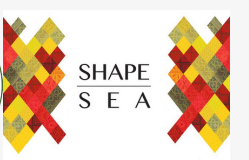


PROCEEDINGS

INTERNATIONAL VIRTUAL
CONFERENCE 2021

EMERGING RESEARCH ON
POLITICS, DEVELOPMENT,
AND HUMAN RIGHTS

12 - 13 JULY 2021



BACKGROUND

COVID-19 increased our vulnerabilities and exposed protracted challenges faced by people from all walks of life, particularly in the global south. It exacerbated recurring social, economic and political emergencies. These include democratic backsliding, increasing militarization, heightening inequalities, increasing marginalization of vulnerable groups, and the rise of authoritarianism and populism. These have directly impacted ways that knowledge is problematized, produced, disseminated and discussed, particularly in fragile states and societies. We are also witnessing shrinking spaces for dissent, academic freedom and activism.

It is crucial now, more than ever, that we are able to facilitate research and discourse on the above-mentioned issues. The international virtual conference on emerging research in politics, development and human rights aims to provide a platform for scholars, researchers and graduate students to contribute to knowledge that not only captures our current lived experiences but also points out possible ways forward in making our societies just, peaceful, sustainable, and rights-embracing.

CONFERENCE THEME

The major themes of the conference revolve around politics, development, and human rights.

Two keynote panels discussed the issues of

- 1) Securitization of the marginalized amid Covid-19
- 2) Young people moving democracy.

The papers presented at the conference were also divided into the following sub-themes: children, COVID-19, culture, democracy, disasters, divided societies, discrimination, environment, Myanmar today, nationalism and peace, new economy, non-citizens and migration, women, health, police and security, youth and education.



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CONFERENCE FORMAT

Given the constraints presented by the pandemic, the conference was held for two days through Zoom. A total of 55 papers were presented at the conference and included in the publication of the conference proceedings.

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STRENGTHENING HUMAN RIGHTS AND PEACE RESEARCH AND EDUCATION
IN ASEAN/SOUTHEAST ASIA PROGRAMME (SHAPE-SEA)

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THE GOVERNMENT'S ROLE IN PROTECTING THE RIGHTS OF FAMILIES OF TERRORISM SUSPECTS AND CONVICTS: THE CASE OF BALI BOMBINGS 1 AND 2

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ABSTRACT

Terrorism is defined in Indonesia as an extraordinary crime usually related to protecting religious norms. This results in systemic harms, physical trauma, political instability, and gargantuan material losses. In light of this, the Indonesian government counterterrorism and de-radicalization regulations. In the pursuit, families of terrorism suspects and convicts had been experiencing structural and socio-cultural discrimination, in the form of stigmatization, social exclusion, and economic difficulties. The government seems to be neglecting these realities. This paper examines how families of terrorism suspects and convicts in the context of Bali Bombings are treated, and their rights provided by duty bearers.

This research examines three main concepts, structural violence to explain violations being done by the state (government), cultural violence to explain and analyze discrimination faced by families, and state protection to identify obligations to protect. It has been found that various forms of socio-economic and cultural discrimination are much felt and experienced by family members. Hence, the government should be compelled to ensure the protection of their rights and freedoms.

Keywords: Terrorism, Counterterrorism, Families of Terrorism Suspect and Convict, Socio-Cultural Discrimination

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INTRODUCTION

This research aims to examine how the Indonesian government gives protection rights to families of terrorist suspects and convicts involved in Bomb Bali I (2003) and Bomb Bali II (2005). Discrimination is partly due to the absence of regulations and protection mechanisms by the government. Families end up being vulnerable to structural, socio-cultural, and economic marginalization. By using a rights-based approach, this study will analyze the responsibility of the government as regulator of society. It shall also investigate the effectiveness of government regulations and public policy from the lens of affected family members.

Terrorism started to spread in Indonesia in the 1980s. This stemmed from Islamic fanaticism, which aims to create a society under one religious order (Putra, 2017, p. 109). Indonesia has become a “terrorist hotspot” (Islamic religion follower), whereby religion is used to justify harm to others. Therefore, terrorist suspects were mainly connected to some of the most popular and well-respected religious sectors and figures.

Bomb Bali I and Bomb Bali II have been widely known to have caused massive disruption and hundreds of casualties. Attacks deeply traumatized so many Indonesians, which led to the condemnation of suspects and their family members. Aside from the social punishment, affected parties also suffered from economic burdens, since most suspects and convicts are male family heads. From a human rights perspective, the government should have taken more responsibility to protect those directly and indirectly impacted by these attacks, especially when proven that they were not involved with terrorism attacks. Both national and local public agencies should have extended social and health protection, services like therapy to the families of terrorism suspects and convicts, until they are able to live peacefully and in dignity. This protection should cover the same compensation government provided to victims as mandated by the Anti-Terrorism Law.

LITERATURE REVIEW

Bomb Bali and Deradicalization in Indonesia

Bali Bombings have been viewed as the biggest and the most traumatic terrorist attack in the history of Indonesia. These have elevated acts and discourses, which made religious-based terrorism as a national security threat, which is called Radical Islamism (Kustana, 2017, p. 87). Since then, the perspective of Indonesian government has changed in terms of national security. It strengthened its modes of surveillance, as seen through the

emergence of new regulations, policies, and trainings. It also pushed the the establishment of National Agency for Combating Terrorism (Badan Nasional Penanggulangan Terorisme / BNPT), whose main task is to work with Armed Forces and Police in eradicating risks of terrorism.

After the Bomb Bali I in 2003, Indonesian government established and introduced the Anti-Terrorism Law (ATL/ Undang-Undang Anti Terorisme), to arrest and purge suspected terrorism criminals (Suarda, 2016, p. 527). Since then, the number of suspected criminals had sharply increased, due to a spike in subsequent attacks. It has been proven difficult to address terrorist acts and set norms in treating suspects and detainees. Suspected terrorists were classified as "special" inmates, distinct from regular criminals, because intention was more than just causing harm and driven by dangerous ideologies (Gunaratna, 2011, p. 67). This meant the need to conduct rehabilitation and internalization of nationalism. This particular treatment based on ideology was disseminated through the media, causing social concern and insecurity, as ideology-based crime have always been regarded as deadly and systematic throughout history.

In terms of implementation, the apparatus has demolished rights-based values under the Criminal Procedure Code by applying torture, intimidation, physical violation to the suspects, as well as their family members, as evident in arrest of Adib Susilo in Poso and the shooting of his pregnant wife (Musahidin, 2013, p. 6). Moreover, restrictions on the family included difficulties in accessing suspects in detention and intimidation by prison authorities. The government therefore had successfully created a culture of fear leading to structural discrimination against suspects and their families.

Stigma and Discrimination Against the Families of Terrorism Convict and Suspect

Many reports and research have confirmed that family of suspected and convicted terrorists have suffered severe discrimination. This includes denial of economics rights, being isolated in the society, employment difficulties, social bullying, and violation of privacy rights (Univerity of Oslo, 2007, p. 32). Rufaedah and Putra (2018) , explained on how the stigma of post-crime could short and long terms effects to the family, despite a suspect had been proven innocent. Social stigma might lead to low self-esteem, social relation, isolation, depression, and self-harm. They also identified social labelling pressed on wives and family members (the wives of terrorist or a bomb nest.) The exclusion itself was never a factor in ways government, community, and the national media frame the identity of terrorist in the first place. Social stigma, indeed, leads to social disruptions in ways of living, sadness, and inferiority.

As of this writing, there are no regulations in Indonesia that ensure the protection of family members from structural harm and discrimination. Hence, there are several reasons why the families of suspects and convicts should be treated as victims and be granted protection. First, they suffer from economic hardships as much as the victim, due to stigmatization. Second, they suffer from the mental trauma, brought about by the attack, and forms of social exclusion. Lastly, their security is constantly being threatened by neighbors and communities they interact with.

FINDING AND ANALYSIS

Dealing with Stigmatization and Discrimination

Based on narratives gathered through this research, affected family members find it difficult to communicate about and adjust to their new situation. Guilt and other psychological stress disable them from communicating their lived discrimination and hurt. The process of social communication carried out by the family ex-terrorists in Tenggulun Village with the community did not happen easily. This is due to constant insults and indifference received from others.

Many underwent economic pressure due to constant socio-cultural discrimination. Those compelled to be breadwinners find it challenging to access job opportunities. Amrozi's son (Zulia Mahendra) admitted rejections led to his family's economic instability. Coming from a well-known and well-respected Islamic family, he never experienced such dilemma (Nurdin, 2020). They were still perceived as part of Bomb Bali I, which isolated them from the rest of society. Even if the people of Tenggulun village were willing to accept, those outside of the community were still weary and allergic to them.

Sumarno or Asad, the cousin of Amrozi and Ali Imron of Bomb Bali I, admitted that it was easier to communicate with the Tenggulun community. This culture of kinship, embedded in the community, led to people understanding their situation, and need for redemption (Ridlwan, 2019).

Systemic discrimination made it difficult for family members to negotiate and redefine their socially-constructed identities. This is exacerbated by "principles" of life held by communities, which are on Islamic *aqidah* which are believed and must be held by terrorist families. The difficult process of understanding their identity as a terrorist family involves compromising with social principles, and with the constructed positions imposed onto them. As a coping mechanism, families of Bomb Bali attacks established a community

called Yayasan Lingkar Perdamaian (YLP) or Peace Circle Foundation. The objective is to stay away from destructive actions, i. They condemn heinous acts, including those terrorist in nature. . The establishment of this group stemmed from the need to reintegrate with society, particularly those who served time in prison (Nurfitri, 2018, p. 71).

Yayasan Lingkar Perdamaian helps families to communicate with their respective communities, through forums and outreach activities (Syafi'i, 2019, p. 54). In conclusion, acceptance is a work in progress, and is crucial to escape from social exclusion The families of Amrozi, Ali Imron, and Ali Ghufon have realized that they were different and there is nothing to be done except live with that identity. Their awareness has brought about a sense of empowerment, which enabled them to change social perspectives towards them. Moreover, their initiative to build a foundation brought positive impacts to convicted terrorists and their families.

Government Recognition to Family of Terrorism Convicts and Suspects

In light of counter-terrorism laws in Indonesia, families of terrorism convicts and suspects cannot always be identified as victims. As per the legal framework, the State considers the families of terrorist to be unwilling actors, and and unable to make their own decisions.. Using these points, despite suffering from multiple discrimination and economic difficulties, LPSK (Witness and Victim Protection Agency of Indonesia) did not categorize the families of i at convicts and suspects as victim (Jaya, et al., 2016). Interestingly, the Indonesian government has only been concerned about the welfare of the children who have been exposed to radical thought and massive trauma. Hence, it established deradicalization programmes for these .

The BNPT (National Counter-Terrorism Agency) defined victims and witnesses as parties who can receive compensation from the government. As per Peraturan Pemerintah Pengganti Undang-Undang No.1 Tahun 2002 tentang Pemberantasan Tindak Pidana Terorisme (Government Regulation in Lieu of Law No.1 of 2002 concerning Eradication of Criminal Acts of Terrorism), a victim is defined as a person or individual who suffers from physical, mental, and/or economic loss caused by a criminal act of terrorism (Badan Nasional Penanggulangan Terorisme, 2021). However, BNPT iis also unable to recognize families of convict and suspect as victims There is, however, an indirect recognition of social discrimination and economic hardships—which disables them from accessing compensation of the government. (Chaidir, 2021).

Government's Obligation to Protect

LPSK and BNPT have yet to recognize and address the plight of families of terrorism convicts and suspects. As of this writing, a specific regulation to cover compensation and aid to the families of terrorism convict and suspect has yet to be designed or passed (Anshori, Rasyid, Arif, Peranto, Efendi, & Vidya, 2019). The government's position has boiled to deradicalization and prevention. Prevention strategies often refer to various efforts to eliminate a person's motivation, intentions, plans, and opportunities to commit terrorist crimes. The approach to religious education is considered urgent because the lack of religious understanding and the use of religion for political purposes are still widespread. BNPT through the Decree of the Coordinating Minister for Political, Legal and Security Affairs No. 42 of 2018 concerning the Coordinating Team for Ministries/Agencies in Combating Terrorism formed a Tim Sinergisitas or Synergy Team for Ministries/Agencies (Chaidir, 2021). There are several reasons why government is unable to directly accommodate families. First, the discrimination and suffering experienced are not directly caused by terrorist attacks, as provided by the Anti-Terrorism Act. Secondly, there is still a concern about breeding of potential terrorists within these families. Hence, government prefers to address this via de-radicalization programs, instead of compensation.

Challenge of Government Inability to Protect

Based on analyzed finding, the Indonesian government should be compelled to change its ways and perceptions regarding families of suspects and convicts of terrorists attacks.

The following conditions prove its inability to protect and ensure rights-based actions.

1. Limitation of scope of work has disabled the LPSK from providing necessary protection. They can only accommodate witnesses and victims defined and accepted by the law.
2. The lack of personnel continues has also become an issue. The head of BNPT, Suhardi Alius admitted this, especially for the de-radicalization program to encourage the empowerment of ex-terrorist convicts and their families.
3. In general, BNPT does not provide direct assistance because, there are no operational or tactical funds to support the construction of non-governmental organizations that carry out rehabilitation initiatives for ex-convicts (Komisi III DPR RI, 2019).

4. BNPT has been perceived negatively by former convicts or their families, considering the hurt feelings of the execution of main Bali bombers, such as Amrozi, Ali Imron, and Ali Ghufron.

CONCLUSION AND RECOMMENDATION

Understanding terrorism certainly requires a thorough observation in order to be able to broadly identify and examine intent, execution and impacts on affected stakeholders. This is crucial to highlight and accommodate challenges experienced particularly by family members of suspects and convicts. They continue to be excluded from their respective communities, and are subjected to various forms of social, economic and cultural discrimination and hardships. Moreover, the Indonesian government has yet to recognize and address their on-going plight. Furthermore, it is expected to effectively carry out social rehabilitation and reintegration initiatives to suspects, convicts and their respective families. In this context, the design and framework for economic rehabilitation and social reintegration in collaboration with relevant stakeholders. This can be triggered by the passage of a law or regulation that is rights-based, inclusive and empowering for all.

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THE ROLE OF SEAMEO IN DIGITIZING VOCATIONAL EDUCATION IN INDONESIA AND THAILAND

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ABSTRACT

Digital transformation has driven Southeast Asian countries to strengthen their regional cooperation, not only in terms of economic affairs but also in the realm of education. As a form of regional cooperation in education, the Southeast Asian Ministers of Organization Education (SEAMEO) has been assisting the development of vocational education with respect to digital transformation in the region. Vocational education is instrumental to developing and strengthening practical skills required by a number of industries in today's labor market. Vocational education is increasingly giving in to the demands set by digital transformation. Moreover, digital transformation has also affected demands for practical skilled labor. In that sense, digitalization in vocational education has become more urgent since vocational education expected to produce graduates that fit with the prerequisite of digital transformation. In 2018, SEAMEO launched the "Regional In-Service Training Modules", which is designed to train and develop vocational teachers in the digital era. SEAMEO has seen the primary importance of transforming teacher to assist the digitalization process in vocational education.

This paper seeks to assess the implementation of the "Regional In-Service Training Modules" in Thailand and Indonesia. Both countries have similarities in terms of national goal maximize opportunities set by digital transformation. It also aims to identify similar and distinct factors that affected SEAMEO's contribution to the digitalization of vocational education both Thailand and Indonesia.

Keywords: Digitalization, Digital Transformation, Vocational Education, Regional Cooperation, Indonesia, Thailand.

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BACKGROUND

The rise of digital transformation has greatly people from all walks of life. In the digital transformation era, advanced technology (Internet of Things, Artificial Intelligence, Big Data, Robot, 3D printing) has altered how we perform our job, do our activities, and interact.

Job shifting is one of the impacts of digital transformation. According to the Future Job Survey 2020 by the World Economic Forum, about 40% of jobs requiring repetitive tasks would decline in the next five years (World Economic Forum, 2020). These are, but not limited to, assembly factory works, customer service, bank tellers, data entry, and general operations (World Economic Forum, 2020). It has been forecast that new types of employment would emerge from job shifting, which has been changing the labour market landscape and has been generating new criteria of skilled labour in the labour market.

Responding to the changing demand from labour market, vocational education is expected to shape future human resources. Vocational education is defined as a type of education and training that provides occupational skills (ILO,2006). it is instrumental to the supply of skilled labour in the market. Practical skills in the digital transformation have dramatically changed.

As stated in the ASEAN Future Agenda by ASEAN Future Works Council and ASEAN Secretariat, improving workforce quality is essential to regional development and digital transformation (SEAVET, 2020). However, previous studies found that regional initiatives have been inadequate to address the issues in the ASEAN, especially in CLMV (Cambodia, Lao PDR, Myanmar, Vietnam) region. This is to disparities in resources and infrastructure,, particularly in the realm of education (Cuyvers, 2019). Another study found that CLMV countries still enjoy low levels of educational quality (Khalid et al., 2019). Singapore is the only country in Southeast Asia with high level of educational quality. Indonesia, the Philippines, Thailand, and Malaysia are at the medium level (Khalid et al., 2019).

In this light, this paper shall examine a regional initiative instigated by the Southeast Asian Ministers of Education (SEAMEO), which is oldest regional cooperation on education in the Southeast Asian region. To narrow down the scope, this paper uses comparative analysis to assess role of SEAMEO in Indonesia and Thailand, which have similar education systems, and economic development levels.

AN OVERVIEW:

THE SOUTHEAST ASIA MINISTERS OF EDUCATION ORGANISATION (SEAMEO)

Southeast Asian Ministers of Education Organization, has been working specifically on education and culture development in Southeast Asia. It was established in 1965 by Ministers of Education across Southeast Asia. Currently, SEAMEO has eleven member countries, Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Timor Leste, Vietnam. SEAMEO has 26 thematic centres, which are spread across Southeast Asia, it works to promote cooperation between and amongst its member-states through their policy recommendations, short-term and long-term goals projects. The position of SEAMEO can be argued as the facilitator between countries to create collaboration. Like the Association of Southeast Asian Nations (ASEAN), SEAMEO has adopted an equal value on non-interference and consensus for decision-making (Salamanca, 1989).

The establishment of SEAMEO VOCTECH has reflected SEAMEO's commitment towards the development of vocational education in 1991. In 2015, it launched its long-term goals named "SEAMEO 7 Priority Areas 2015-2035," which covered seven areas needed to improve education in the 21st Century (Fig 1.1). Vocational Education is one of the SEAMEO priorities as stated in goal number 4, "Harmonizing TVET in Southeast Asia".

1. Early Childhood Care and Education
2. Addressing Barriers to Inclusion
3. Ensuring Resiliency in the Face of Emergencies
4. Promoting Technical and Vocational Education and Training
5. Revitalizing Teacher Education
6. Promoting Harmonization in Higher Education and Research
7. Adopting a 21st Century Curriculum

Fig 1.1: SEAMEO 7 Priority Areas 2015-2025

Source: Action Agenda for the SEAMEO 7 Priority Areas (SEAMEO, 2015)

This is articulated further through the SEA-TVET at the Chiang Mai Joint Statement on Harmonization and Internationalization of TVET in Southeast Asia" in 2015. Furthermore, SEAMEO launched several projects in collaboration with various stakeholders such as Ministry of Education, international organizations, education institutions, and

development agencies. Of which, Regional In-Service training model was directed at responding to digital transformation, which will be highlighted in this paper.

