

NGOs Effectiveness in Fostering the Needs of Statelessness in Thailand

Susan Phetsamone

University of Minnesota- Twin Cities

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**Abstract**

The purpose of this research is to examine the effectiveness of NGOs like The Mirror Foundation in fostering the needs of stateless individuals in Thailand. Statelessness has been a significant problem in Thailand, leaving millions without Thai nationality. There are many NGOs that are working in attempt to solve the problem of statelessness. This research goal will be examining what NGOs need to do to be effective in helping stateless individuals and identifying the problems that arises with being stateless. The method that will be use is the framework provided by the United Nation High Commissioner for Refugee (UNHCR). The UNHCR identified 4 criterias that NGOs can follow, which are Identification, Prevention, Reduction and Protection when attempting to resolve the stateless problem. The Mirror Foundation has used this framework effectively in order to solve the problems in the community of Mae Yao, Chiang Rai and the village of BanDan. This research hopes to bring awareness on statelessness in Thailand and how to effectively approach the problem of statelessness. In addition, to promote further research on other ways NGOs can effectively foster the needs of stateless individuals in Thailand.

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### **Introduction**

Amongst the beautiful culture and the warm welcoming to foreigners, Thailand continues to oppress and marginalize the stateless individuals that live amongst them. Imagine living in a country with constant fear because you do not have any documents to prove that you are a citizen. Imagine being stripped out of your potential and being placed at a disadvantage even before you were born. This is occurring to people in northern Thailand, they are called the stateless. Stateless individuals are defined as people who are not legally bonded to their host state or state of origin (The Thailand Project 2018). These people lack citizenship and are at a disadvantage in employment and education. There are over 400,000 people in Thailand that are registered as being stateless, that are living in constant fear of getting arrested by the police, however there are more who have not been registered because of the fear of being arrested or deportation back to their country of origin (UNHCR 2018). The stateless people have limited rights and are taken advantage of by many employers and are perceived as a vulnerable population within the Thai community.

There is not much research on how effectively NGOs are helping the vulnerable population, which in this research is stateless individuals in Thailand. Therefore, the goal of this research is to be able to analyze and answer the question “*to what extent do NGOs effectively foster the needs of stateless individuals in Thailand*”? The research will provide evidence on the techniques and steps that NGOs take in order to successfully and effectively support the rights of stateless individuals in Thailand. NGOs are going into vulnerable communities to assess the needs that the community longing to have. There are many organizations that are unable to meet the needs of stateless individuals because they do not actually go into these communities and build relationship with those individuals. The Mirror Foundation was able to bring their team

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into a community that they are helping in order to gather information and build relationships with the people in the community. This research shows that building relationship is an important aspect in helping a community with their problems. In addition, this research has identified that to be effective, an NGO must understand the problem that they are solving, which include the characteristics and causes of the problem. This research will examine the needs of stateless individuals and the importance of building relationship with them in order to effectively provide adequate services for stateless individuals to have access to. The Mirror Foundation missions and tactic align with the UNHCR in identifying, preventing, reducing and protecting stateless individuals in Thailand.

### **Who and what does it mean to be Stateless?**

According the United Nation Refugee Agency states that being stateless means “a person who is not considered a national by any state under the operation of its law” (2005, 17). People that are stateless have no nationality of any country; some are born into being stateless or they become stateless. In Thailand, stateless individuals can include, migrant workers, ethnic minority groups and indigenous groups. A stateless person is not always registered to the government, there are many that are not documented by the government (Pongsapich and WetterWald 2010, 2). There are many problems that arise with being stateless, which includes limited access to education, employment, and healthcare (Pongsapich and WetterWald 2010, 3). According to the Regional Expert report (2010), stateless individual encounter prejudice and discrimination through economic, social, and political manner.

