualitative research, migration and development, the overseas Chinese, education and health care of migrant people, and labour migration and forced migration including refugee and human trafficking. Recently, she led a research team at ARCM which conducted a study of migrant fishermen from Myanmar and Cambodia in Thailand with the International Labour Organization. Another regional study on “Politics, Governance, Experience and Response to Flooding from the Locals’ and

Migrants' Perspective in ASEAN" is currently being conducted with researchers from eight ASEAN countries. The study addresses human security and conflicts among people affected by floods in the region.

*Address:* Prof. Supang Chantavanich, Asian Research Centre for Migration, Institute of Asian Studies, Chulalongkorn University, Phayathai road, Bangkok 10330, Thailand.

*Email:* supang.c@chula.ac.th

*Website:* <http://arcmthailand.com>.



## About this Book

The first part of the book presents an overview of the livelihood opportunities of displaced persons in temporary shelters and the surrounding communities. It explores labour market conditions and provides recommendations aimed at improving opportunities for livelihood, particularly of displaced persons. The second part restates the current policy of the *Royal Thai Government* (RTG) towards displaced persons, with the central issue of restriction to the settlements. This creates a challenge in terms of access to welfare and to legal and social services such as justice, education and health care. The research aims to identify what service provision there is for displaced persons, the practicalities of gaining access to justice and other key services, the challenges of maintaining services, whether it is feasible to offer access to Thai services outside the settlements, and the potential for conflict over resource allocation with the local Thai population.

The book provides practical and realistic recommendations for policy options to reach a durable solution for refugees at the borders. Practitioners and policymakers from governments, international organisations and international NGOs can benefit from the findings and recommendations proposed in this book. The volume is also helpful for those who study forced migration and its denouement in the age of globalisation.