CONCEPTUAL FRAMEWORK

Digitalization and Education

Dobrica (2019) shared about three stages of digital transformation: digitization, digitalization, and digital transformation. Digitization is the conversion of systems from analogue into digital (Dobrica, 2019). Digitalization is defined as transforming workflows by combining multiple digital devices to create an automated system. Dobrica (2019), Hämäläinen et al. (2018) and Nafea and Toplu (2019) asserted that digitalization in education is f an important step to achieving digital transformation. Furthermore, digitalization in vocational education is essential to the updating of skills and knowledge required by the demands of high technology. Paryono (2017) argued the importance of updating curriculum, teaching method and embedded technology for vocational education in the digital transformation era (Paryono, 2017).

Regional Cooperation

Cooperation and collaboration have become key strategies of Southeast Asian nations when it comes to development. Schröder (2019) shared that regional cooperation has been seen as an alternative to accelerate the development process. The role of regional cooperation in education is to promote knowledge exchange, improve the quality of teaching, and enlarge the networking for education development (Yap, 2012). The importance of regional cooperation can be seen as a way of facilitating process of learning in terms of speed and quality. In the case of SEAMEO, regional cooperation is a means to accelerate exchange of knowledge, improve infrastructure, particularly in vocational education.

METHODOLOGY

This paper employs qualitative methodology, focusing on the examination of Regional In-Service Training Modules, a project that mainly assists vocational education development in the digital transformation. Secondary Data used for this study come from books, journal, reports, concept note, and news on the topic.

VOCATIONAL EDUCATION IN INDONESIA AND THAILAND

Indonesian System

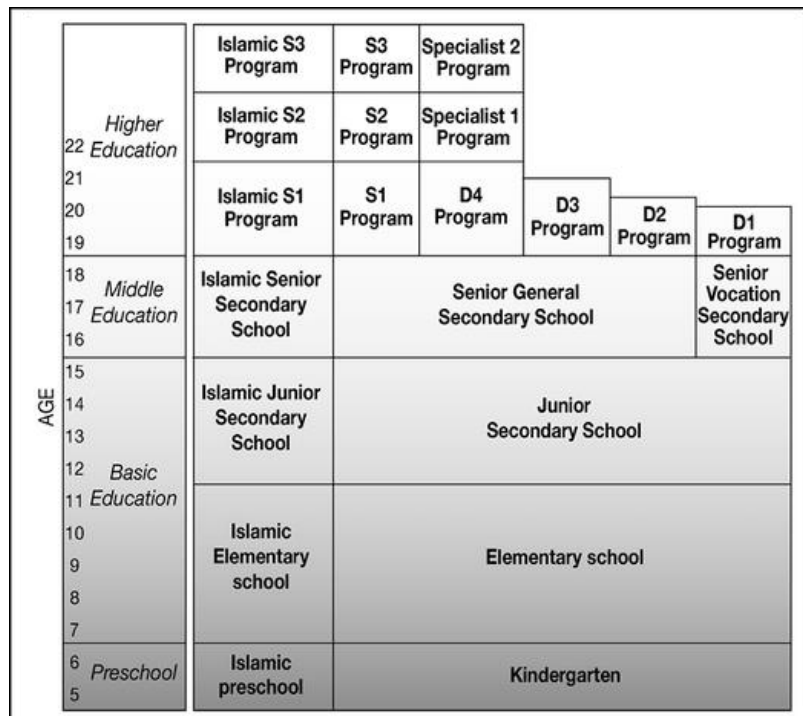


Fig 1.1 Education System in Indonesia

Vocational education in Indonesia is provided through formal, non-formal and informal tracks (Triyono & Moses, 2019). Basic formal vocational education is offered at the secondary levels, both in secular and Islamic schools. At the tertiary level, it can be pursued in polytechnics, academies, vocational colleges, and Islamic vocational colleges. Meanwhile, Non-formal and informal vocational education are offered through commercial courses, training centres and community learning centres. Furthermore, a dual training system for vocational education is provided at the higher education level. Students are granted a diploma degree at the higher education level, and can even proceed to Master and Doctorate levels.

The formal vocational education is under the responsibility of the Ministry of Education and Culture (MoEC). At the high school level, it is supervised by the Directorate of Technical and Vocational Education (DITVE), while, at the higher education level, it is managed by the Ministry of Research and Higher Education, which is also under MoEC. The government's non-formal vocational education through *Balai Latihan Kerja (BLK)* (Vocational Training Center) is managed by the Ministry of Manpower and Transmigration.

Thai System

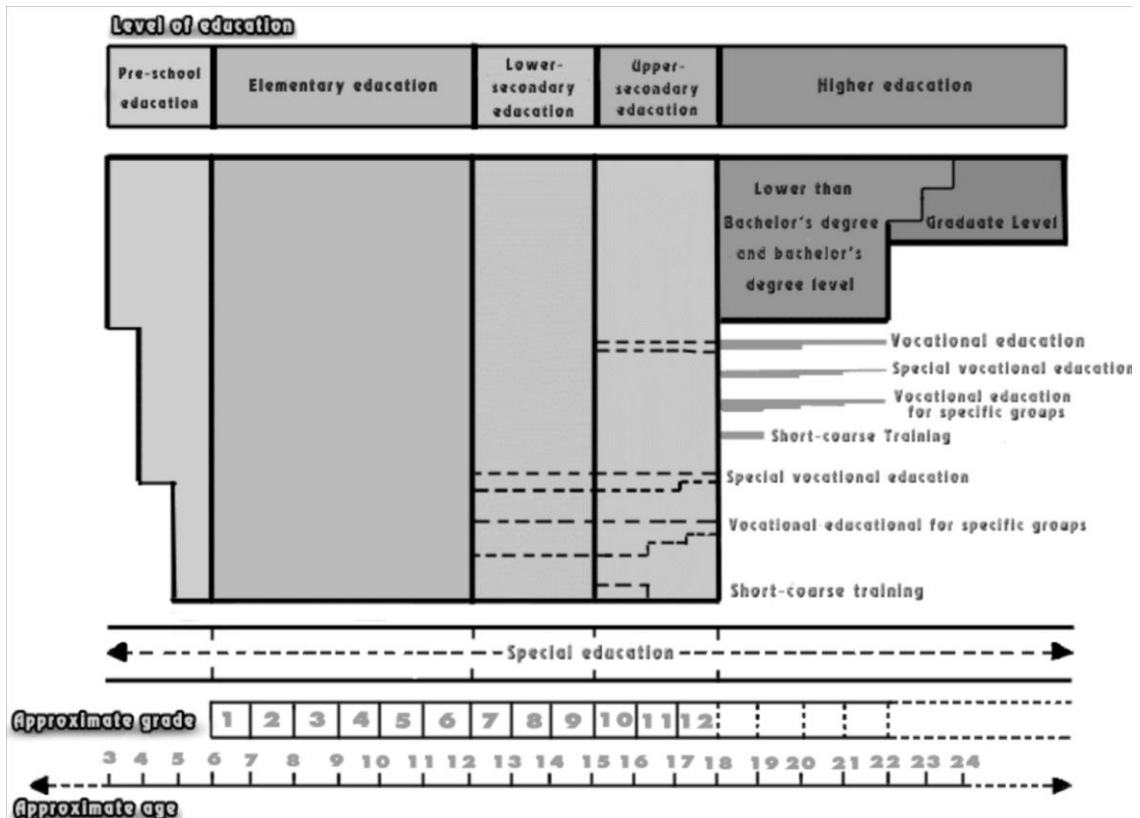


Fig 1.2 Education System in Thailand

Vocational education in Thailand is offered in formal and non-formal education tracks (Jangdecha & Larpsorn, 2018). Formal vocational education is initially offered at the upper secondary level (*PoWorChor*) and offer at higher education level (*PorWorSor*). The Ministry of Education (MoE) governs vocational education in Thailand, which is delegated to Office of Vocational Education (OVEC (Fig 1.) (Jandecha and Larpsorn, 2018).

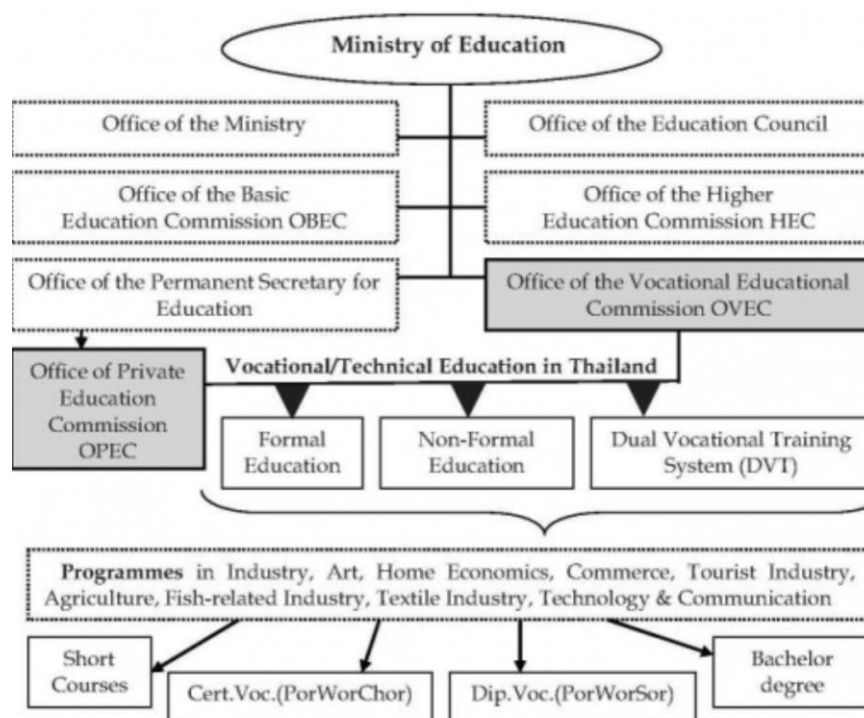


Fig 1.3 Organizational Chart of Vocational Education

A German inspired Dual Vocational Education and Training (DVET), a system that combines formal and apprenticeship is also available. There are two bachelor degrees offer for vocational education in Thailand: Bachelor of Technology and Bachelor of Industry, which are not available in the general track (Burapharat and Chuprdait 2009).

Subjects in Vocational Education

In Thailand, the vocational courses specialize in trade and industry, arts and crafts, home economics, commerce and business administration, Tourism industry, Agriculture, Fishery, Textile Industry, Information and Communications Technology (ICT). In Indonesia, subjects offered in vocational education are information and communication technology; technology and engineering; health; arts, crafts, tourism, agro-business technology; and business and management.

Stigma and status of Vocational Education

Vocational education is viewed as an alternative option for students in both Indonesia and Thailand There is still a lot of stigmas towards people who enroll in such programme. For many, it is associated with people who are less fortunate and those who cannot enroll in general education. There are a number of factors that lead to such sentiments.

In Indonesia, Triyono and Moses (2017) stated that competency and teacher quality have become problematic over the years (Triyono and Moses 2017). This led to a decrease in the popularity of the vocational education in the country. The number of graduate absorptions in various industries remains low. Skills mismatch is still widespread among graduates.

In terms of teaching competence and qualification, it has been discovered that 12% of teachers do not hold education degrees. Obviously, teachers have lack experience in the field, making them unqualified to provide appropriate skills and knowledge their students. Suharno et al., (2020) believe that low salary scales contribute of the low morale and competency vocational teachers (Suharno et al., 2020). Teachers choose to work only to be able to survive.

Interestingly, Kadir et al. (2016) argue that colonial legacy had shaped the image of vocational education. During Dutch period in Indonesia, vocational education sought to provide various types of specializations (Kadir et al., 2016). It was meant to improve skills for their economic purposes. Hence, programs were mainly accessed by those from lower, and middle-class. Hence, until today, vocational education is seen not to be as prestigious as any university programs (Kadir et al., 2016).

In Thailand, Tarat and Sindecharak (2020) found that perceptions towards vocational education are influenced by four major elements: vocational education management system, guidelines for vocational education development, vocational education curriculum, and teaching styles. Framing is key to attract students and market demand. In Singapore, vocational education. is are at par with general education Pasawano (2017) found teachers are instrumental in shaping student mindsets regarding vocational education, which perhaps led to its unwanted reputation.

Chalamwong and Suebnusorn (2018) discussed about factors that created the image of vocational education in Thailand. First, a socially constructed hierarchy of occupations are usually graded through strength, wealth, and prestige. (Chalamwong & Suebnusorn, 2018). They call this “diploma disease”, which is an orientation whereby one’s education defines one’s career path or future. Social norms and belief intensify such “disease.” Second, existing vocational programs have failed to produce graduates who meet the requirements and demands of industry sectors (Chalamwong & Suebnusorn, 2018). On the bright side, Moenjak and Worswick (2003) shared that secondary level vocational

education in Thailand had succeed to produce students, particularly from low income backgrounds, who wish to immediately work after graduation (Moenjak & Worswick, 2003).

Both Indonesia and Thailand pose similar challenges for vocational education, fueled by socially constructed prestige and stigma. Until today, programme remain unappealing due to quality and unfavourable reputation in both countries.

DIGITALIZATION IN VOCATIONAL EDUCATION

Schmidt et al. (2020) argued that digitization obliges upgrading vocational teachers' pedagogical skills and that socializing the use of technology is very important. In this sense, educating the teacher should be done in the digitalization process as well. Furthermore, teachers are expected to introduce technology to the student. Kmecova (2019) found that according to the characteristics of digital transformation, teaching can contribute to the acquisition of key and practical knowledge and skills. Apart from this, curriculum upgrades in vocational education is also necessary (ILO-UNESCO, 2020).

In Indonesia and Thailand, teachers have been hesitant to the digitalization of vocational education. In Thailand, Sermsirikarnjana et al. (2017) found that teachers lack of understanding on technology have slowed down the technology adaptation process (Sermsirikarnjana et al., 2017). Piriyasurawong and Nilsook (2010), however, shared those online trainings have successfully helped vocational teachers develop their skills. Still, there have been no significance changes in using web-based training to transform the classroom. Based on this, we can indicate an excellent opportunity for teachers to deliver their upgraded skills into the classroom. Meanwhile in Indonesia, Muhayadi and Surjono (2017) revealed that teachers' capability in operating digital devices and the lack of learning facilities have affected the delivery of vocational programs.

Since vocational education heavily relies on practical skills, the debate whether they can digitalize vocational education still remains. However, Pipattanasuk and Songsriwittaya (2020) suggested the use of Augmented Reality to enable hands-on practicum for students. Hence, shifting trainings through technology is possible (Pipattanasuk & Songsriwittaya, 2020). However, the teacher needs to have proper understanding of how to operate the devices to enable effective online learning.

VOCATIONAL EDUCATION IN NATIONAL AGENDA

Indonesia

According to Indonesia's National Education System Law No. 20 of 2003, vocational education assists in preparing students to work in various industry sectors, while also supporting the BMW (Work, Continued Education, and Entrepreneurship) principles (Triyono & Moses, 2019). In 2016, President's Instruction Number 9 emphasized the importance of vocational education in improving the quality of Indonesia's human resource pool. The ultimate goal of vocational education set by the government is to promote a better life for Indonesian citizen as a human being. The Ministry of Education is under the Coordinating Ministry of Human Development and Culture. Thus, policies related to vocational education are not always in line with the country's economic development agenda.

Thailand

According to Thai Vocational Education Act 56 in 2008, vocational education's role shall be linked to the growth Thailand's industrial agenda. Under Section 6, this link is articulated in two main points. This covers administration of vocational education and essential cooperation between the NESDB (National Economic and Social Development Board) and the Ministry of Education. Thailand's rapid social and economic transformation demands vocational education to keep up and support the economic agenda (Burapharat & Chupradit, 2009). Thai economic has evolved from a primarily agricultural-based, government-subsidized economy to a developing manufacturing, market-driven economy. Thailand has tried to transform the industry via digital transformation called Thailand 4.0.

ANALYSIS

An overview: Regional In-Service Training Modules

In 2018, SEAMEO launched a Regional In-Service Training program in collaboration with the Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ). It aims to assist vocational education for digital transformation. The program stakeholders include TVET teachers, instructors, and TVET stakeholders.

Under the SEAMEO flagship, the teacher is regarded as the heart of education development. The training structure in the Regional In-Service Training Module includes a module about curriculum development in Industry 4.0. The training aims to gear the

teacher with the knowledge about digital transformation and develop their pedagogical skills (VOCTECH-RECOTVET, 2018). Regional In-Service Training Module duration is between 5-14 days. The first Regional-In Service Training Modules was launched in 2019 (SEAVET 2021). Since the COVID-19 outbreak in early 2020, the training has been conducted virtually Surprisingly, the total number of participants was much lesser than in 2019, which indicated the unreadiness of teacher-participants to use digital tools.

SEAMEO Role in Assisting Digitalization on Vocational Education

Sadiman (2004) noted the role of SEAMEO in promoting the quality and equity for education at all levels and streams in Southeast Asia in order to keep up demands of environmental changes (Sadiman 2004). However, the effectivity in promoting quality and equity often encounter challenges. This includes the ability of SEAMEO to push for making programs more mandatory.

SEAMEO plays the role as a bridge towards development agency in both public and private sectors. Understanding both regional and national contexts is needed to ensuring the smooth process for project implementation. In the case of Regional In-Service Training Modules, SEAMEO helps bridge German government initiative to help them shape projects by understanding Southeast Asia culture and perspective.

Furthermore, Regional In-Service Training Modules might not effectively address the issue of teacher lack of digital skills due to the lack of infrastructure in Indonesia. In the case of Thailand, the training could be more effective since web-based vocational teacher has already been done before. Challenges could potentially stem from socially constructed stigma on vocational education and resistance and capacity of teacher to operate digital tools.

CONCLUSION

The role of SEAMEO for vocational education development is to facilitate the increase in teachers' skills and knowledge. Teacher quality and infrastructure should be taken into consideration in order to ensure project success. The rather short-term Regional In-Service Training modules might be ineffective. Changes brought by digital transformation require long-term action.

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CONSTRUCTING PUBLIC OPINION THROUGH MEDIA IN SRI LANKAN CIVIL WAR

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ABSTRACT

The media has a unique role to play in shaping public opinion in any society. Accordingly, it is in high demand in political communication, due to its ability to convey a message effectively and efficiently. When considering the Sri Lankan context, the media has been widely used in terms of organizing and constructing public opinion. This can be clearly seen in studying the media's role during the war period. Although a considerable number of literatures has been generated by researches that were conducted to study the war in Sri Lanka, recognizable is a lack of studies and literature regarding the role of the media during the war period. This study tries to fill that study gap, by focusing on, and critically investigating, how media was used to construct a loyal public opinion during wartime. This is based on a discourse analysis of the advertisements and news that were published on media platforms with special reference to the final phase of the war. This study reveals the rapid increase, in this period, in the number of war-related news published by media platforms. Also, an effective strategy, the media started war news reporting during the final phase of the war, providing exposure to the humanitarian facet of the war and subsequently uplifting the social image of Sri Lankan soldiers. It can therefore be concluded that the military media management project has successfully influenced public opinion, in justifying government decisions and military actions. The media can therefore be used to legitimize war-related actions by prioritizing war-related news and utilizing a sentimental approach to war news reporting, as observed in Sri Lanka.