### **Literature Review**

The literature that were found for this research will give a broad overview of the problems that revolves around statelessness in Thailand. It will consider the struggles that

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stateless people in northern Thailand experiences, such as exploitation and marginalization from the Thai society, whether that be education or employment. In addition, it will identify the services that are needed to help the statelessness live a sustainable and well-being life in Thailand. This section will emphasize the need to reform policies around citizenship, as well as the importance of equal opportunity for education and employment. This section will also examine the framework UNHCR uses to effectively resolve the stateless problem in Thailand.

### *Unequal education opportunities*

The education system has played a significant role in putting stateless children at a disadvantage. There is a belief that education opportunities are a major pathway in giving people that are stateless freedom and access to economic growth (Pyne 200, 9), however, many individuals that are stateless are given little to no education at all. They are unable to and are not given the opportunity to be literate (Pyne 2007, 10), this caused them to be immobile economically and socially. Immobile meaning that they are not able to get a job with good pay, they are stuck working dead end jobs that give them no financial stability. Children that are stateless used to be denied public education because they lack citizenship, however there are now schools that they can get “informal” education (Park, Tanagho and Gaudette 2009, 541). Informal education is a school that is not in a government structured setting, this can be vocational, alternative or private schooling.

Through my field notes...

*“In the village BanDan, stateless children that did not have the opportunity to go to school, received some informal education in the childcare center that was established by the Mirror Foundation and it is run by people from the village”*

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Those who are stateless and do have the opportunity to go to school are still experiencing problems like being denied diplomas (Park, Tanagho and Gaudette 2009, 541). Although, stateless children can be academically high achieving, they are still pushed away from pursuing higher education (Koo 2015). The schools in villages versus city school are significantly different. The quality of teachers is different and the amount of equipment given to schools are not the same (Park, Tanagho and Gaudette 2009, 543). The difference can be seen through the teacher's level of education. The teachers do not have the proper schooling to be able to teach the students more than just the basic of reading, writing and speaking. The reason it is different because the teachers that are in school are usually from ethnic minority groups, therefore they were fortunate to receive some education, but they were unable to pursue high education like city school teachers.

Through my field observation...

*“Many of the teachers in BanDan did not major in education, most of them did pursue higher education after completing high school”.*

There are laws that were created by the Thai government, in an attempt to help improve the education inequality, but there are still other difficulties that occurs. For instance, when stateless children go to city schools, they are given a diploma, but the catch is that they stamp the diploma stating that the student lack citizenship (Park, Tanagho and Gaudette 2009 541). Stateless children who receive formal schooling do not make it as far as other students due to their parents taking them out of school in order for them to work (The Project Thailand 2018). There was a study that was done that stated that Thai children with citizenship are more likely to enter primary education than individuals that do not have citizenship; individuals who lack citizenship are 70% less likely than individuals that have citizenship (Park, Tanagho and

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Gaudette 2009 544). It is extremely difficult for stateless individuals to pursue education higher than primary level. There are many informal ways that stateless individuals are able to get an education. One of the way may be through ordination. Ordination is taken place in the Buddhist monasteries where younger boys that are from impoverished families participate in as a way to receive education or mobility (Sean 2013).

Through my field observations...

*In the village of BanDan, Chiang Mai, it is common for young boys in the Tai Yai community to go through ordination. A ceremony of becoming a monk. It is a 4-day long festival that the boys grow through and many of them go through it to get informal education from older monks. I happened to be able to participate in the ordination, while staying at the village of BanDan.*

One of the resolution that the Thai government has established to resolve the stateless problem within Thailand is the ability to let stateless to apply for nationality, however there are a few requirements that they need to meet (Government Public Relations Department 2016). There are 2 criteria...

1. They must be born in Thailand to an ethnic minority parents, whom have registered their legal status to the Thai government. In addition, they must be in Thailand for more than 15 years.
2. They are from another group and have graduated from a University of something similar to it. If they have not met the requirements then the ministry will do further investigation.