Keywords: Media, Construct, Public Opinion, War, News Reporting

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INTRODUCTION

In the current world, media plays an important role in shaping public opinion by disseminating information to the public. Since media has the capacity to cover a wide range of the public with minimal effort, its use has increased rapidly. The media's ability to create public opinion has been used by politicians as a key strategic tool in their political communication campaigns the world over. For instance, United States President Bill Clinton and challenger Bob Dole purchased more than 32 hours of presidential campaign commercials in the 1992 elections (Wilson,1998:357) and, during the Second World War, the US government used public relations techniques to generate support for its efforts (Wilson,1998:328).

In the Sri Lankan context, the use of political communication to create public opinion can be clearly seen at various levels. The media has been used to create public awareness throughout the Sri Lankan civil war, but has been noticeably influential towards the final phase of that war.

Background of the study

Political reforms such as the Citizenship Act (1949) and the Language Act (1956), various insecurities between ethnic groups, language and cultural barriers -- all of these shaped the ethnic conflict in Sri Lanka. In this context, the "New Tamil Tigers" was formed in 1974, with the leadership of Velupillai Prabhakaran, to push back against the pressures on their community and to find solutions to their sensitive issues. After restructuring as the Liberation Tigers of Tamil Eelam (LTTE) in 1976, the organization's sole objective became the establishment of a separate state of Tamils (Perera,2013:97).

The LTTE started a guerrilla war and demanded a separate country using their army. The war officially began in Jaffna in July 1983 and continued as a four-phase war until the mid-May 2009. The civil war turned thousands of civilians into internally displaced persons and refugees. Suicide attacks and the terror that emerged from various terrorist attacks affected the entire country. Under these circumstances, controlling terrorism became civil society's loudest demand.

The year 2006 marked the beginning of the government's formal involvement in the war, as it further organized government military forces to fight in a war. After a number of ceasefires, the LTTE was unable to keep peace. The government therefore started the

war on terror in the period 2004-2009, especially after the LTTE effected the closure of the Mavilaru sluice, depriving thousands of civilians of their access to water which is an essential human need. In response, the government started a humanitarian mission to save the civilians, who were pleading for help. After this humanitarian drive, the government directed the military forces to launch a series of humanitarian operations to rescue innocent civilians who were captive of the LTTE.

These missions, however, drew the attention of, and was subjected to various criticisms from, the national and the international community, which demanded a political solution from the Sri Lankan government. The Sri Lankan government faced the challenge of legitimizing its actions against the LTTE during this period, as the country as a whole demanded a long-lasting solution to the ethnic conflict. In order to legitimize the government's decision to engage in war, it carried out a comprehensive media campaign by using media platforms and creating a favorable public opinion.

METHODOLOGY

Although a considerable body of literature has been generated by researches that were conducted to study the war in Sri Lanka, a lack of literature regarding the role of media during the war period is recognizable. This study tries to fill that study gap, with the objective of critically investigating the role of media in constructing public opinion during the final phase of the war.

In order to investigate this topic, discourse analysis was used as research methodology. Moreover, presentation of secondary data and visual and textual analysis were used as research strategy. Newspaper articles and advertisements, television and radio news, and commercials aired by selected government and privately-owned media platforms were examined in this study, concentrating on the period from 2006 to 2009.

RESULTS AND DISCUSSION

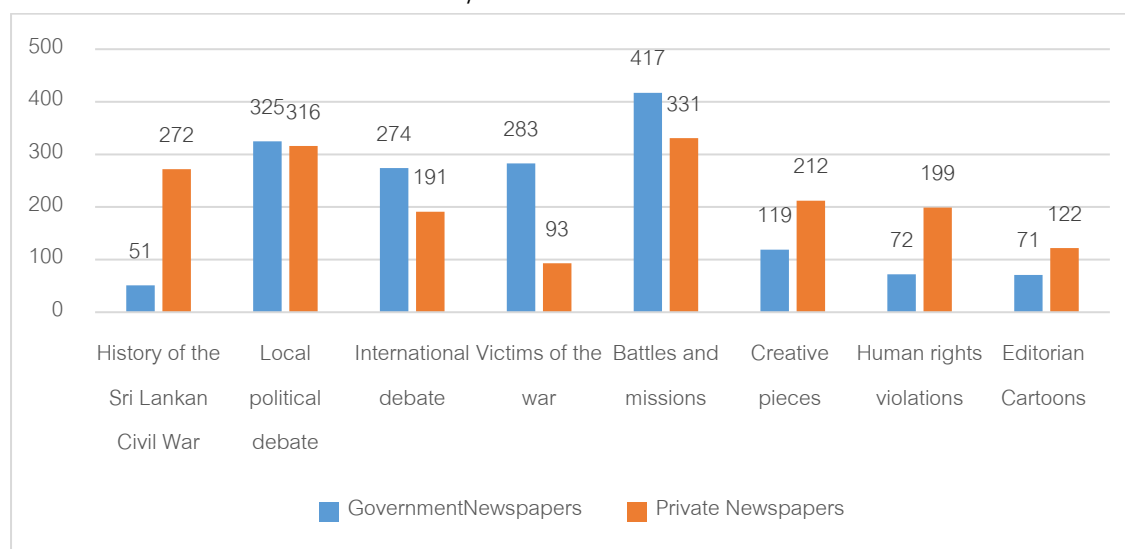
Results

(1) Reserving considerable airtime and space to war-related news

The main finding of this study is that a considerable airtime and space was devoted to reporting war-related news in every media platform during the period under study. According to the content analysis of prime-time news in the mainstream news channels

in Sri Lanka, during the period of November 2008 to May 2009, a gradual increase in war-related news can be clearly identified. Apart from the general time allocation for war-related news, media outfits allocated separate airtime within the main news time to highlight military missions. For instance, “A single undivided country: final countdown for war” by the Derana News and “Hostage rescue mission” by the Independent Television Network (ITN) were shown.

Chart 1: Composition of news related to the war



Sources: Lankadeepa, Silumina, Sunday Times and Sunday Observer newspapers

The number of war-related news articles in newspapers considerably increased after 2008, when compared to the number before 2008. Content analysis of the selected four newspapers revealed a total of 3,155 war-related news from May 2008 to December 2009.

Chart 01 categorizes this news topic under several themes. Accordingly, information related to battles and missions that was published during the period under study is the highest news field. Private newspapers paid more attention to the history of the war and war-related human rights violations whereas state-owned newspapers prioritized news related to refugees and internally displaced people. Although the Sri Lankan political discourse on the war appears to have received an equal attention from both state and private newspapers, the government newspapers have largely focused on the battles and missions conducted by the military forces and the position of foreign countries and organizations on the war in Sri Lanka. This implies that compared to private newspapers, state-owned newspapers emphasized the military troops’ struggle to protect the nation and the international perception of this situation.

(2) A new image for soldiers

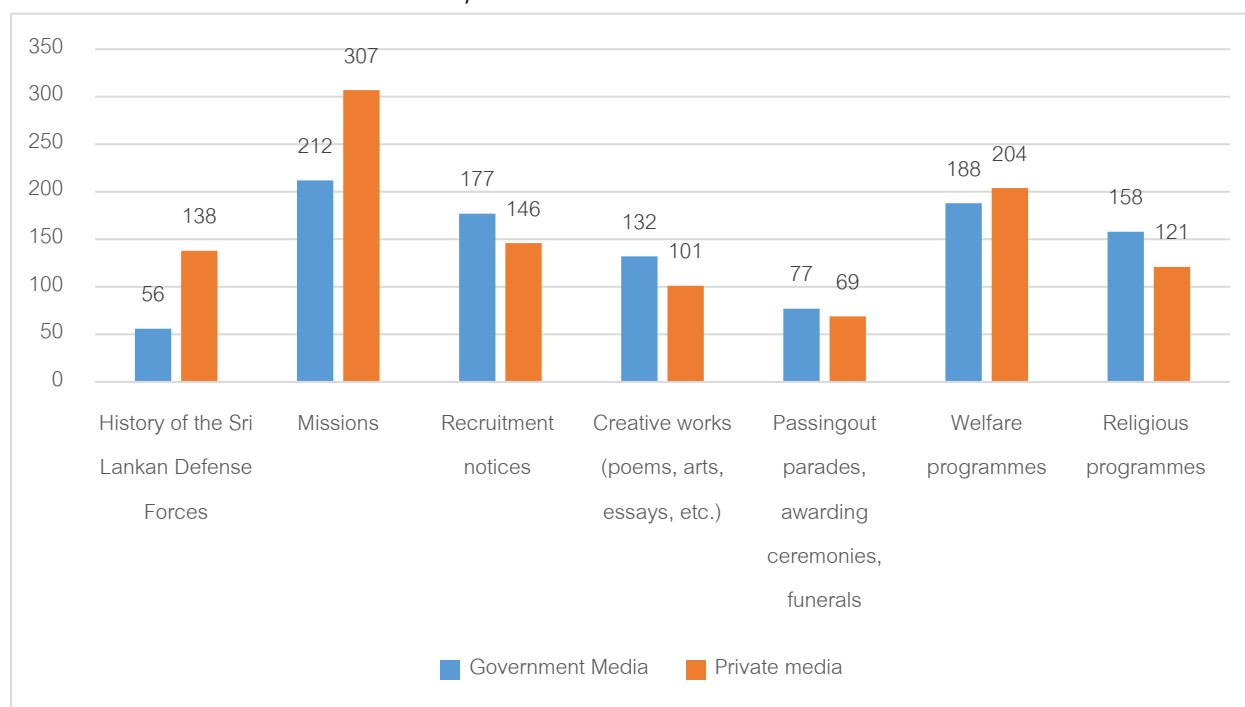
Another vital factor in the media landscape was the construction of a new image of the country’s soldiers, uplifting their social identity. Before the final phase of the war, different perceptions of the soldiers existed in society and some of them were somewhat negative, such as ‘armykaraya’, ‘hamudakaraya’, ‘a person who passed a grade-8 class,’ etc. When it comes to social perception, there was a huge gap between a civilian person and a soldier, because people used to identify the latter as tough and inhumane, with a low social and educational status. During the final phase of war, however, there was a huge attitudinal change of society, largely as a result of the media campaign that uplifted the soldiers' identity and their image.

Analyzing the television, radio and newspaper media contents during this period reveals that the most commonly used terms for soldiers were ‘war heroes’ and ‘security forces.’

“War heroes are approaching to create a country free from destructive terrorism” (Sri Lanka Broadcasting Cooperation News, 15 May 2009)

Compared to private-owned media, state-owned media have widely used the term ‘war hero’, which implied a kind of heroic identity for the military forces.

Chart 2: Composition of news related to soldiers



Sources: Lankadeepa, Silumina, Sunday Times and Sunday Observer newspapers

Chart 02 shows how newspapers emphasized the role of soldiers during the period from May 2008 to December 2009. Information related to the forces' ongoing missions accounts for the highest news field followed by welfare programmes for soldiers and recruitment advertisements for the triformes, respectively. When focusing on the contents of these reports, journalists have frequently addressed the soldiers as 'our army,' or 'our brave boys' which is the same in the radio and television media as well. With this, a collective identity of soldiers was created, seeking to deliver a patriotic feeling. Moreover, the media tried to elevate the soldiers to 'kings without crowns' or 'gods of the country'. In addition, to bridge the gap between society and the soldiers, the media sought to make the soldiers familiar to ordinary people, by saying that 'they are another human being, like all of us.'

With these novel identities for soldiers, it can be assumed that, by uplifting soldiers' identity and by socially constructing a positive image of soldiers, the government tried to attract more of the skillful young crowd to the triformes, due to the high demand of the military workforce during the time. Furthermore, by allocating more space to soldier-related news, it can be implied that the media have tried to create legitimacy for the war as well. Hence, the government has successfully utilized public relations techniques to conduct its political psychology project, in terms of organizing public opinion.

(3) Highlighting the humanitarian facet of the war and the soldiers

Another noteworthy factor in legitimizing the military actions was presenting the war as a humanitarian war. Here, the media successfully conveyed the message that this war is aimed at saving our own people who are suffering in the clutches of the LTTE. By airing this message, the media has legitimized the government position regarding military intervention in the war.

"The President addresses the nation -- lay down arms and surrender.
Final announcement to the LTTE" (Ada Derana News, January, 2009)

"We won the world championship in the fight against terrorism -- surrender now"
(Hiru FM, January 2009)

With the conquest of Kilinochchi by the Sri Lankan army, the war became the focal point of local and foreign news lines. Against this backdrop, the government invited the LTTE to surrender by issuing the public statements above through media platforms. This invitation may have demonstrated that the Sri Lankan government was willing to embark

on a path of peace in waging the war on terror. Since the LTTE was not ready to accept the invitation, however, the government was in effect stating that there was no other option but to take military action, in order to resolve this terrorist crisis. It thus justified its military interventions by using the media.

“Son, humanitarian operation is just for you” (Lankadeepa, January 2009:07)

“Civilians who are as human shields in the clutches of the LTTE, trying to escape from them. The LTTE is using all its tactics to attack the security forces” (Ada Derana News,16 May,2009)

These are a few examples of how media entities reported their news headlines. Going along with the government’s stance, the media attempted to enhance the humanitarian justification for the war. By using terms such as ‘human shield,’ ‘clutches of the LTTE’ etc., sympathy was generated for civilians who lived helplessly in the midst of the war. Concurrent with the news coverage of the war, articles on the history and operations of the war were published, giving the public the opportunity to gain a comparative understanding. Victor Ivan's ‘Paradise with tears and Siri Heenpella's ‘World Operation to Save Hostages’ on World War II operations are a few examples of this attempt.

In addition to the calculated use of language in news reporting on war victims, photographs and videos were used to evoke humanitarian sentiments. Charts 03 and 04 show the usage of photographs in the four mainstream newspapers during the final period of the battle fire in the country. As chart 03 shows, private newspapers used more photographs for war news coverage than government newspapers.

Chart 3: Usage of war-related photographs

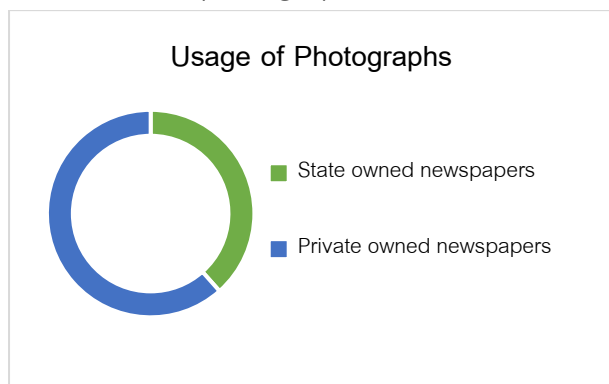
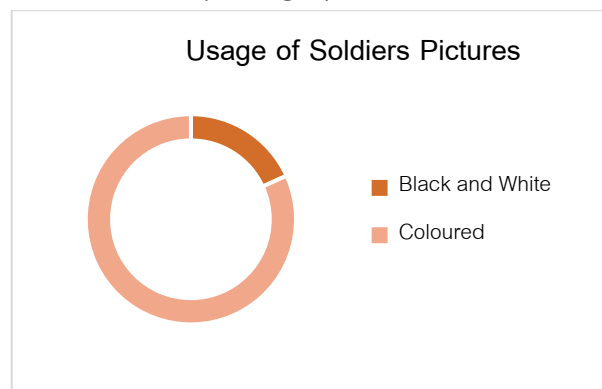


Chart 4: Usage of soldiers-related photographs



Sources: Lankadeepa, Silumina, Sunday Times and Sunday Observer newspapers (May 2008 - December 2009)

Pictures 1-4: Highlighting the humanitarian facet of the soldiers



Source: TriAd,2017:189

In addition, the media emphasized the humanitarian facet of the soldiers and how they sacrificed their youth, lives, and family life to protect the mother nation. To do so, a wide range of sentimental and eye-catching pictures and videos of the soldiers during wartime

(Pictures 1-4) were used, highlighting that the service of the armed forces goes beyond the military mission. With this new approach, the media has merged the spheres of soldiers and civilians to a significant level, trying to highlight the inner human being within patriotic soldiers, which can be considered as one of the most significant influential factors in the campaign of legitimizing the war.

After the government launched “We are for Us”, a fundraising programme for the welfare of soldiers and their families, the media further highlighted the humanitarian face of the soldiers and encouraged the general public to show gratitude to those who sacrificed their lives in order to protect the country. The media gave massive publicity to this campaign and highlighted the personality of soldiers as sons, brothers, husbands, fathers, friends, among others. Society thus also started to look at soldiers from a different angle, which largely helped to break the boundaries between soldiers and society, bring them together, and legitimize the war. Along with this project, the media used colourful images and videos and inspiring background music to elicit public approval.

(4) War news reporting

Journalists used war news reporting methods to provide accurate and truthful news to the public. This started in the mid-2008 when journalists went to the frontlines of the battles together with soldiers and covered news from there.

“War heroes of 5th Gamunuhewa Brigade was able to capture the main function center of the LTTE” (Widanapathirana, ITN News, 20 March 2009)

“The 58 Division was able to regain full control of the Jordhanee Farah Three ship, which was attacked by the LTTE” (Gamage, Ada Derana News, 15 May 2009)

“When we go to cover operations, we are not allowed to go to the actual scene of the conflict because we think it would cause us some trouble. There may be an opinion that insecure people are weak -- It is normal for a soldier to lose his life or be injured on the battlefield, but if something happens to a journalist on the battlefield it is a matter publicity...” (Lankadeepa, May 2009)

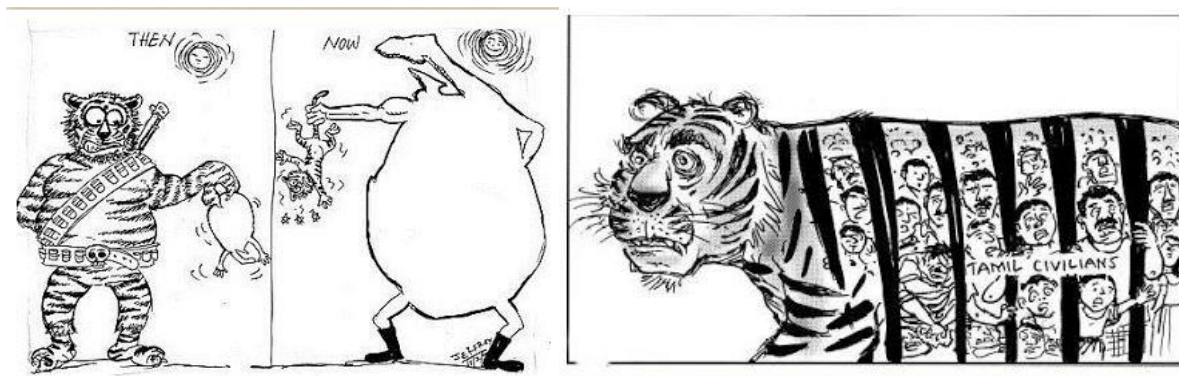
These are a few examples of the live news reporting which took place during the final phase of the war. Through these live updates, war news reporters tried to reveal the actual struggles that were faced by soldiers on a daily basis during the war and the soldiers' steadfast strength, uplifting the soldiers' image. Furthermore, these reporting strategies had the ability to directly create empathy for the soldiers and arouse patriotic public opinion that agreed with the military actions.

(5) Techniques

The use of different types of techniques at different scales can be identified when analyzing war-related news. Use of eye-catching headings and subheadings and presenting the life stories of, and difficulties faced by, soldiers were among the techniques used in war news reporting.

The printing of editorial cartoons was one of the easy techniques that the media used during the war period to justify the government's stance (Picture 5,6). With such artistic representations, readers are presented an opportunity to read the message and come up with their own interpretations according to their perceptions.

Picture 5, 6: Editorial Cartoons



Source: Nam, 2011

In analyzing the contents of these cartoons, one can see that most of the time, the LTTE was depicted as an animal which swallowed the country. The picture of a tiger was used, since it was the LTTE's symbol and, most of the time, the cartoonists emphasized the suppression of the people by the actions undertaken by the LTTE.

Discussion

The study reveals that the media actively contributed to constructing public opinion on the war. The views expressed by citizens of Sri Lanka in the last days of the war

demonstrate that the legitimization process carried out by the media had a decisive impact on the formation of public opinion. Views such as "We are ready to make sacrifices until the end of the war" (Brahmanage, 2009:03), "It is clear from the Western Provincial Council elections on the 25th, that the people of Sri Lanka are grateful to the President and the UPFA government who saved the country from the bloodthirsty LTTE cadres" (Jayalath, 2009:17) indicate that the attempts to legitimize the war were successful. Therefore, it is clear that the media is directly involved in shaping basic opinion as well as the specific views of the majority of the people of the country (Weerasinghe, 2005:158). Moreover, society's positive feedback on the war victory, the leaders of the country, the armed forces and the soldiers who fought in the war, imply the media's ability to construct public opinion.

Apart from the alternative media entities, such as the Ravaya newspaper, most of the media worked with a kind of a bias favoring government decisions and actions, which can be identified when analyzing the contents of the media reports. In most instances, Sinhala nationalist bias, which was observable during the previous era in both Sinhala and English media platforms, was explicit and can easily be noticed even during the final phase of the war. During the key battles in 2008 and 2009, when the military was taking casualties, the Sinhala media platforms and even the English television media published a series of nationalist and emotive articles using terms such as 'our army', 'our children', 'war heroes', 'humanitarian mission', 'human shield' etc., that shows a clear support for the war on terror as well as the military troops. To do so, many colourful and realistic footages from the battlefields and encouraging background music were used. Moreover, most Sinhala media have highlighted the bloodshed, to promote the idea of patriotism and highlight the brutality of the LTTE. Nevertheless, English media did not justify military actions to the extent that Sinhala media did. Thus, when they use pictures, they mostly opted to use black-and-white ones instead of the colourful ones used in similar reports by Sinhala media.

The process of constructing public opinion, however, might not have been easy, as can be observed at an initial glance. For instance, media representatives had to face a lot of difficulties during this period especially after they started the live war news reporting. During the final phase, the government provided the permission to conduct the live war news reporting. It did not, however, control the movement of journalists into LTTE-controlled areas. Because of this, journalists had less opportunity to enter the war zone. "Almost all reports of war are biased. The media, which has been intimidated and

threatened, reports more on the war than the government. The LTTE also gives the world a partisan record of the war. Foreign journalists also do not report on the battlefield. One of the hallmarks of the war in Sri Lanka since the 1980s is that it is a 'war without reporters' (Uyangodala, 2008:13). Focusing on this idea, it is clear that, as one of the journalists who was actively involved in the war news reporting during the final phase stated, 'When we go to cover operations, we are not allowed to go to the actual scene of the conflict on war news' (Ramawickrama,2009). The war news coverage by the media, therefore, was not actually a full coverage. In this context, the question arises: which information should we accept? Although it is said that the media should provide factual information, how justifiable, in such a context, was the information that the media provided to society? Therefore, it is questionable how much the public opinion constructed by the media actually reflected truth and lack of bias.

Nonetheless, when considering all these, it can be assumed that the media could manipulate public opinion according to hidden agendas. The role of the media in the Sri Lankan civil war is a prime example of a success story of military media management and framing, as it highlights the importance of the role of the media in war zones in times of conflict and explains how the intervention into any conflict can lead to the addition of new definitions and justifications that are crucial to the legitimacy of the war (Maltby,2010:04). Sri Lanka of course is not the only country that used these techniques to legitimize its military interventions. Therefore, when considering the context of the Sri Lankan civil war, especially in the final phase, it is clear that the government has utilized the media in constructing a loyal public opinion favorable to the civil war, while justifying it as an action for the common good.

CONCLUSION

To conclude, the findings of this study are consistent with the active role played by the media in shaping public opinion, thus the government could successfully exercise its political communication project to suit its agenda. The government and private media have equally contributed to constructing public opinion and, in some aspects, private-owned media were slightly ahead of state-owned media in this respect. However, in this process, state-owned media have largely followed government guidance in reporting.

Moreover, because of the active role played by the media, a new image of the country's soldiers was created, as they were recognized as dedicated and heroic human beings. This

was the main driving force which helped to give a humanitarian face to the military war. Finally, it is evident that using multiple strategies, the media successfully constructed public opinion, helped legitimize the military actions against the LTTE, and created opinion supportive of the Sri Lankan government and military actions.

This study, however, was conducted entirely based on Sinhala and English media platforms and did not include Tamil media platforms which are worth studying in future research. This research therefore opens up a space for future researchers who could compare and contrast the contribution of Tamil media on the one hand, and Sinhala and English media on the other, in constructing public opinion with regard to Sri Lanka's civil war.

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PREVENTING HATE CRIMES AGAINST SOME VULNERABLE GROUPS IN MONGOLIA: PUTTING LAW INTO ACTION

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ABSTRACT

Approximately 30 years have passed since Mongolia adopted the non-discrimination clause in its Constitution. Five years have passed after adopting the new Criminal Code and Discrimination considered a Crime, and three years have passed after the amendment of the new Criminal Code affected. Only one case was filed and decided for "Discrimination/Hate Crime" in Mongolia and ruled as not a crime.

According to the Report of the Working Group on the Universal Periodic Review of Mongolia in 2021 (A/HRC/46/9), Mongolia received the following recommendations: "Implement effectively the newly established legal framework for hate crimes and discrimination on the grounds of sexual orientation" and "Continue training lawyers and law enforcement officers on offenses related to hate crimes against lesbian, gay, bisexual, transgender and intersex persons, and also continue increasing public awareness of the law."

Based on the above brief problem statement of the research, the research objectives are as follows: 1) to study the socio-legal framework of hate crime in Mongolia; 2) To find and determine the practical issues of Hate Crime's prevention by conducting questionnaires and interviews with some vulnerable groups as well lawyers. Since hate crime is a new concept in Mongolia, the research will recommend preventing hate crime models.

Keywords: Hate Crime, Prevention, Training, Mongolia.

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LITERATURE REVIEW: TRANSFORMING SYMBOLIC LAW INTO ACTION TO PREVENT THE DISCRIMINATION AGAINST SOME VULNERABLE GROUPS

Transforming Symbolic Law into Organizational Action

According to Grattet and Jenness (2008), the categorization of ruling as "symbolic" has been considered a recurrent subject within the American administrative dissertation and erudition on law and communal strategy. The court cases are cast as "symbolic victories" when the claimants get only little financial recompense or when no custodies are resulting from the presiding. Legislation is symbolic when the lawmakers can back laws with no anticipation that these laws will be applied but permit the policymakers to depict themselves as auspicious to the community. Therefore, such legislation is regarded as symbolic when it provides legality to legislators; however, it does not exhibit law implementation effects. For example, laws are purely symbolic since they can communicate on situations on philosophical skirmishes and assert or alter ethics. However, they exhibit only insincere solicitation (Calavita, 1996).

The symbolic laws can be described as gesticulations that converse significant meaning but have no actual, material, and implementation-related influences. Though some have dismissed this law, some have retrieved and welcomed the symbolic law effects. Therefore, it is stated that laws can be affirmed to have instrumental possessions only when the court declarations, lawmaking, and community strategy outcomes in alterations in the conduct of officials, organizational entities, or populaces seemingly to ameliorate an alleged public delinquent. Regarding the instrumental impacts of criminal law implementation in specific, intellectuals have pragmatic devotion on the gamut of police conduct recognition, reportage, examination, apprehension, and verdict, which institutes the more considerable progression of law implementation (Goldstein, 1977).

According to Jacobs (2002), hate crime rulings are purely symbolic as described by James and Potter in their book *Hate Crime: Criminal law and Identity Politics*. They have condemned hate crime policies as they describe these laws to be entrenched in distinctiveness legislation. As stated in their words, "fundamentally, hate crime laws are symbolic statements requested by advocacy groups for material and symbolic reasons and provided by politicians for political reasons." They argued that hate crime rules are fashionable examples of policymakers relinquishing the policy building practice to the interest of specific assemblages. They concluded that hate crime laws are a pure representation of the exercises in symbolic legislation.

Specifically, it is unidentified whether the strategies embraced within the organizations for law implementation intensify upshots in extra reportage of hate crime, making a recognition that the reportage is an essential step towards the apprehension and persuasion in the light of susceptibility of law implementation to underreport hate crime (Haider-Markel, 1998).

Training on Hate Crime

Different researches indicate that there has been an upsurge in the level of hate crimes committed in Scotland and other nations, instigating desolation of targets and their families and creating suspicion within the societies. Within an environment of intensified pressures and broadening dissections, administrations within the affected sectors must convey actual and evidence-based reactions to the victims, committers, and broader civic (Chakraborti, 2018). Because of this rise, different countries have offered training programs on hate crime to help curb the spread of this vice, including Scotland.

Due to the upsurge of hate crime activities and cases, most countries had to look for appropriate ways of educating civilizations on hate crime activities. Therefore, most nations provided a new-fangled suite of digital training modules that were collaborating, appealing, centered on cutting-edge investigation and appropriate, and can be accomplished without incurring any costs.

Engaging with diversity is an essential aspect in the elimination of hate crime. The study improves one's knowledge concerning the insight and proficiencies of various societies concerning discernment, aggravation, and hate crime. Most counties also offer training that enables the citizens to have an explicit empathetic nature of the more dangerous and daily forms of hate enactments. Through this training, individuals will improve their acquaintance on matters of inspiration and causes of hate execution.

SOCIO-LEGAL RESEARCH IN MONGOLIA: INCLUDING INTERVIEWS, QUESTIONNAIRE WITH SOME VULNERABLE GROUPS, AND CASE STUDY

Article 14.1 of the Mongolian Constitution states that *"the fundamental purpose of state activity is the endurance of democracy, justice, freedom, equality, and national unity and respect of the law."* Article 14.2 of the Constitution states that *"No person shall be discriminated against based on ethnic origin, language, race, age, sex, social origin and status, property, occupation and post, religion, opinion or education. Everyone shall have*

the right to act as a legal person, provided a fundamental non-discrimination principle.” Article 14.2 does not include persons with disabilities, sexual orientation, or gender identity. However, researchers (Odonkhuu 2016, p. 20.) view that the Constitution shall be interpreted to light the context of equality as stated in Article 14.1 of the Constitution. At the international level, sexual orientation was not included in several conventions as well. Thus, the research will do a legal analysis of international conventions and the Mongolian Constitution.

At the International Level

The ICCPR does not explicitly refer to sexual orientation. However, the Human Rights Committee (HRC), the treaty monitoring body of the ICCPR, has affirmed that States have obligations under Article 26 of the ICCPR to prohibit discrimination on the grounds of sexual orientation (Australian Human Rights Commission, Consultation Report, Section 4 2011). In *Toonen v Australia*, the Committee held that the reference to “sex” (ICCPR Article 2) and the right to privacy (ICCPR Article 17) include sexual orientation. The Committee has also held (in *Young v Australia*) that distinctions made between same-sex couples and opposite-sex couples concerning veterans entitlements were discriminatory, in breach of Article 26 of the ICCPR. It shows that various non-discrimination (although not explicitly about sexual orientation and gender identity or SOGI) articles of the Covenant can be elaborated through the HRC decisions. The States would be held accountable for human rights violations against persons of different SOGI.

On the other hand, according to General Comment No. 20 of the ICESCR, “other status” as recognized in Article 2 Paragraph 2, includes sexual orientation (CESCR Nos. 14 and 15). Therefore, states parties should ensure that a person's sexual orientation is not a barrier to realizing Covenant rights, such as accessing survivor's pension rights. Also, gender identity is recognized as among the prohibited grounds of discrimination; for example, transgender, transsexual, or intersex persons often face serious human rights violations, such as harassment in schools or workplaces (CESCR, July 2, 2009, E/C.12/GC/20). The Committee on Economic Social and Cultural Rights (CESCR) has also determined that discrimination on the grounds of sexual orientation falls under the general prohibition of discrimination found in the ICESCR (CESCR, E/C.12/2002/11, January 20, 2002, para.13).

At the National Level

Significantly, LGBTIQ people's rights have been severely violated, and they made a significant movement with hardworking fights to criminalize hate crimes based on SOGI. As a result of this remarkable commitment, the government of Mongolia tasked the Ministry of Justice to take proper measures. Thus, the Minister of Justice established the Working Group to amend the Criminal Code (W.G.) in 2012. Due to the W.G.'s remarkable commitment to amend the hate crime in Criminal Code in 2015 Mongolia adopted a new Criminal Code adopted in 2017. Article 14.1 of the new Criminal Code, "Discrimination" is considered to be a crime. There was no such regulation or "Discrimination" crime before Mongolia adopted the democratic Constitution in 1992.

From this view, Article 14.2 of the Mongolian Constitution shall be interpreted to light the context of equality as stated in Article 14.1 of the Constitution. We adopted laws that protected disabled people's human rights, and "discrimination based on SOGI" is considered a crime not included in the characteristics that Article 14.2 of the Constitution provided. Consistent with international frameworks, the Parliament interpreted Article 14.2 of the Constitution with the context of equality as stated in Article 14.1 of the Constitution.

Recently, according to the Report of the Working Group on the Universal Periodic Review of Mongolia in 2021 (A/HRC/46/9), Mongolia received the following recommendations:

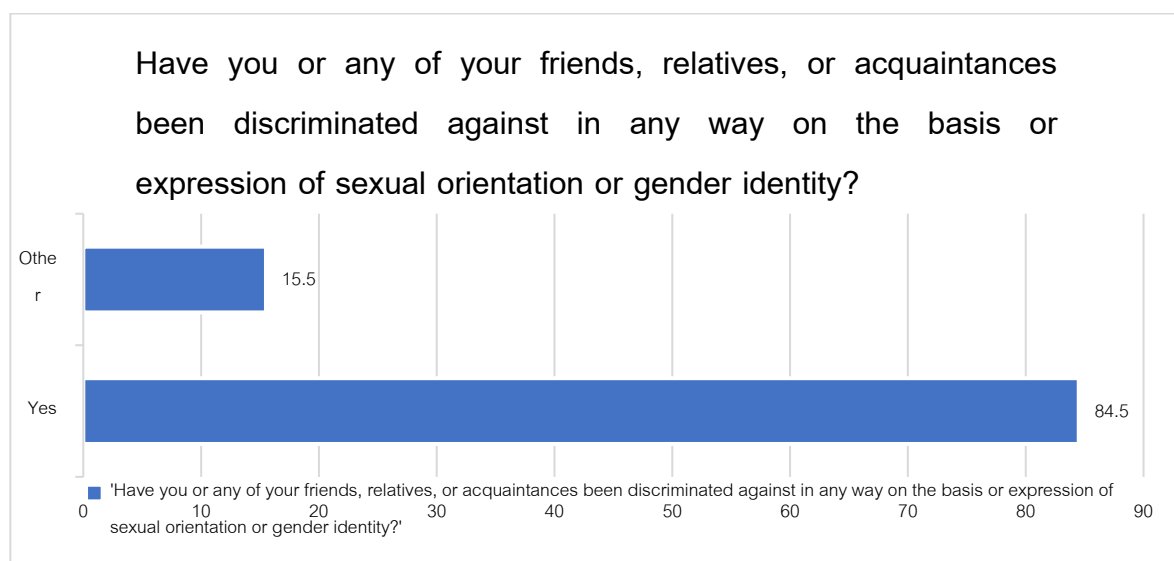
"Implement effectively the newly established legal framework for hate crimes and discrimination on the grounds of sexual orientation";

"Continue training lawyers and law enforcement officers on offenses related to hate crimes against lesbian, gay, bisexual, transgender and intersex persons, and also continue increasing public awareness of the law"

The research applied a questionnaire with the assistance of the LGBT Centre of Mongolia NGO (NGO). The questionnaire section includes 15 to 30 LGBT people from Mongolia who faced discrimination cases or asked for help from the NGO. Among civil servants, including law enforcement officers, there is slight sensitization about LGBT human rights and prevention of discrimination based on SOGI. The majority of LGBT people surveyed reported that they had experienced some form of abuse by law enforcers, including blackmail and even violence due to their SOGI (Being LGBT in Asia: Mongolia country

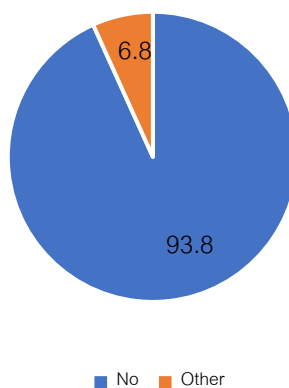
report, 2014). The questionnaire consisted of 13 questions, including two open questions and other multiple-choice questions. Thirty-two people answered the questionnaire. Following is a brief analysis:

- (1) The questionnaire started with six questions on the participants' gender profile. The questionnaire finds out that 38.7% of participants are cisgender males of gender identity, 56.3% of participants are lesbian/gay of sexual orientation, and ages 20 to 25. Among the participants, 84.5% answered "Yes" to the question "Have you or any of your friends, relatives, or acquaintances been discriminated against in any way on the basis or expression of sexual orientation or gender identity?", and the questionnaire received 24 responses to the question "If yes, could you please briefly share the story?"



- (2) The following are the six questions on whether the participants filed complaints with law enforcers regarding hate crimes. The questionnaire finds out 93.8% of the participants answered "No" to the question "Have you filed any complaints to the police or other authorities about discrimination?" and received 26 brief responses why they answered "No". Six of the respondents answered "Do not know the law" while seven of the respondents answered "Do not trust the law enforcers" and eight of the respondents answered "Because of Fear". The others responded "It was not such a serious situation" or "I do not care and accustomed to discrimination."

Have you filed any complaints to the police or other authorities about discrimination?



- (3) Among the respondents, 71.9% answered “Yes” to the question “*Did you know that in 2015, Article 14.1 of the Criminal Code stated that discrimination based on sexual orientation, gender identity, and expression is criminalized as a crime?*” and 78.1% of the respondents answered “No” to the question “*Do you think that law enforcement officers (police, prosecutors, lawyers, judges) protect your rights, accept and respect your sexual orientation, gender identity, and expression?*”

Do you think that law enforcement officers (police, prosecutors, lawyers, judges) protect your rights, accept and respect your sexual orientation, gender identity, and expression?