This helped give a few stateless individuals Thai nationality, but it leaves out many of them whose parents did not register their status to the government and those who were unable to pursue higher education due to their status. The criteria limit a significant number of stateless

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individuals because many of them are unable to get an education in the first place. These criteria were created to only help specific individuals, which leaves out the vast majority of stateless individuals. There were other policies that were created to, but they had the same effect, they helped a few but many are still left out still stateless with no Thai citizenship. The government is only looking at the micro level of the issue within statelessness and only helping certain groups of people, if they perceive the issue in a more macro lens, then may then find a solution to the stateless problem in Thailand.

### *School system set up to fail stateless individuals*

The unequal educations are not the only thing that is challenging for the individuals that are stateless. The cost of uniform, transportation and other little things that students need to prepare themselves for school is also a barrier that they experience. Many of the stateless people are working dead end jobs that does not pay much, and those things like uniforms and things for school is just too much with the little income they receive. The state provides free school for people, but fail to provide free schooling for the stateless because the Thai government does not see stateless individuals as “people” (Park, Tanagho and Gaudette 2009,533). The schools that are built are extremely far away from most of the stateless individual’s home and no transportation is provided for them (Park, Tanagho and Gaudette 2009, 538). Getting to school is another barrier that caused stateless individuals to fall behind in the education department. Through my field observation...

*“A lot of the stateless children have to bring their younger siblings to school with them because their parents are at work. If they are unable to do so, they lose out on receiving any education at all”.*

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*“There is a family of 4 who used to come to get schooling from the childcare center, however they couldn’t come anymore because transportation to the place was too much for their parents”.*

### *Problems with Citizenship*

Citizenship is a major barrier for stateless people in Thailand. In Thailand having a Thai ID card is extremely important for education, healthcare and employment. There was a study that was done by the United Nations Educational Scientific and Cultural Organization (2008) stated that all though the Thai government states that “education is for all”, however there is a large gap between the education that Thai natives have and the education that stateless children obtained (Park, Tanagho and Gaudette 2009, 544). Many of individuals that are stateless, they were born in Thailand, however they failed to register their birth to the government, therefore they are denied citizenship (Chappanapong 2011). There are at least one hundred thousand stateless people that are still waiting for citizenship (Hay 2018). With citizenship, there comes its advantages. When people have money and a Thai nationality card, they can buy a car, house and anything they wished to buy (Hat 2018).

### **NGOs Effectiveness**

There are many NGOs that are determine to protect those who are stateless. The effectiveness of NGOs can be evaluated through the framework through the United Nations High Commissioner for Refugees (UNHCR). The UNHCR (2018), they have 4 steps that take in order to effectively foster the needs of stateless individuals, this includes Identify, Prevention, Reduction and Protection. The UNHCR identifying the cause, characteristics and problems that arise with being stateless. They look at the root cause that leads people to become stateless, which leads them to the next step of prevention. Prevention that is described by the UNHCR is

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providing legal advice to ensure that country laws meet the standards of international laws. They do a significant amount of training with the law enforcement to ensure that no discrimination occurs. This leads to the third step, which is reduction. Reduction means to find a way to give those who are stateless a nationality that they feel more connected to. They do this by building relationship with various NGOs and partners that have the same end goal as them. The last step of resolving the problem of statelessness is Protection. Protection means to make sure those who are stateless are still given equal rights until they receive their nationality. They provide guidance for the government that helps the stateless people, which will give them a legal status and basic human rights (UNHCR 2018). These are the steps that the UN refugee Agency created to solve the problem of statelessness. These steps are going to be used to evaluate how effective NGOs like The Mirror Foundation effectively foster the needs of stateless individuals in Thailand because this criteria was proven by the United Nations how effective it is in reducing statelessness.

### *Importance of Relationship*

The UNHRC identified that outreach on awareness and building trust is extremely important when finding a solution with statelessness (Pongsapich and Wetterwald 2010,5). They went into the communities where stateless individuals were residing to conduct a survey, but many of the stateless feared to participate because they didn't want to find out the consequences after exposing themselves to the government. Therefore, the UNHRC took a different approach in attempting to help stateless individuals. Their approach that they took were to provide literacy training and give them access to legal services to individuals that were stateless, this gave them the ability to understand the causes of statelessness and build trust in the community (Pongsapich and Wetterwald 2010,5).