The brief analysis above concluded that in Mongolia, LBGTIQ people were discriminated against somehow, and they all fear filing a complaint against SOGI based discrimination

and do not trust the law enforcers that they can accept and work appropriately for their rights.

Furthermore, the researcher interviewed five experts on hate crime issues in Mongolia. With regards to the first question, "*What do you think is the Mongolian Government doing to prevent the Hate crime?*", all of the interviewees answered and agreed that the Mongolian Government worked due to the pressure from international and national NGOs, and finally adopted the hate crime but do not have any implementation or prevention programs. For example, human rights activist Mr. Otgonbaatar Tsedendemberel mentioned the following:

"Under the pressure of international and domestic civil society organizations, international organizations, and local agencies such as the NHRCM and National Committee on Gender Equality, the Government of Mongolia has been urged to address hate crimes targeting LGBTIQ community members, eventually leading to the adoption of the Criminal Code, including provisions regarding hate speeches and hate crimes. The recommendations from the UPR and CAT played major roles in pressing the Government. Unfortunately, like many other laws, the Criminal Code provisions on hate or biased crime do not have any "tooth," meaning that there are no adequate procedural and financial regulations on preventing and protecting such crimes. The intention is laudable from the government side, but it lacks genuine understanding, analyses, and commitment to persecuting hate crime perpetrators."

Regarding the second question, "*What should we do to prevent hate crime in Mongolia?*" all interviewees answered and agreed with the awareness program and training on hate crime. Mr. Enkhmaa, CEO of the LGBT Centre NGO, said that the Mongolian Government needs social norm that acknowledges the diversity of the culture. He stated that:

"More or less theoretically speaking, stakeholders such as the Government, decision-makers, academia, and all major sectors that set the norms of the society should acknowledge Mongolian social construct - identify exclusion, systemic oppression, and opportunities to embrace systemic diversity and inclusion. This is key to dismantle the cisgender, heterosexual, patriarchal, able-bodied, homogeneous society to be more inclusive in all aspects and levels of society. The Government has a key role in preventing hate crime. The Government has the

financial and decision-making powers where policies and regulations may impact social change. The training of law enforcement, prosecutors, and judges are a must since the concept of hate crime is rather new in Mongolia. Currently, the concept of discrimination is still nonchalant, and the practice of identifying discrimination is still amiss."

The researcher interviewed Mr. Otgondorj and Mr. Bolorsaikhan, lawyers and advocates, about the first and only initiated hate crime case in Mongolia since they have legal practice on this situation.

About the Case

- Defendant G, the Leader of BosooKhukh Mongol, a far-right Mongolian nationalist group, teamed up with a local television station to lure a transgender sex worker into a hotel room. They threatened her with physical violence and forced her to describe her work on camera.
- Then the defendant recorded a video and posted it on his Facebook as public with the description of *"This Transgender ***** affects Mongolia's national security and spreads infectious diseases and seduces others into immorality. We will continue to expose such debris and shave their hair"*. The video included several transgenders having a party together.

Because a precedent is not considered as a source of law, the modern Mongolian legal system courts play no formal role. In Mongolia, judges are supposed to only apply the law, not create it. The court system in Mongolia is not a standard law system, and therefore, decisions issued by the various courts do not have precedential value (no stare decisis) (Battsetseg Ganbold, 2016).

The First Initiated Criminal Court of Bayangol District decided that there are no grounds for it to be considered as hate crime with the following justification:⁵

"The defendant's action is not a hate crime as provided in Article 14.1 of the Criminal Code. The main legal reason in Article 14.1 of the Criminal Code requires "restricting one's rights and freedoms, or demanding a certain action or inaction based on" the defendant's action of posting about transgender on Facebook but has not proved

⁵First Initiated Criminal Court of Bayangol District, sentencing decree number 868, dated October 06, 2020, p 17-18.

restriction of victim's rights. There is no evidence in the criminal case that the defendant restricted the victim's rights. The defendant's action may be considered as discrimination but not restricting the victim's rights".

The Capital Court of Criminal Appeal decided that there are no grounds that consider it as a hate crime with following statement:⁶

"The defendant's action is considered as discrimination. However, Article 14.1 of the Criminal Code requires restricting the victim's rights or freedom. According to the criminal case, there is no evidence that the defendant restricted the victim's rights or freedom. Thus, the Appeal Court decided that there are no legal grounds to consider the defendant's action as a crime".

The Cassation Criminal Court of Supreme Court decided that there are no grounds that consider it as a hate crime with following grounds:⁷

"The First Initiated Court and the Appeal Court decided on the crime with legal reason. However, Article 14.1 of the Criminal Code required restriction of any rights and freedom and criminal damage from its restriction of rights or freedom."

From above, the research concludes that while Mongolia has no precedent system, the Supreme Court decided on the Article 14.1 of the Criminal Code in the wrong way. In other developed countries, criminalized hate crimes require criminal action based on bias, hate, or discrimination, not criminal damage from restriction of rights. On the matter of restriction of rights, the right to be considered here is the right to equality and non-discrimination and should not require crime damage.

Lawyer and advocate on the first hate crime, Mr. Otgondorj shared his opinion on court practices on hate crime as follows:

"Working as a lawyer on the first hate crime in Mongolia, the law enforcers including judge, police, and prosecutor are not familiar with the new crime. The crime should be applied with international conventions, and hate crime requires criminal action, not damage, as it is similar to developed countries globally. From this point, I

⁶The Capital Court of Criminal Appeal, decision number 45, dated on January 07, 2021, p 14.

⁷Cassation Criminal Court of Supreme Court, resolution number 226, dated April 28, 2021, p 4-5.

conclude that we should need training and awareness program on hate crime in Mongolia".

TRAINING ON HATE CRIME AND OTHER MODELS OF PREVENTING HATE CRIME: COMPARATIVE STUDY WITH DEVELOPED COUNTRIES

Individuals in the European Union (EU) experience hate consistently, as proof gathered by the EU Agency for Fundamental Rights (FRA) reliably shows. However, hate crime and disdain-inspired badgering frequently stay imperceptible in true measurements and consequently outside public cognizance. While EU-wide overviews, those FRA conducts give fundamental proof on the predominance, nature, and effect of encounters with casualties, their families, networks, and more extensive society. Insights and other data for every EU Member State are expected to give a completer and more precise image of the circumstance on the ground (Chatterjee, 2020). This can be helped by developing mindfulness among lawmakers, policymakers, and law implementation offices that improving the account of disdain wrongdoing, just as gathering strong and dependable information. It is fundamental in the event that they are to meet their commitments and responsibilities towards battling the bias and cultivating comprehensive social orders. This incorporates recognizing that dynamic collaboration between law requirement offices and common society associations in the field can prompt better help for casualties resulting from hate crimes.

This developing mindfulness is proven, among others, in the investment of each of the 28 EU Member States on philosophies for recording and gathering information on hate crimes helps to reduce bigotry, xenophobia, and different types of prejudice (Training | The Centre for Hate Studies | University of Leicester, 2021). The High-Level Group commanded FRA to work with this subgroup, which unites delegates of applicable public specialists from all 28 EU Member States, the European Commission, the Association for Security and Co-activity in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the European Commission against Racism and Intolerance (ECRI), also as common society organizations. It is critical to remember that any crime related to any kind of hatred expression is required to be eliminated for a peaceful world. With FRA reviews reliably featuring significant degrees of underreporting, it is unexpected that yearly authority figures at the public level don't mirror the real predominance of hate crimes.

CONCLUSIONS AND RECOMMENDATIONS

The research concludes that the literature review section finds out more about hate crime theory, issues in practice, lawmaking, implementation process and preventions, awareness program, and training on hate crime. The socio-legal research section finds out the real, current situation of hate crime in Mongolia by collecting interviews and questionnaires with experts, human rights activists, law enforcers, and vulnerable groups. In the current situation in Mongolia, there is no training or awareness program on hate crime, which makes hate crime a symbolic law. The best way to transforming this symbolic law into action is training and awareness on hate crime. The comparative research section finds out the best solutions for hate crime awareness and training programs in developed countries. For the overall conclusions, the research suggests the following recommendations for Mongolia.

Since the hate crime adoption process was challenging in Mongolia and was done with many pressures from the international and national NGOs, suggesting recriminalizing hate crime is not a good recommendation. The OSCE (Organization for Security and Cooperation in Europe) countries have many of the best recommendations that Mongolia can adopt. The research suggests the following recommendations as provided in the literature review and comparative study section:

- The increased awareness of hate crimes and their consequences in a community can generate a public response to hate-motivated incidents that help combat hate crime.
- Education is a valuable tool for preventing and responding to hate-motivated incidents and hate crimes. There are many ways to educate about hate crime issues, including community workshops, programs with teachers, students, and other youth, training for professionals, and informational campaigns for the general public.

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AUNG SAN SUU KYI AND THE TATMADAW: MYANMAR'S POWER PARALLEL AND THE FEBRUARY 1ST COUP

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ABSTRACT

The military coup that happened on February 1st brought a series of tragic events. Looking back to the past decade, the Tatmadaw and the NLD, especially Aung San Suu Kyi, had fluctuations in their relations. These problems might have originated from the 2008 constitution. After the NLD's landslide victory in the 2015 election, the constitutional power parallel was created as the Tatmadaw was given so much power by the constitution. With regard to the term "power", two Burmese words could be referred to as relevant: *AwwZa* and *ArrNa*. In the last five years, the power parallel arose between the Tatmadaw, and the civilian government led by Aung San Suu Kyi. It will need to be evaluated how this power parallel initiated in the last decade, especially in the last five years and how the consequences of this power parallel led to the February 1st coup. The Tatmadaw's effort to maintain and utilize the power given by the 2008 constitution led to the power parallel with the civilian government, and this led to the consequence of the February 1st coup. The initial objective of this paper is analyzing the relations between the NLD and the Tatmadaw in the last decade. To fulfil this objective, this paper will be primarily using the qualitative research method. This paper will be divided into three parts. Firstly, it will discuss how power can be defined in the Burmese context. After that, the last ten years of relations between the NLD and the Tatmadaw will be analyzed.

Keywords: Power, Constitution, Tatmadaw, NLD, *AwwZa*, *ArrNa*.

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INTRODUCTION

The military coup in Myanmar that happened on February 1st was merely an unpredictable event. In the last ten years, 2011, the military regime of SPDC transformed into a civilian government led mainly by the ex-military generals. After five years of that transformation, in 2016, a newly elected civilian government led by Aung San Suu Kyi took power. Another five years later, after the 2020 general election, the military coup led by Min Aung Hlaing and the Tatmadaw happened on February 1st. This kind of fluctuated transformation only lasted for a decade and faced a calamity followed by the February 1st coup. In the last five years, the power parallel arose between the Tatmadaw, and the civilian government led by Aung San Suu Kyi. It will need to be evaluated how this power parallel initiated in the last decade, especially in the last five years and how the consequences of this power parallel led to the February 1st coup. The Tatmadaw's effort to maintain and utilize the power given by the 2008 constitution led to the power parallel with the civilian government, and this led to the consequence of the February 1st coup.

The initial objective of this paper is analyzing the relations between the NLD and the Tatmadaw in the last decade. To fulfil this objective this paper will be primarily using the qualitative research method. This paper will be divided into three parts. Firstly, it will discuss how power can be defined in the Burmese context. After that, the last ten years of relations between the NLD and the Tatmadaw will be analyzed.

DEFINING POWER IN BURMESE

To define power in the Burmese context, two terms AwwZa and ArrNa will need to be explained. “The term AwwZa can be defined as the authority or the influential power. On the other hand, the term ArrNa can be interpreted as the power which can take control of the government, or the power given by the constitution” (Myanmar Literature Commission, 1980).

Consequently, Aung San Suu Kyi can be said to have influential power toward the people or the political AwwZa. After National League for Democracy (NLD)'s victory in the 2015 general election, it could also be said that Aung San Suu Kyi and the NLD had a certain amount of governmental ArrNa despite having some restrictions by the 2008 constitution. On the other hand, the Tatmadaw held a certain amount of ArrNa given by the 2008 constitution but still lacked political AwwZa compared to Aung San Suu Kyi.

THE EMERGENCE OF THE THEIN SEIN GOVERNMENT AND THE INTRODUCTION OF THE NEW TATMADAW LEADER

In 2010 the Union Solidarity and Development Party (USDP), mainly steered by the former military officials, won the general election. After the 2010 election, a government mainly led by ex-military generals emerged as the new civilian rulers, and this led to the end of SPDC and the direct military rule, especially the Than Shwe regime.

Although some civilian advisors and ministers were appointed at the Thein Sein government, the ex-military generals still played an essential role in parliament and government. At the same time, a new leadership was introduced with the appointment of Min Aung Hlaing as the commander in chief of the Myanmar Military, the Tatmadaw. The leadership of the Tatmadaw was handed over from Than Shwe to Min Aung Hlaing. Min Aung Hlaing and the Tatmadaw did not gain so much attention compared to Thein Sein's government which was under the attention of both international and local media. One reason could be that the Thein Sein government and the Tatmadaw were regarded as inseparable because the former military officers dominated the Thein Sein government. Therefore, these two institutions were regarded as acting closely together. Furthermore, even though the Tatmadaw held 25% of the parliamentary seats according to Article 14 of the 2008 constitution and the power to appoint three important union ministers according to Article 232 of the 2008 constitution (Ministry of Information, 2008), Min Aung Hlaing and the Tatmadaw were not prominent during the start of government led by Thein Sein and the ex-military officers.

The turning point of this decade would be the release of Aung San Suu Kyi and other political prisoners under the Thein Sein government. In 2010, Aung San Suu Kyi's National League for Democracy Party (NLD), the primary opposition side during that time, boycotted the 2010 election (Fuller, 2010) and did not participate with the reason that they did not have confidence in the reforms brought by the 2008 constitution. Aung San Suu Kyi was also not released during that time (France 24, 2009). In 2011, Aung San Suu Kyi was released from house arrest. The meeting between Aung San Suu Kyi and Thein Sein happened in August 2011 (The Irrawaddy, 2015) capturing all the attention of the media, not only locally but also internationally. The meeting between these two political figures also happened in 2012 after the NLD victory of the 2012 by-election (The Associated Press, 2012). However, the specific meeting between Aung San Suu Kyi and the Tatmadaw leaders could not be seen in the early years of that decade. Looking into this, it could be

argued that the role of the newly appointed commander in chief Min Aung Hlaing and the Tatmadaw was not so prominent during that time.

AUNG SAN SUU KYI, THE NLD AND THE INITIAL EFFORTS TO AMEND THE CONSTITUTION

Despite the fact that they boycotted the 2010 general election, Aung San Suu Kyi and her party took part in the 2012 by-election with the promise of amending the constitution, in particular Article 59 (F) prohibiting Aung San Suu Kyi from becoming president. The NLD might also regard that this article was targeted at Aung San Suu Kyi, their party leader, and need to be amended. Aung San Suu, Kyi in her speech at the headquarters of the NLD in Shwe Gone Daing, also stated that they want the authority to govern for the people's sake, which became one of the reasons the NLD took part in by-election despite a small number of seats (RFA's Burmese Service, 2012). To amend the article, it would need to get parliamentary votes exceeding 75%, according to Article 436 of the constitution. As the Tatmadaw took 25% of the seats, the constitution could not be amended without the Military's permission.

The NLD and Aung San Suu Kyi allied with other political powers, especially the 88 Students' Organization led by Min Ko Naing, to make changes to the 2008 constitution in 2014 (Hlaing Kyaw Soe, 2014). They primarily targeted Article 436, and this probably established a confrontation between the Tatmadaw and Aung San Suu Kyi. Aung San Suu Kyi and the NLD also assumed that Article 436 gave a veto-like power to the Tatmadaw (Ferrie, 2014). They initiated a signature campaign, and they also made a proposal in parliament to amend certain articles of the constitution (Ferrie, 2014). This effort of the NLD in amending the constitution was not successful. Min Aung Hlaing and the Tatmadaw intended to protect the constitution (Strangio, 2014). Moreover, in the interview with CNA in 2015, Min Aung Hlaing stated that:

"We introduced the system of a multi-party in March 2011, we cannot separate the country's history from the history of the Military. Based on our experience, when we move towards a multi-party democratic system, it needs to be robust." (Myawaddy Publishing, 2016, p. 14)

According to this interview, it can also be regarded that the Tatmadaw did not want to make changes to the current system, and it means that they did not want to allow

constitutional changes. As the constitution granted political ArrNa to the Tatmadaw, this might be the reason why the Tatmadaw did not want to alter the current system. Despite their efforts, amendment of the constitution was not successful, Aung San Suu Kyi and the NLD then initiated taking part in the 2015 election with the promise of amending the 2008 constitution and a national reconciliation and peace process. At that time, she and the NLD might have thought that taking part in the election would be the most promising way to make political reforms, especially the amendment of the 2008 constitution. In the manifesto of NLD, it was stated that:

"The Tatmadaw is an important institution of the state to work towards the Tatmadaw and institutions of national defence coming under the guidance of the executive branch. To work towards a Tatmadaw that is trusted, respected, and relied upon by the people." (National League for Democracy, 2015)

According to this manifesto, it could be argued that the NLD regarded that the Tatmadaw was still an important institution that is indispensable for the country. They also indicated their intention of working with the Tatmadaw. In that manifesto, a rivalry of power tension could be seen as the NLD wanted to put the Tatmadaw under the authority of the civilian government. At the same time, the Tatmadaw still wanted to maintain its position as an independent institution free from civilian control. Min Aung Hlaing, during his interview with CNA in 2015, also stated this as a fact.

"The history of the country cannot be separated from the history of the Tatmadaw... We have been involved and played an important role. We have all the experience. We are now moving along on the path of multi-party Democracy... In that respect, the Tatmadaw is providing support." (Myawaddy Publishing, 2016, p. 12)

According to this interview, Min Aung Hlaing also depicted the intention of keeping the Tatmadaw with any allegiances, such as the civilian government. It was also mentioned the Tatmadaw's intention of taking the leading role in the country. Looking into that interview, the Tatmadaw probably wanted to assemble their political AwwZa. Another turning point of this decade came with the NLD's landslide victory in the 2015 election (Fisher, 2015), and it could also be regarded that Aung San Suu Kyi's political AwwZa was one of the reasons for the NLD's landslide victory.

THE VICTORY OF THE NLD IN 2015 GENERAL ELECTION AND THE EMERGENCE OF THE TATMADAW AS THE PARALLEL CONSTITUTIONAL POWER

The landslide victory of the NLD in the 2015 election brought Thein Sein and the USDP government to an end. This defeat of the USDP in the 2015 election left Min Aung Hlaing and the Tatmadaw as the only actors on the opposition side as there were no significant seats won by the opposition side, such as the USDP. After their historic landslide victory in the 2015 election, Aung San Suu Kyi, the leader of the NLD, and Min Aung Hlaing had their first-time face-to-face meeting in December. In that meeting, they discussed how to cooperate and for the transition to the era of a new government (Fuller, 2015).

Despite the landslide victory, the 2008 constitution left a riddle to solve for the NLD, making Aung San Suu Kyi the government leader. Article 59 was still an obstacle for Aung San Suu Kyi to become president. Although the NLD could not appoint Aung San Suu Kyi as president, they could find another path. The role of the State Counsellor was drafted and approved by the Pyidaungsu Hluttaw (Pyidaungsu Hluttaw, 2016), and Aung San Suu Kyi was appointed as the State Counsellor (McKirby, 2016). Although the president was the head of state and government according to the 2008 constitution, the creation of the State Counsellor role made Aung San Suu Kyi the leader of the government and the leading public figure of the state (Woollacott, 2016). In that way, a certain amount of political ArrNa was granted to Aung San Suu Kyi and the NLD after their subsequent victory in the 2015 election.

On the contrary, the Tatmadaw was still having a certain amount of ArrNa granted by the constitution. Thus, although the NLD could form the government and have an adequate number of parliamentary seats, the Tatmadaw still had the privilege of appointing three ministers and holding one-fourth of the parliamentary seats. In this way, it could be said that the NLD's emergence in the civilian government and the Tatmadaw gaining constitutional privileges created a power parallel.

Aung San Suu Kyi and Min Aung Hlaing became the two leading figures of the two parallel institutions: the NLD government and the Tatmadaw. The NLD, on the one hand, holding their election promise of amending the constitution and the Tatmadaw on the other hand, stressing the three national causes and protection of the constitution. In this way, this power parallel seemed more antagonistic although they did not collide so much during the early years of the NLD government. With their promise of amending the constitution, the

NLD tried to put effort into amending the constitution (San Yamin Aung, 2018). This would be the second time the NLD tried to amend the constitution in the parliament (Fülscher, 2020). This effort of amending the constitution included cutting off the power of the Tatmadaw given by the constitution (Nitta, 2019). This included the intention of reducing the parliamentary seats taken by the Tatmadaw (San Yamin Aung, 2020), but it was not successful. Despite the fact that the NLD could not find any success in amending the constitution, they decided to participate in the 2020 general election. The NLD's manifesto for the 2020 general election included some facts for reforming the Tatmadaw (San Yamin Aung, 2020).

The NLD's manifesto for the 2020 election stated that:

"Tatmadaw must protect the state and the people as their main cause of duty. Tatmadaw shall become an institution that people trust and reliable. Tatmadaw must uphold the policies of the government elected by the people in accordance with the democratic norms." (National League for Democracy, 2020)

Compared to the NLD's manifesto for the 2015 election, this manifesto still stated that the Tatmadaw would need to work under the civilian government. During their five years of rule, the NLD government did not grant permission to call for the National Defence and Security Council (NDSC), which was dominated mainly by the Tatmadaw (San Yamin Aung, 2020).

During the election campaign, Aung San Suu Kyi showed a strong influence or political AwwZa on her supporters. One example of this influence could be that Aung San Suu Kyi mainly used video messaging during the campaign period. For example, just before the silent day of the election Aung San Suu, Kyi, in her video message, told her supporters to remove all the flags and party logos (Thet Zin Soe, 2020). Another example could be when Min Aung Hlaing visited ShweBo, he faced many people; most of them were NLD supporters who mocked him with the NLD campaign song, which praises Aung San Suu Kyi (The Irrawaddy, 2020). That would seem quite offensive to the Tatmadaw, although the Tatmadaw leader did not show any reaction or comment on that matter. This probably raised the consciousness of the Tatmadaw and Min Aung Hlaing about Aung San Suu Kyi's political AwwZa and her influence on the people. The NLD's second landslide victory in the 2020 election (Peter, 2020) also highlighted Aung San Suu Kyi's influential power over the people.

CONCLUSION

To describe the relations between the NLD and the Tatmadaw, it would be better to use the parallel between the powers. The Tatmadaw, the holder of the armed power, also possessing the ArrNa granted by the 2008 constitution, collided with the NLD when they tried to amend the constitution. When the NLD won in the 2015 election, with their political AwwZa, and could form the government, the power parallel between the NLD and the Tatmadaw became more visible. The parallel between the NLD and the Tatmadaw could be said to be initiated when the NLD tried to amend the constitution, especially targeting the article which gave the Tatmadaw the constitutional ArrNa.

It could be regarded that the power parallel intensified when the NLD tried to amend the constitution in parliament in 2015. The NLD won another election in 2020, and this time the Tatmadaw was probably aware of the political AwwZa on the people. Min Aung Hlaing and the Tatmadaw also tried to find political power as they met with political parties, including the USDP, before the election (Nyein Nyein, 2020). It is possible that the Tatmadaw might have been trying to fabricate their political AwwZa for the post-2020 election period. But their effort to build the political influence did not come into shape as most of the political parties which met Min Aung Hlaing could not produce a significant result, and the NLD landslide victory was the result (Yuichi Nitta and Thurein Hla Htway, 2020). It could be said that Min Aung Hlaing and the Tatmadaw's attempts to form a political alliance was not successful.

During the five years of the NLD government era, the Tatmadaw may have witnessed the political AwwZa and the influential power of Aung San Suu Kyi. After the election, the NLD also expressed their intention of working together with the ethnic parties (Nyein Nyein, 2020). The Tatmadaw might have been aware that the opposition would become more assertive if such a coalition could be founded. Aung San Suu Kyi and the NLD proved that their political AwwZa and popularity still existed among the public with their landslide victory in the 2020 election. For the Tatmadaw, this might have raised their awareness that such influential power could lead to the amendment of the constitution that gave the Tatmadaw a certain amount of constitutional ArrNa. Therefore, the Tatmadaw's effort to maintain and utilize the ArrNa given by the 2008 constitution led to the power parallel with the civilian government, and this led to the consequence of the February 1st coup.

Interpreting power into Burmese, the two terms AwwZa and ArrNa are the result. This paper was mainly targeted at finding out how these two words could be used to analyze the power parallel between the NLD and the Tatmadaw. It also gives opportunities for future research to find out how these two different kinds of power work in Burmese politics and who could successfully utilize these two kinds of power in Burmese politics throughout Burmese history.

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SYRIAN REFUGEES IN IRAQ: THE PARADOX OF FINDING A HAVEN IN AN UNSAFE PLACE

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ABSTRACT

Migration is an old phenomenon in human history. In this chain, people migrate for their self-interests. Some countries have a mass number of populations that migrate due to civil war or conflicts.

While the regional reaction to the Syrian crisis has centered mostly on Jordan, Lebanon, and Turkey, the position of Syrian refugees in Iraq is unknown. Iraq has around 250,184 registered Syrian refugees in the Middle East area out of 5.6 million (4.4 percent). Most of them are of Kurdish origin and arrived in Iraq after the 2012 and 2013 conflicts. About 98.8% of the Syrian refugees in Iraq are registered in the governorates of Erbil, Dahuk, and Sulaymaniyah in the Kurdistan Region of Iraq (KRI). In Central and Western Iraq, the remaining minority of Syrian refugees are also registered. Unless conditions are suitable in Syria for a voluntary return to security and dignity, a deeper understanding of the potential of Syrian refugees in Iraq must be established.

Moreover, the study shows that Syria had previously been home to many Iraqi refugees when there was unrest in Iraq. How Iraq is seen as a safe haven to the Syrian refugees who have chosen to ply their trade and live their lives there, despite being unsafe, remains some sort of a mystery.

This particular study piqued the researcher's interest because being a person of Islamic origin with some affiliations to the Arabic part of the world, she has a sense of identification with these people. Also, the fact that there are very few safe options out there appealed to the researcher to further study it.

⁹ Ayesha Siddiq comes from Gujrat in Pakistan. She moved to Thailand in 2013 to escape religious persecution. In her own words: "I was very keen to do university studies because in my family no girl had ever done that before me. It was a very big challenge for me but my passion and dream to change the way towards education for girls enabled me to surmount every obstacle. I finished my BA in Business Administration from Siam University, Bangkok. Siam University played a big role in achieving my first goal. Now I am close to finishing my master's degree in International Relations from Thammasat University. I hope I will build an endless road of hope for others behind me."

In summary, this study seeks to understand the possible reasons that caused the Syrians to move to Iraq despite knowing that Iraq is not safe for them.

Keywords: Migration, Refugees, Persecution, Civil War, Conflict.

OVERVIEW AND PROBLEM STATEMENT

In the last ten years, the number of Syrians who have had to leave their homes due to displacement caused by the war, insurgency, civil and military unrest in Syria has increased astronomically. Since the war began in 2011, there have been over 6.6 million Syrian refugees across the world¹⁰. The number of Syrians internally displaced within their country is very close to that number, at about 6.2 million. World Vision has it that over half of that number – 12.8 million by calculation are children.

Of the over 6 million Syrians estimated to be refugees, Iraq hosts approximately 241,650 refugees. About 99% of the Syrian refugees in Iraq live in the Kurdistan Region of Iraq (KRI), particularly in Erbil, Dahuk, and Sulaymaniyah governorates¹¹. This paper analyzed the details of Syrian displacement inside Syria and Iraq and throughout the region. It also focuses on Syrians who have been going to and from Syria since 2011. A critical look at the rationale behind the action and its reasonableness, in the first place, will be carefully carried out as well.

Originally, Syria has historically offered assistance to Iraqi refugees. At the beginning of 2007, the United Nations High Commissioner for Refugees (UNHCR) estimated that the Iraqi refugees in Syria were over 1.2 million. Of the Iraqi refugee population, 80-90% lived in the capital city of Damascus. Data shows that as of 2007, four years before the Syrian war began, Iraqis comprised about 6.67 percent of the 18 million Syrian population at the time. The reason for this can be attributed to more than just geography. Syria maintained an open-door policy to Iraqis fleeing the war-ravaged country until 2007.

This research focused on the Syrian refugees in Iraq. As it is known, the refugee issue is one of the biggest challenges in the world. The researcher took the case of Syrian refugees to find answers to why people move from one war zone to another. The civil war in Syria

¹⁰ <https://www.worldvision.org/refugees-news-stories/syrian-refugee-crisis->

¹¹ <https://www.acaps.org/country/iraq/crisis/syrian->

has been going on for the last ten years now. The same is the case with Iraq that has been declared a war zone and controlled by militants and terrorist groups. This situation triggered the researcher to look at the circumstance and factors that made Syrian refugees choose Iraq as their host country. She examined the consequences of their decisions.

Leaving a home country by force is never easy. But it is human nature to transfer from a dangerous place to a safer site. Migration can happen due to the peace and security situation and in need of a better living place. Choosing a host country means looking at the pros and cons, challenges, benefits, and other aspects. It is an important decision that people make at that time as it affects the lives of the migrants.

Looking at the case of Syrian refugees, Iraq is one of their destinations. Almost two million Syrian refugees have fled to Iraq even if Iraq was already in a state of war since 2003. Terrorist groups were active. Political and economic instability are known challenges there. Also, human rights violations amidst the war crimes were at their peak in Iraq. Religious groups were killing each other. The question as this point is – *“How can they choose Iraq even if they knew the situation is the same as what they have experienced in Syria?”*

This research focused on this question: *What factors affect the decision-making of Syrian refugees in choosing Iraq as their host country?*

REVIEW OF PREVIOUS RESEARCHES ON THE QUESTION

Previous researches show that there are different answers to why Syrians choose Iraq as a migration destination. Syrians go to Iraq mainly because of their relatives, even if it is not their first choice.

In 2019, the Durable Solutions Platform was a joint initiative of the Danish Refugee Council (DRC), the International Rescue Committee (IRC), and the Norwegian Refugee Council (NRC). They conducted some interviews of Syrian refugees in Iraq. In this survey, families answered the following:

“I chose to move here [to Dahuk] because my wife’s relatives live here. They told us about the jobs and basic services available here.”

"I have never been in Iraq before the war. The first time that I had visited was when I took refuge here. I moved to Iraq because of the war, the armed gangs, and the killings happening on the streets. We left Deir Ezzor immediately after events started to escalate. We went through several villages in the same governorate until we arrived at the borders of Iraq. We stayed at the border for around one month, and armed gangs were in the same location."

The answers above from Syrian refugees who reside in Iraq show that in many cases choosing the host country was not their own decision. Few migrate due to family and friends, while others migrate due to economic conditions. Turkey closed its borders because Europe was facing a flood of refugees through Turkey. In this case, the only option left for refugees was Iraq. Some people can't travel to KRI that is very close to the Turkish border, due to fear of encountering terrorist and militant groups that target people with different religions. These salient issues are less discussed, and most researchers covering the refugee's local integration consider all refugees as economic immigrants.

One of the hard parts of Iraq is non-government organizations (NGOs) are not involved in that much capacity in providing humanitarian assistance in other countries. The United Nations Higher Commission of Refugees (UNHCR) is doing its work in providing shelter, medicine, and food but cannot handle other issues due to the Iraq ground situation and the growing number of non-registered Syrian refugees. The Syrian refugees are also facing matters such as language barriers and cultural issues.

Both countries' people have experienced war and terror, and with this situation, it is very not easy to trust someone without knowing their background. It has become difficult for Syrians to adjust to the Iraqi people. Due to the civil war, Syrian people have entered Iraq without any security clearance from Iraq. This loophole was a big concern for the Iraqi people who have experienced suffering, such as the harassment of women. The situation in Iraq was very similar to Syria as there was no freedom of movement, and the safety and security of women and children are at risk. Risks were the same on both sides.

LITERATURE REVIEW

Syria is said to be one of the most ancient countries in the world. It is the cradle of one of the oldest civilizations in the world, with a rich artistic and cultural heritage.

Syrian Civil War

Many human rights groups reported that Bashar al-Assad regularly tortured, imprisoned, and killed political adversaries throughout his presidency. Revolts in Egypt and Tunisia, known as the “Arab Spring,” broke out in early 2011. In March 2011, a group of Syrian teens and children were arrested and tortured for writing anti-government graffiti thought to be inspired by the Arab Spring rebellion. Peaceful protests broke out in Syria after the graffiti incident and became widespread. Assad and the Syrian government responded by arresting and killing hundreds of protestors and their family members.

These events, combined with other circumstances such as a lagging economy, severe drought, lack of general freedoms, and tense religious atmosphere, led to civilian resistance and, ultimately, an uprising. The Syrian Uprising (later known as the Syrian Civil War) is a continuous inner clash between the Syrian armed forces and the radical gatherings of mostly rebels created by numerous heterogeneous branches. Protestors requested political opportunity and the release of political detainees. It was quickly followed by an administration crackdown where the Syrian Army suppressed the unrest.

Iraq

Iraq currently is one of the most unstable countries in the Middle East due to political divisions, high unemployment, and devastating wars. The Shiite Arab majority now controls the federal government in Baghdad, and Sunni Arabs, who were the backbone of Saddam Hussein's regime, are feeling marginalized. The Kurdish minority in Iraq has its government as well as security forces. Kurds and the central government are at odds over the distribution of oil profits and the final status of mixed Arab-Kurdish territories. In Iraq, human rights violations, torture, and unjustified arrest are not unusual. Many families have lost their freedom of movement and the right to education of their children. It is because of the unclear security situation and affiliations with rebel groups or any other group that was a member of the opposition party during wartime. Justice and human rights are hard to get in Iraq.

GAPS IN EXISTING KNOWLEDGE

Most researches have taken the European context and perspective. Also, input from the individual victims was less considered. Most researchers talk about economic factors of migration, notwithstanding the decisions made according to different circumstances

related to forced migration. People do not want to leave their home countries, but their situation forces them to migrate to save their lives.

Sometimes refugees are not allowed to work in countries they chose to migrate to, worsening their economic condition. Refugees registered under the UNHCR have to follow the laws of their host countries. In many countries, they are not allowed to work. Other challenges are low wages, child labor, sexual violence, and human trafficking. The process of migration is a less addressed issue that brings much suffering to migrating people. Today, it is necessary to identify new aspects of international migration in the context of humanitarian approaches. It can only be possible if information comes directly from the refugee community.

PROPOSED METHOD

The planned travel to Iraq was in August 2020. But due to the Covid-19 pandemic resulting in critical situations around the world, borders were closed. Since travelling was not possible, the researcher has done everything online with the assistance of two individuals: one Iraqi national, Jaffar Hasan Atiya Al Azzawi, who lives in Bagdad, and a Syrian national, Ali, who resides and works in Najaf.

The researcher conducted primary data collection in 2020 from September 6-10, November 22-27, and December 10-20. Surveys were done by email while interviews and life stories were done through video calls using BOTIM, a popular mobile app in the Middle Eastern countries. The study used the qualitative approach and method utilizing focus group discussions (FGDs), key informant interviews, and life stories using UNHCR data and previous researches.

The study covered two groups:

- **Syrian refugees in urban areas:** households and individuals displaced outside from Syria since 2011; registered and non-registered refugees accessed; urban refugees in Erbil, Dahuk, Sulaymaniyah, and Anbar; registered Syrian refugees in KRI
- **Iraqi residents:** individuals and households currently residing in their community of origin. As urban refugees have the freedom of movement in and out of camps, have more direct interaction with the host population, and a higher likelihood of achieving local

integration in the displacement location, the research focused on Syrian refugees residing in urban areas with host communities, not camps.

The study covered the locations (Erbil City, Dahuk City, Qaiem, Sulaymaniyah, and Anbar) not physically but through telephone, because these are near the terrorist group territories. The extremist groups are still active in the Anbar mountains. The researcher wanted to include people living in these risky areas to know the factors that influenced them to move to these areas. The study focused only on the Syrian refugees. It did not include the Iraqi internally displaced persons (IDPs). Focus group discussions were crucial for encouraging community dynamics to determine their perceptions and attitudinal reactions. Household surveys helped in identifying the demographic differences at the individual level about migration decisions.

Table 1: Summary of Data Collection

Locations	Groups	# of HH surveys			# of FDGs			# of KII			Life stories		
		F	M	Total	F	M	Total	F	M	Total	F	M	Total
Erbil	Syrian Iraqi	15	90	105	2	1	3	1	2	3	0	1	1
		23	100	123	3	0	3	1	2	3			
Dahuk	Syrian Iraqi	20	100	120	2	1	3	1	2	3	0	1	1
		45	103	147	1	1	2	1	2	3			
Sulaymaniyah	Syrian Iraqi	12	60	72	1	1	2	1	1	2	0	1	1
		15	70	85	0	2	2	1	2	3			
Anbar	Syrian Iraqi	15	20	35	-	-	-	-	-	-	0	1	1
		12	25	37	-	-	-	-	-	-			
KRI	Syrian Iraqi	15	20	35	-	-	=	-	1	1	0	1	1
		12	15	27	-	-	-	-	1	1			
TOTAL		184	603	786	9	6	15	6	13	19	0	5	5

Household Surveys

The household surveys conducted for both nationalities assessed the multiple dimensions of the groups to know about their rights and quality of life. The surveys indicated if these people have equal rights and employment opportunities as others.

The surveys included a random-sized sample of Syrian and Iraqi nationals. The registered refugees living in camps were surveyed via telephone, scheduled a week prior.

For Iraqi residents, notebooks were used for writing and recording to resolve language differences. Also, most people are incapable of reading and writing.

Focus Group Discussions

For the focus group discussions (FGDs), six to eight persons comprised each group. The groups were also divided according to gender. The discussions focused on local integration issues and how the Iraqi people treated the Syrian refugees. Some community leaders, lawyers, teachers, and businessmen joined the discussions.