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### **Methodology**

This study took place at The Mirror Foundation, located in Chiang Rai of Thailand. This foundation focused on ethnic minorities that live in Northern Thailand who have migrated here from surrounding countries like Myanmar. The Mirror Foundation mission is to help strengthen the communities of highland ethnic minorities in Northern Thailand, while maintain their cultural identities. There were many interviews that were done with parents and teachers that the foundation has been involved with, whether that be helping with citizenship or help build a school for their communities. The method that was used in this study was participant observation at the foundation as well as at a village called BanDan, that we conducted research and gathered information in. The question that the study attempts to answer is *“To what extent does NGOs effectively foster the needs of stateless individuals in Thailand?”* The foundation offers different services targeting the needs of ethnic minorities in Thailand. Some of the service that are provided are Thai Teachers Program, Stateless Project and Citizenship project. They go into various communities and do a survey and if there are obvious needs, then that is when they go back and decide what they need to do.

### **BanDan Village Case Study**

The study was done in a village in Northern Chiang Mai called BanDan, the duration of the study was approximately 10 days in total. The teachers and parents of BanDan were interviewed with the presence of teachers from the village. There were opportunities to observe the children that were in childcare and listen to their stories as told by the teachers that take care of them. The school that is currently being built, the foundation tries to employ people that are already living in the community and have created relationship with the people in their community. That will help provide employment to the villagers in the community as well as

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provide education for the children in the village. The leader of this project funded by the foundation seek help from Mirror to build a school specifically for stateless children in BanDan. The village lack a school that does not discriminate against stateless children. They did not have a school that focused on the needs of stateless individuals. The school that is currently being built will specifically focus on what the stateless children needs to live a sustainable life, while learning government curriculum. This school will be called B.O.S.S, which is an acronym for Border Orange Stateless School. This school like stated before will be centered around stateless children. Many school are not aware and are not flexible when it comes to enrollment for stateless children. For example, if a child is at a certain age, they are required to be in a certain grade, however the new school will be flexible on that rule. They will put students based on their ability levels rather what they are supposed to be at. The new school already has 3 teachers lined up to teach there and will not be lacking in that area. There are over 100 students ready to attend school when school the school opens.

This research will use the UNHCR 4 step framework on how to resolve the issue with statelessness in Thailand because the framework has four steps that has its own objectives and are proven to effectively foster the needs of statelessness. Through the framework, the research also used participant observations, field observations and interviews to support the claims that are made in this research.

There were 2 questions that were asked to the parents and teachers. The questions were to see how they perceived the Mirror Foundation involvement in rebuilding their community.

### *Interviews of the Teachers and Parents*

The questions and answers that were asked to both teachers and parents...

1. What do you need or expect from the new school?

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*“She wants teachers who are more qualified and have formal training and for the school to offer alternative subjects and Thai survival skills”. (Teacher)*

*“They want the school to be able to give a completion of schooling certificate to their kids”. (Parent)*

2. Do you think the Mirror Foundation effectively meet the needs of your community?

*“yes, they are building a school where many of the stateless children are able to go to”*

*(Teacher)*

*“They will be able to give my children their diploma for free without having any issues” (Parent)*

A significant amount of people living in this village are from the ethnic minority group Tai Yai. They all migrated here either with their parents when they were young or they were born in Thailand after their parents had migrated from another country. They are all lacking in Thai citizenship, however most of them do have migrant identification cards. The foundation went into this community to gather information about the ethnic minority group Tai Yai.

## Results

To see if The Mirror Foundation effectively foster the needs of stateless individuals, the research has examined The Mirror Foundation actions and services based on the 4 criteria's that the UNHCR has provided: identification, prevention, reduction and protection.