Life Stories

The researcher interviewed only the Syrian refugees to share their life stories. It was slightly difficult for them to share their experiences, but the researcher was fortunate to gather their narrative through the help of locals.

DATA ANALYSIS

The data from the household surveys were analyzed using the software Statistical Package for Social Sciences (SPSS) and Microsoft Excel. The findings are representative of the target groups with a 90% confidence level and a 10% margin of error. The sub-questions have smaller sample sizes and a lower margin of error. Using a thematic coding approach, the researcher analyzed the key informant interviews, focused group discussions, and life stories.

FINDINGS

In most cases, people try to find the easiest way to get rid of the difficulties. So, when Syria was in war and conflict, the first place that came to the minds of Syrians was their neighboring countries. Culture, religion, and language are essential to the Arab countries.

Due to limitations in education, only very few people can communicate in English so Syrian refugees prefer Arabic-speaking countries. Iraq came on top of the refugees' choices. They think that since Syria hosted Iraqi refugees a few years ago, it was the Iraqi people's turn to host them. But their expectations were wrong due to the different nature of the Syrian war. The Syrian war involved the anti and pro-Assad groups which are both Syrian.

The financial issue was also one of the reasons behind choosing Iraq. It was easier to enter the borders of Iraq than in other countries like Turkey. People often think that Iraq is not safe choice for Syrians mainly due to differences in religious sectors of Islam. Both in Syria and Iraq, the ruling parties and majority of the population belong to Shia Islam and Alawite sect that share the same religious beliefs. The Syrian Civil War was a conflict between two religious groups, the Alawites and the Sunni. Syrian refugees who practice Sunni Islam were not accepted in Iraq, making their life in Iraq difficult.

Half of the anti-Assad rebel group entered Iraq as well. They moved to the Anbar mountains and from there actively conducted their activities against the Assad regime. The situation was very dangerous for the Iraqi people. They said they do not trust the Syrians whom they have provided temporary homes or work. Also, they do not want to be a part of the conflict in Syria. Because of this, local integration has become a big challenge for Syrian refugees.

Regarding local integration, surveys show how Syrians and Iraqis access the various rights and privileges. There have been gaps or differences in accessing social services such as healthcare, education, housing, and utilities. Also, gaps exist in the access of employment and livelihood, ownership of properties, and other freedoms between Syrian refugees and Iraqi residents.

Table 2: Proportions of Access to Rights ¥

	% of HHs that reported having access		Gaps
	Refugees	Residents	
1. Long-term safety in Iraq, security, and freedom of movement in Iraq	56%	93%	-37%
2. Better standard of living including, at the minimum, access to good food, water, housing, healthcare, and basic education	55%	86%	-31%
3. Access to work and livelihoods	49%	78%	-29%
4. Access to effective mechanisms that restore ownership of housing, land, and other properties	67%	95%	-28%
5. Access and replacement of legal documents	65%	94%	-29%
6. Voluntary reunification with family members separated in displacement	38%	-	-
7. Participation in public affairs with the resident population in Iraq	10%	19%	9%

Here are some of the quoted answers from Syrian refugees:

“We were in a war zone in Syria. Life was in danger. I just follow my husband’s family” – Fatima, age 31, City of Erbil

“Economic situation was not good in Syria. We don’t have enough money to move to any other country. Iraq was close and we can enter by walking” - Hussain, age 40, City of Dahuk

“Lebanon refugee camps are not safe there. Extremist terrorist groups active there and many rape cases happened and no enough food” – Maryam, age 40, City of Sulaymaniyah

“We choose Anbar City because our few family members in forces fighting for our country”- XYZ, age 45, Governorate of Anbar

“We don’t want our son will go in army and they died we lost some family members in war so we want to leave Syria as soon as possible because of language similarities we chose Iraq and people are same like us” - Haider, age 55, KRI

UNICEF Iraq has stated the following:

After ten years, it seems the lives of Syrian refugees became tough in Iraq, and all the gains will be lost. Life is hard in Iraq with many different issues. Some young boys work in hotels for longer hours than Iraqi workers but get very low wages. Child labor and early marriages are increasing day by day because of food shortage and security issues. The devastating impact of the Covid-19 pandemic has put the lives of Syrian refugees in tougher situations not only in Iraq but around the world. The self-esteem they are building is at the risk of being lost.

CONCLUSION AND RECOMMENDATIONS

Human migration is an unstoppable thing. It will always happen from time to time due to different reasons. But more conflicts must be stopped. The process of migration must be changed to be less painful for the people and better for their future. People who face conflicts and decide to migrate should not just try to follow the crowd because it can worsen their conditions. People who migrate should try to register themselves under the government or any non-government organization (NGO) so that their data can be in record and support can be provided to them, especially during times of adverse conditions. In Iraq, almost half of the Syrian population is not registered. In registering, they can get some benefits from the government and other organizations as well, may these be food, cash assistance, healthcare support, and better education opportunities for their children through the registered refugee program. Iraq is one of the countries where some NGOs are afraid to go because of security issues and visa problems. These NGOs collaborate and fund refugee programs where people can get help and support.

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NARRATIVE APPROACH AND GROUNDED THEORY: METHODOLOGICAL TOOLS FOR A THEORY OF CHILD MARRIAGE IN THAILAND

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ABSTRACT

Child marriage is globally recognized as a serious form of child abuse and human rights violation. It is unfortunate that child marriage receives lesser attention – legally and academically – compared to other forms of violations against children’s rights. However, the adoption of the Sustainable Development Goals (SDGs) has put a spotlight on the issue. The SDGs have not only helped in increasing funding for organizations targeting child marriage, but it has also highlighted the need for relevant academic work on this issue. Nonetheless, it is surprising to learn that, unlike other aspects of child abuse, child marriage has not been a popular topic for theoretical analysis. So far, Wahhaj’s theory of child marriage has been the only one to tackle the issue. Although the theory might seem appealing at first glance, Wahhaj’s research methodology has several limitations. Child marriage is a phenomenon that is deeply imbedded in cultural tradition. Therefore, to accurately construct a theory of child marriage, the author asserts that this theory, or these theories, must be developed based on the area of application. This paper reviews literature on the limitations of the existing theory and research methodologies covering child marriage. In addition, it proposes that the best way to develop a theory of child marriage in Thailand is to follow the narrative approach and grounded theory as these are suitable research methodological tools for exploring the theory of this practice.

Keywords: Child Marriage, Theory, Thailand, Narrative Approach, Grounded Theory.

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INTRODUCTION

Data on child marriage, provided by UNICEF in 2014, revealed that 22 million out of 1.1 billion girls were already married, and that 1 out of 4 women were married during their childhood. In comparison, 1 in 3 women were married during childhood during 1980s. With the arrival of the Sustainable Development Goals (SDGs) in 2015, the world has paid more attention to child marriage because, since then, the issue has been listed under the SDGs' goal 5, target 5.3 (United Nations n.d.). However, since then, the eradication of child marriage globally, still, has not shown much progress. Although international reports on child marriage showed that the practice has been decreasing, this decline seems to be quite slow. In 2018, UNICEF reported that the ratio of women who got married as children had decreased from 1 in 4 to 1 in 5. However, this downturn was mostly clustered in some regions and sub-populations (UNICEF 2018; UNICEF 2020; UNFPA-UNICEF 2021). In response to this, UNICEF (2018; 2020) suggested that all United Nations (UN) Member States put more effort into addressing this issue. It has been asserted that the progress needs to be "significantly accelerated" in order to prevent millions of girls from becoming child brides by 2030.

Listing child marriage as one of the SDGs' goals has garnered more academic interest on the topic. Since 2015, academic research on child marriage has been rapidly rising. In 2021, UNFPA-UNICEF reported that the number of academic publications during the period of 2016-2019 alone equaled the number for the entire 16 years prior, 2000-2015. A popular area of study has been focusing on the socio-cultural context of child marriage (UNFPA-UNICEF 2021). However, there is very little research on the construction and critique of the theory of child marriage. Without a sound theory, it is questionable whether any attempts trying to stop child marriage would yield long-term, sustainable results and impacts. Considering recent reports on child marriage, its incidence has been slowly declining. It is worth contemplating if this harmful practice has been properly dealt with since its theoretical foundation has not been adequately explored.

Up until today, a study produced by Wahhaj (2015) has been the only academic publication that literally described itself as a study for a theory of child marriage. However, his theory has limitations. His research methodology has cast doubt on whether the theory could be applied to other countries. Turning towards Thailand, where child marriage pervasively occurs in local communities, it is a surprise to see that academic research on this issue is extremely rare. Moreover, an academic search for a theory of this practice in Thailand, has

yielded no significant results. With the nature of child marriage that is very much intertwined with local cultural norms, which varies per region, it is important to have theoretical frameworks that accommodates local contexts. Likewise, Thailand should have developed its own theory of child marriage because to achieve any successful prevention/intervention strategies and programmes.

This paper aims to critically assess the existing theory of child marriage. Along with this, the author asserts that narrative analysis and life history would be a suitable type of data collection method, and that grounded theory technique would be a useful data analysis tool for developing a localized theory on child marriage in Thailand.

EXISTING THEORY AND RESEARCH METHODOLOGIES OF CHILD MARRIAGE

Wahhaj's Theory of Child Marriage

Wahhaj's "A Theory of Child Marriage," published in 2015 has been the only publication, so far, that has proposed a theory of child marriage. An economist by training, Wahhaj's interest in the child marriage phenomenon was based on the assumption that global economic growth does not have any impact on child marriage, and that the practice can survive even when people become less dependent on family and kinship (University of Kent 2016). The reason behind this is patriarchy, which is reflected through intersections between family honor and daughter purity. Clearly, Wahhaj's viewpoint is quite narrow because research in this field has long shown that there are multiple factors leading to child marriage. Even within the scope of patriarchy itself, the need to marry off daughters can be supported by others. Walby (as cited in Chowdhury 2009; as cited in Backlund & Blomqvist 2014) illustrates how patriarchy impacts every facet of a woman's or girl's life. She pointed out that women are not only oppressed within their households, but they also have to face pressure from external forces. These experiences shape restricted access to life opportunities. Therefore, patriarchy is not limited only to the notion of family honor and female purity as Wahhaj suggests. To define the determinant of child marriage as the product of these two values is quite ignorant to the entire process and experience of child marriage. Above all, it is interesting to note that while Wahhaj acknowledges that economics does not affect child marriage but more of patriarchy, his expertise in economics perhaps drove him to develop his theory of child marriage, that does not seem to recognize patriarchy as a harmful foundation of child marriage at all.

Wahhaj's theory of child marriage is actually described as a marriage market model. Wahhaj (2015) believes that there is a need for young women to be married early because the longer they stay in the marriage market, the lower their value will become. He adopts the concept of marriage timing as the foundation for this model. This is explained through the framework that women tend to marry at a young age due to the physical strength needed for childbearing, while men tend to marry at a later age due to their need for employment maturity. Moreover, Wahhaj's definition of marriage market, which requires the role of a matchmaker, along with the notion of marriage timing, creates restrictions of the theory's applicability to other circumstances where child marriages still or may occur. While in some countries, the idea of a perfect match between young women and older men, including the use of matchmakers, may be culturally accepted, in some other places like the United States, this is uncommon (Uecker & Stokes 2008). Thus, Wahhaj's theory could find difficulties in application in such contexts. However, even in cultures that fit with Wahhaj's theory, there are still limitations due to requirements for the model's implementation. In order to put the model to use, a large pool of data is required so that the model can be calculated (University of Kent 2016). Without existing data, the model means nothing in spite of the matching cultural and traditional practice of child marriage as proposed by Wahhaj. Bangladesh is a country case study that fits well with Wahhaj's theory due to its suitable cultural and traditional background of child marriage and its accumulated data on the issue.

Wahhaj (2015) used Bangladesh as the country sample to justify his theory because of marriage patterns in Bangladesh, that there are low divorce statistics and high in exogamy statistics. Moreover, since 2014, Wahhaj and his research team has continuously collected data on Bangladeshi women with regards to employment, migration, marriage, childbirth, and child rearing (Integgra n.d.). Due to this accumulated data, it is by no means a surprise that the marriage market model could be implemented in context of Bangladesh. Wahhaj (2015) argues that his proposed model has shown that early marriage¹³ in the has been decreasing. It is caused by several factors including national family planning programs, state attempt to improve girls and young women's education, and the rise of manufactory (University of Kent 2016). However, implementation of the model in other countries would still be rather problematic.

¹³ Despite Wahhaj's primary on theory of child marriage, his choice of wording had changed to "early marriage," when he explained the use of Bangladesh as the country case study in order to support his theoretical justification (2015, p. 24).

Existing Research Myths on Child Marriage

Wahhaj (2015) focused his literature review on patriarchy, but also highlights on the notion of marriage timing as the foundation of his model, from which he derives the marriage market model. The marriage market model deals with the decisions concerning marriage of girls or boys. He emphasized that if the qualities of girls change, for example driven by opportunities in education and employment, they would be more likely to be unsuitable for marriage at a young age, or they would have more choices and decision-making power when it comes to marriage timing. Therefore, while Wahhaj (2015) started his research problem on patriarchy, the outcome of his study did not seem to reflect the impact of patriarchy at all. Although there were programs that helped elevate Bangladeshi women's lives ending child marriage was not actually a primary goal of those programs. The decline of it could be seen as an indirect byproduct of these programs. Here, there is a gap between the literature review and his theory's development. It is important to note that, Wahhaj (2015) did not clearly mention his research methodology. Despite being unclear, Wahhaj's a theory of child marriage (2015) seems to be developed based on the use of quantitative research methodology, which seems to be unfavored in the topic of child marriage and child rights.

Most studies that are conducted by employing quantitative research methodology are more likely to analyse trends based on statistic. For example, research conducted by Kalamar and colleagues in 2016 reviewed the literature in the intervention plan of child marriage in middle- and low-income countries. Amoo's publication in 2017, used statistical tools to analyze data collected from the Demographic Health Survey (DHS), hoping to find trends and causes of the age of first marriage in the Sub-Saharan African region. Moreover, research by Rumble et al. (2018) studied determinants of child marriage in Indonesia by examining the data from the Indonesian DHS and the Adolescent Reproductive Health Survey. Considering these examples, quantitative research methodology is more of a technique for finding answers by managing the existing large pool of data. On the other hand, qualitative research methodology is often used to study and analyze lived experiences and narratives of those affected by a phenomenon.

Qualitative study allows researchers to access fresh data, whether they are acquired from the interview or literature analysis. Some examples of this research methodology are the study by Backlund and Blomqvist (2014) that analyzed data from their interviews with people who work in the community and national level in Tanzania. Kohno et al.'s (2019) study that looked into factors pushing women to entering child marriage in Malaysia

through their in-depth interviews. Lastly, research conducted by Stith in 2015 examined the concept of patriarchy and child marriage through her analysis of the feminist theoretical framework and the practice of the Roman Catholic ritual of first communion. Unlike quantitative research methodology, qualitative techniques deal with smaller numbers of data. Considering that qualitative research methodology allows researchers to understand the phenomenon in depth, it should be a better method to use for acquiring the theory of this practice Thailand.

THE METHODOLOGICAL TOOL FOR EXPLORING THEORY OF CHILD MARRIAGE IN THAILAND

Narrative Analysis and Life History for Data Collection

Child marriage is a problem stemming from gender inequalities (Backlund & Blomqvist, 2014; Stith, 2015). Moreover, it is viewed as a harmful practice imposed on women and girls across generations. Parsons et al. (2015, p.15) call this as “intergenerational effects.” Kalman (2018, p.422) highlighted it as being a “vicious cycle”. Among several sub-types of qualitative research methodology, narrative analysis and life history could help researchers better understand the phenomenon. The use of narrative analysis and life history could allow researchers to gain data from those who experience the issue first-hand. These can either be those who affected by the practice or those who might be involved with it in a certain capacity. Qualitative data would very much support researchers in understanding phenomenon in a particular community and could be a good resource for researchers to develop a theory later on.

The nature of narrative analysis and life history share some common characteristics. They both allow research participants to gain and establish a voice in the study. Within these voices, researchers can understand and analyse stories from those that lived through the phenomenon being studied (Goodson, 2001; Esin et al. 2014; Gordon 2015). Considering the nature of how patriarchy intermingles with various institutions, using narrative analysis could be the best way to explore how patriarchal values and structures impact individuals. As Linde (as cited in Ehrlich 2015) suggests, using narrative analysis would enable researchers to explore how powerful institutions involved with individuals’ lives, and how narratives may have changed from time-to-time due conflicts when conforming with the institutions. In many regions around the world, child brides and grooms obey institutional norms, willingly or not. Therefore, narrative analysis could help researchers explore this complex struggle. Gordon (2015) illustrates the importance of narrative analysis in the

family context by emphasizing the way children adapt to and connect with family members. This can be observed through the use of language. Therefore, narrative analysis could be a good technique when involving individual experiences and its relation to other structures, such as institutions. Using narrative analysis in combination with life history would provide great depth of data. Due to the nature of child marriage that could be transmitted through generations (Parsons et al. 2015; Kalman 2018), life history could explore how this phenomenon impacts one's life and how it is carried over to other young children.

Patriarchy is also perceived to be one of the main factors that causes child marriage. Within the context of patriarchy, the system itself helps create gender inequalities for women and girls who live in the communities where patriarchy is adorned. Goodson (2001) suggests that life history could be of good use to explore the lives of female individuals. The reason behind this is because life history allows researchers to get closer to how these individuals adapt to each stage of their lives. Some of the content that could not be explored by other qualitative methods can be found through the discreet or hidden messages. Employing life history has been recently found in the research by John et al. (2019). As part of the mix-method research, John and his research team (2019) adopted the life history approach to gather data on Nigerian and Ethiopian women's experiences as child brides and perceptions on the impact it had on their lives. Considering that research of child marriage is rare within the context of Thai culture, starting off by using narrative analysis and life history would provide researchers with beneficial data for generating research, developing a theory, and eventually attaining desired outcomes.

Grounded Theory as the Analysis

Once data are completely collected, grounded theory could be used to yield a theory from that pool of analysed data. The way grounded theory works could be seen as a bottom-up approach because it relies much on the collected data (Howitt & Cramer 2011). Considering the use of narrative analysis, life history, and grounded theory all together, the way grounded theory has come into play would be through the use of a constructivist approach. Chamaz (2006) explains that the way constructivist grounded theory works is based upon the interpretation of the data's contents that are shared among participants' stories. Data on child marriage that are gained through narrative analysis and life history, are collected from specific groups of participants. Because of this, when analyzing these data all together, they are able to identify and share similarities and patterns among participants and enable researchers to develop the theory from there.

Unlike other types of research analysis, grounded theory is a technique that has not been designed as a tool for finding a theory. Howitt and Cramer (2011) emphasized that the way grounded theory works is to study and analyze theory as it emerges within the data, not in hopes of finding one at the completion of the data analysis. Therefore, grounded theory is a good data analysis technique for researchers that hope to develop theories of child marriage. Even if a perfectly systematic theory cannot be derived at the end of the study process, the technique would still enable researchers to structurally understand the phenomenon in great detail.