### *Identification*

There are some key components in this objective. In this area, the NGO must find the demographic, location, cause, status and protection concerns that a community have in order to meet the standards of this criteria. In order to gather those components, The Mirror Foundation, sends a team or their staff members that are in the citizenship or free school project to go in and gather information about a certain community. For example, the foundation sent people to go into BanDan. They know that BanDan has about 300-500 people in the village. Most of them are

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Tai Yai, whom have migrated from Myanmar. They know the basic demographic of BanDan. Through the interviews that they obtained during their visit to the village, they know that many of them migrated to Thailand because of war and work opportunity. The Mirror Foundation focus is to identify the key problems of BanDan. Many of the stateless children in the village does not have access to school that meet their needs. They identified that the school that is run by the government is not helping stateless children get what they need to live a sustainable life. They are not giving the children diplomas stating that they finished school because they are not Thai citizens. The foundation is identifying the causes and characteristics of the problem and then they will implement a plan on how to fix the problem.

### *Prevention*

Prevention objective is to find the root causes of the problem in order to prevent others from having those problems again. In this case, The Mirror Foundation found that the main cause of many Tai Yai struggle in the village of BanDan is the lack of having Thai citizenship, therefore they are more likely to experience “Marginalization in economic, social and political areas” (Pongsapich and Wetterwald 2010,3). Being stateless can be passed on from generation to generation if their family have never applied to be Thai citizen or registered their status to the government. Many people are born into being stateless (UNHCR 2015, 1) Therefore, in order to prevent the problem of being stateless to cross over from generation to generation. The mirror foundation is currently helping many people in BanDan with legal service to get there or apply for Thai citizenship. Helping the existing stateless individuals with their status, will help us to reduce statelessness in Thailand. The Mirror foundation works with stateless individuals that not speak or read Thai and assist them through the process of receiving their citizenship. They gather necessary data and information for individuals without citizenship to give to the government, in

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order to make the process faster. The foundation is doing many things to help prevent statelessness to cross over from generation to generation.

### *Reduction*

Prevention and Reduction both are similar in many ways, however there are concepts that reduction has that prevention does not have, but in this case, it is mainly the same. The third criteria of the UNHCR is Reduction. This criteria objective is to bring awareness about obtaining a nationality and encourage stateless individual to get access to it. Reduction goal is to advocate for a reform on the nationality law, once they are able to reform the nationality law then this will help give many stateless individual their citizenship according to the UNHRC (2010). The main objective that Mirror is doing, is helping individuals build a case to present to the government about gaining nationality. Mirror has helped more than 2000 individuals obtain citizenship and they are in the process of helping 4000 more people in the Mae Yao in getting citizenship (Mirror Foundation).

### *Protection*

The last criteria in effectively fostering the needs of statelessness according to the UNHRC is protection. The objective of protection is to protect the rights of the stateless people (UNHRC 2010, 22). There are 4 countries (Thailand, Indonesia, Malaysia and the Philippines that established National Human Rights Commission that overlooks the human rights of stateless people (UNHRC 2010, 21). Mirror continues to protect and advocate for the stateless individuals in the community of Mae Yao, where their foundation is located and in all the other places that they have helped or are going to help. They continue to voice about citizenship laws for the stateless. There has not been much evidence on how the Mirror Foundation protect stateless, however through field observation, the Mirror foundation seems to be protecting the stateless

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children by building a school specifically catered to them. This will help them not be as vulnerable in getting taken advantage of by employers and what not.

### **Conclusion**

To conclude, through the use of the UNHRC framework designed to help stateless individuals, research has determined the answer to “*to what extent does NGOs effectively foster the needs of stateless individuals in Thailand*”? The Mirror Foundation proves to be successful in effectively fostering the needs of stateless individuals in Thailand with the 4 criteria that the UNHRC provided: Identify, Prevent, Reduce and Protect. These four components were used to analyze the Mirror Foundation's effectiveness in helping stateless individuals. There are so many things that the NGOs can do to help resolve the problems of statelessness. The governments must implement and establish policies through a macro lens, in order to include all stateless individuals instead of certain groups of stateless. This research hopes to bring awareness to the problem with goals of restoring stateless children's youth and give them a future to dream about.

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