CONCLUSION

Child marriage is a perplexing research area. Although the practice has been well regarded as harmful towards children, so far, there has not been much academic research conducted on this topic. Wahhaj's a theory of child marriage (2015) has, so far, been the only academic work which has proposed a theory explaining child marriage. Nonetheless, Wahhaj's research methodology is unclear and the theory he developed – a marriage market model – has a number of limitations. Moreover, Wahhaj's use of Bangladesh as the only country source of data, weakens the credibility of his theory. Child marriage is intertwined with cultural and traditional norms. Therefore, if one wants to study the theory of child marriage, one needs to study it within a particular research region. In the case of Thailand, narrative analysis and life history would be a good fit to understand the phenomenon from individuals' own stories. Finally, the use of grounded theory as a data analysis technique could help researchers interpret and make sense of how the practice survives and thrives within Thailand.

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TRANSGENDER EXPERIENCES OF WORKPLACE DISCRIMINATION IN SRI LANKA

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ABSTRACT

The traditional introduction of sex assigned at birth has been challenged by transgender individual people. However, due that the proliferation of sex as a binary concept, transgender individuals still face forms of marginalization in society. Thus, it is imperative to much towards the concept of gender when pertaining to one's identity and lifestyle. One has to consider how both biological and social factors affect one's gender identity. Human rights violations faced by transgender people with respect to employment are incalculable. In many countries like Sri Lanka, legal provisions that protect people from gender-based discrimination at work are either absent or weak. This paper, therefore, focuses on the lived experiences of transgender people in Sri Lanka as they face and negotiate challenges at the workplace. It also aims to explore the impact of gender identity on a person's career. It has been found that transgender people in Sri Lanka face discrimination in their workplace in many ways, and that existing legal frameworks are unable to address these issues.

Keywords: Transgender, Employment, Discrimination, Equality, Sri Lanka.

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INTRODUCTION

Transgender people often transcend stereotypes when it comes to the common notion of gender, which is still binary in nature. Alitio (2012) states that transgender people possess a gender identity or gender expression that differs from the sex that they were assigned at birth. There are many medical and sociological recognitions for the definition of transgender people it is a widespread condition. The term sex is different from what is described as sexual orientation. Sex is described based on one's biological characteristics. One's sexual orientation is fluid, which means it can change over time. It describes the pattern of emotional, romantic or sexual action in each person's life. According to Sanchez and al (2009), for the survival of any kind of living thing sexual orientation and sexual reproduction are essential things.

Gender identity directly combines with a person's social, economic and political life. This can be articulated based on one's experience with a particular society. For example, in India, transgender people have a long history of developing as a social class, which dates goes back to the ancient Indian Vedic society. Thus, in ancient Vedic literature "Tritya Prakrity" refers to the third gender, and the term "Napunsaka" means one who can't give birth to a child. The word "Hijra" is also used in the Indian language to refer to transgender people and seems to be derived from the Persian word "Hiz." It defines a person as powerful or inefficient (Sawant, 2008, P. 1). Still, many transgender people have been marginalized and subjected to various physical and mental afflictions for centuries because of their gender identity. This led many to become sex workers, which have become an integral part of faith culture in a number of Indian societies. They are perceived and described in many ways: Hijras / Kinnars (eunuchs) Shiv Shakti, Jogpas, Shakti¹⁵ .etc. Mitchell Raj (2009, p.9 -7) points out, the word "Kinner" is another word commonly used in Indian society to refer to transgender people. The term "Chakka" is also used to refer to transgender people in a more derogatory manner.

Negative attitudes towards transgender people this are not unique to Indian societies. Sri Lanka is in a similar situation; wherein transgender peoples are often called Ponnaya" or sexually immoral man. Transgender people in Sri Lanka like their counterparts in other parts of the world are socially marginalized and deprived of basic rights. They are publicly ridiculed. They live in fear and shame ignited by active transphobia in communities (Ginigi,

¹⁵ <https://www.mapsofindia.com/my-india/government/the-life-of-transgenders>

Malalagama.etc.al,2018). Somehow social, economic cultural and religious situations in Sri Lanka directly affect the situation of transgender people.

Sri Lanka is a country where culturally developed but socially conservative (Munsinghe,1998). Buddhism plays a huge role in perpetuating traditional and patriarchal values in society (Weerakkodi,2005). Furthermore, legal frameworks and institutions are still greatly influenced by colonial legacies (Asian Development Bank, 1999). Most of the time these values, cultural, economic and religious systems force to transgender people to hide themselves from society. To make matters worse, the political situation of Sri Lanka exacerbate inequalities and discrimination towards sexual minorities in the country. Transgender people are not represented in political institutions, neither are they officially recognized in public documents (election commission,2017). They are unable to participate in elections due to disparities between their lived gender and identity documents.

When it comes to economic rights, transgender people, particularly in Sri Lanka, face tremendous difficulties, especially when it comes to employment opportunities. A shadow report sent to the ICCPR in (2014) by (IGLAHR) referred to the problems facing the entire LGBTQ community in employment. It reports reveals several issues that transgender people face in the workplace, including physical and verbal harassment. It also reported transgender people forcibly performing sexual acts with other women to please male employers.

IGLHR (2011) reported how transgendered people are treated as outsiders based on their gender characteristics It has also been described further that this can include verbal abuse based on a person's gender identity. However, most workplace-based sexual harassment policies do not include gender-based discrimination. This is the situation in both public and private sector workplace policies. IGLHR further stated in its 2011 report that majority of transgender people are unable to enjoy promotions due to their physical appearance. On the other hand, many transgender people end up quitting their jobs because they show less feminine characteristics compared to misgendered women.

What has been reported at the global level reverberates amongst transgender peoples living in Sri Lanka. In this light, this paper shall focus on the challenges transgender people face when pursuing career opportunities in Sri Lanka, particularly in the media industry, The It attempts to answer the question is “what is the experience of transgender people

in the workplaces in Sri Lanka?”. Hence, the objective of this paper is to investigate the causes of unemployment of transgender people and their marginalization in the workplaces- both private and public institutions, in Sri Lanka.

HUMAN RIGHTS AND THE PURSUIT FOR EQUALITY

Equality is fundamental in achieving and restoring democratic values and institutions. Moreover, it can be defined as the freedom of every citizen of a society to enjoy equal rights and privileges., such as access to certain social, political and economic goods and social services. Moreover, equality is not just an independent right guaranteed to all, it is a system of national and international law (Goldsmith,2015). Therefore, proponents of equality have been struggling to identify and address challenges in the realm of gender, ethnicity, age, sexual orientation, origin or class, income or property, language, religion, persuasion, opinion.

Equality cannot be ruled out from any human rights discourses and norms. As Friedman et. al (2015) explain, the principle of equality is a central commitment of international human rights instruments. When it comes to equality and human rights, the UN Charter of Human Rights cannot be ruled out. There are many conventions from the United Nations including the Universal Declaration of Human Rights to grant equal rights to all people around the world. As described in a report compiled by the World Health Organization (2011), every UN member state has accepted international legal obligations for human rights. More than 80 per cent of member states ratify 4 or more of the 9 basic international human rights. Accordingly, these human rights give all citizens living in a country the right to enjoy equal rights without discrimination based on caste, colour, race, religion, sex, or gender. However, every country needs to uphold these human rights particularly for the systemically marginalised and vulnerable such as transgender peoples.

GENDER EQUALITY IN THE AREA OF EMPLOYMENT AND CAREER OPPORTUNITIES

Gender equality is the core value for this research. It is a condition in which one's opportunities, freedom, or importance are not determined by gender stereotypes. However, the discourse on gender equality is still often dominated by the binary concept of sex assigned at birth. At the workplace, gender equality means the attainment of rights and opportunities by any person despite one's gender identity (Alie, N. D). In this light, transgender people should be able to fully claim rights and freedoms as their cisgender

counterparts. Transgender people do not pay much attention to the difficulties they face at work because systemic discrimination embedded in work cultures.

Discrimination is an inescapable factor when discussing concepts, norms, and actions pertaining to equality. It is unjust action against people, based on colour, class, race, gender, sex, etc. Members of the LGBTIQ+ (Lesbian, Gay, Bisexual, Transgender, Intersex and Queer) community still face discrimination in various forms and scales, particularly with regards to employment. Barron (2009) found that gay and lesbian job applicants in municipal councils were reported to be experiencing low levels of discrimination in the USA compared to transgender peoples. Some laws make it illegal to discriminate based on sexual orientation. But, such laws are not enforced against local governments.

Legal sanctions are effective in influencing negative influences behaviour towards disreputable employees and applicants. Studies show that organizations can implement discrimination and diversity policies to enable benefits for their employees. For example, past studies of LGBTIQ+ employees have found the implementation of diversity policies exhibits high corporate commitment and job satisfaction, as well as low job anxiety and work-home conflict (Griffith & Heblel, 2002). Still, a formal legal framework should be put in place to eliminate systemic discrimination in all facets of life. However, equality and organizational culture cannot be ruled out in the literature review relevant to this research.

ORGANIZATIONAL CULTURE AND EQUALITY

Organization culture pertains to “common motives, values, beliefs, identities. Interpretations (meanings) of significant events as a reflection of the general experience of the members of the collective” (House et al., 1999). However, the organizational cultures exist in both public and private sphere. According to Lord & Maher (1991), corporate culture is largely composed of shared values, beliefs, and ideas. Organizationally shared values and beliefs reflect the judgments of members of organizations about how things should be and how things are respectively. Even though the culture of an organization is an element of its values and ideas, institutional culture has always been male-centric (Marshall, 1993).

The potential impact of genders is often overlooked in studies of corporate culture (Mills, 1988). Based on the social notion that man is the head of all units, misgendered males are valued and rewarded more in an organizational setting Accordingly, in many institutional

cultures of the world, the decision-making process is spearheaded by men. According to Klenke (1996), organizations tend to strengthen the dominant gender value system. According to Bisari (2018), diversity management can be seen as equality respect, and secure management practices. It is an appreciation and engagement among majority-minority affiliate members for contributing to efficiency. Accordingly, the diversity of the organizational culture is essential for the success of an organization. This is constantly tied with equality.

METHODOLOGY

This research used qualitative methodology. Thus, the research mainly focused on the life stories of transgender people. Transgender people in Sri Lanka are face discrimination in many organizations. However, it is not possible to go to all the institutes as the time for research is very limited. Hence, one government electronic media institution and one private electronic media institution had selected. One of the reasons for choosing media institutions for research is the background of the researcher in that regard. The other factor is that the majority of transgender people in Sri Lanka works in such organizations as make-up artists, fashion designers, etc. In addition, seeks to interview NGO activists, employees, and heads of organizations of the two selected organizations, as well as scholars who have Knowledge about gender. However, considering the time research limitation the researcher decided to limit the sample number. The research had to conduct in a global pandemic situation. According to the situation, it was very difficult to reach a large number of people to take interviews. On the other hand, the given time to finished this research was also limited. After considering all these difficulties for this research used a sample of 13 people for the interview. All these interviews were taken by using mobile phones (WhatsApp and formal phone calls). Apart from that for some interviews were used Facebook calls and, Zoom app. The below chart has described broadly the sample.

Sample for the outside interview

Transgender people who are working in government media organizations.	Transgender people who are working in private media organizations.	NGO Activists
03	03	03

Selected organization

Government media organization (Employees/ Managers)	Private electronic media organizations (Employee/Managers)	Scholar experts in the field
01	01	02

RESEARCH FINDINGS

As per data collected, transgender people in Sri Lanka face numerous difficulties in their career life. They are subjected to various discrimination due to their gender identity. Transgender male respondents reveal that they are forced to use the same toilet with female employees. Some transgender employees who participated in the research have experienced sexual harassment. Some transgender employees have experienced salary deductions, prevented the promotion by their superiors due to their physical appearance. Many also faced bullying, mocking and sometimes torture during working times.

It has been shared that affected transgendered people could not outrightly complain due to low awareness on available policies, fear of retribution and the lack of legal protection. But, they are not strong enough to complain due to a lack of legal protection. It is interesting to note that some work colleagues treat them well and kindly. According to an expert-respondent, the above situation of transgender people has greatly affected legal challenges and the widening of inequalities in society. Furthermore, the inability of the government to formally recognize transgender people is a fundamental issue in Sri Lanka. It was shared by six respondents that they have yet to undergo medical procedure to fully transition from male to female. This is mainly due to a lack of proper medical facilities in the country. This has affected their morale at work, as well as how they are treated by their co-workers. It has been shared by some that Transgender people are only suited for

certain professions such as make-up artists. Moreover, some believe that transgender people are not physically attractive enough to be news presenters and editors. Interestingly, they declined the fact the transgender people are discriminated against in employment. According to an expert and NGO respondents, Sri Lanka needs a strong law to protect transgender peoples' rights. Many organization that works for transgender rights has requested from Sri Lankan government to change existing laws such as the Special Penal code 369 A. They asserted that laws should be able to promote equality and self-respect.

CONCLUSION

Transgender people working in the media industry in Sri Lanka are constantly discriminated against based on their gender identity and appearance. Due to the lack of legal recognition, they are not allowed, and even refuse, to enter a profession of their choice. Many transgender people in Sri Lanka hide their true identities due to the absence of proper and safe gender reassignment surgery facilities. Moreover, a majority of transgender people often face sexual harassment in the workplace. A law has yet to be passed, which protects the rights of transgender people to access and enjoy decent work. These factors mainly affect transgender people's economic and social conditions. Even though, when analyzing the transgender situation in Sri Lanka it can see they have been lost their dignity and respect. Identity cards and birth certificates are the most important documents in a person's life. Without these documents, a person, regardless of gender identity, is unable to work properly. Hence, the Sri Lankan government should be fully aware of its responsibility to address concerns and upheavals faced by its Transgender citizens

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CATEGORIES OF ENVIRONMENTALLY DISPLACED GROUPS AND THEIR IMPLICATIONS: THAILAND'S DISASTER POLICIES AND SAMUT CHIN VILLAGE

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ABSTRACT

Climate change is becoming a pressing issue that nations and policymakers need to take into consideration. As the world is experiencing more frequent disasters, sudden and slow-onset, the number of communities facing displacement is rapidly increasing. Some international frameworks suggest definitions and promote human rights-based approaches to address mobility caused by environmental concerns. However, there is neither a legal term nor a general consensus on labeling this group of people. Without any agreement on categorizing those displaced at the international level, nations are left to create and implement their own definitions and policies. Displaced groups of people are at risk of human rights violations. The responsibility to maintain those rights and alleviate vulnerabilities falls on states. Specifically looking at a small village, Samut Chin, in the Samut Prakan province of central Thailand, the sea-level rise is inundating more and more of the village each year. Families move their homes farther from the coastline or choose to relocate altogether. After examining the appropriate policies established by both national and provincial disaster agencies, it is evident that they do not adequately consider and address all vulnerabilities that environmentally displaced groups of people potentially encounter. While many of Thailand's disaster policies have plans and resources readily available to support during the immediate disaster response, there is insufficient recognition given to those affected by gradual environmental degradation or those facing long-term displacement. This gap in policy will surely lead to a gap in the protection of human rights and the alleviation of vulnerabilities. Information obtained from identifying deficits in categorization and allocations in policy can be used to potentially change existing policies. It can also benefit civil society, humanitarian organizations, and advocacy groups by highlighting specific areas that environmentally displaced people desperately need assistance.

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INTRODUCTION

The purpose of this study is to understand how the Thai government views environmentally displaced groups of people (EDPs) in their disaster management law. In understanding how they categorize this group; the appropriate assistance will be identifiable. The assistance granted to displaced groups should base on the specific vulnerabilities that such a group faces and protect against potential human rights violations. This analysis will examine how Thailand's disaster policy views EDPs, their vulnerabilities, and what is given, by law, to alleviate their conditions.

Thailand's disaster policies are structured around several international and regional frameworks for disaster risk reduction and climate change -- the Sendai Framework for Disaster Risk Reduction (SFDRR); the United Nations Framework Convention on Climate Change and the Kyoto Protocol (UNFCCC); and the ASEAN Agreement on Disaster Management and Response (AADMR). These conventions are created to protect human rights of vulnerable groups of people. How Thailand categorizes EDPs shows who will or will not receive the support and resources available according to policy (Scott, 1998). Those resources can either help alleviate vulnerabilities, not address them or potentially make them worse. In short, how Thailand's disaster policies categorize EDPs determines the assistance given to them. That assistance can either help alleviate vulnerabilities or leave this group looking for alternative sources of support.

There is a village in the Samut Prakan Province of Thailand called Samut Chin. This fishing village has constantly relocated homes and buildings further inland for the past thirty years (Picone, 2015). Because of over-development upriver, coastal erosion, and sea-level rise, the village now sits over a kilometer further inland than it sat before. Many residents in this community have relocated completely out of Samut Chin. It is a perfect example of how climate change and disaster have created EDPs within Thailand. It is a type of slow-onset disaster. This study will look at all appropriate disaster policies in Thailand that could be used to help the EDPs in Samut Chin.

The policies used in this analysis are three national policies such as the Disaster Prevention and Mitigation Act of Thailand (2007); Disaster Risk Management Plan of Thailand (2015); Strategic National Action Plan on Disaster Risk Reduction (SNAP 2010-2019); and Samut Prakan Province Disaster Risk Management Plan (2020), a provincial policy. The structure of Thailand's disaster policies and procedures is decentralized. The

source and guidance for disaster risk reduction starts with the National Department of Disaster Prevention and Mitigation (DDPM). From there, each province is responsible for establishing its disaster management agencies and policies that align with the guidelines created by the DDPM and their appropriate policies. The provincial policy selected for this analysis is Samut Prakan. The Samut Prakan follows the guidelines established by the national policies as it is the most direct policy concerning Samut Chin. Therefore, it is important to look at policies at the national and provincial levels to understand the complete categorization and assistance created in Thailand's disaster laws.

LITERATURE REVIEW - CONCEPTUALIZING THE CATEGORIZATION OF ENVIRONMENTAL DISPLACEMENT

In the 1993 article *Environmental Refugee in a Globally Warmed World*, Myers discussed the definition of 'environmental refugees' and the challenges to its definition. At that time, there were an estimated ten million environmental refugees in the world. Myers explains that this number may be lower in actuality because of the unconventional category of environmental refugees. Having policies that address the problem is necessary but having policies to protect those already in this situation is equally important.

In the article *Climate-Induced Displacement and Climate Disaster Law: Barriers and Opportunities* (2017), Lyster and Burkett argue that the lack of definition in the academe results in a lack of clarity in the political world, resulting in a lack of policy that adequately addresses the vulnerabilities that this group of people faces. Lyster and Burkett suggest that the lack of a clear definition in international frameworks contributes to the lack of adequate policy at the state level.

Ramlogan has some slightly contradictory points to Myers, Lyster, and Burkett, while also agreeing on some aspects. In the article *Environmental Refugees: A Review* (1996), Ramlogan argues that this category of people is more recognized and placed into "several well-defined groupings." He points out that El-Hinnawi from the United Nations (UN) defined the term environmental refugee but the specific term "refugee" would imply that legally this group of people should be entitled to similar protections and rights granted to political refugees. The term "environmental refugee" or "climate refugee" is not a legally recognized title even on the international stage (Atapattu, 2018).

Displacement caused by slow-onset disasters has started to gain more recognition. Cecilia Jimenez-Damary, the UN Special Rapporteur on the human rights for internally displaced persons, conducted a thematic report specifically on displacement in the context of slow-onset adverse effects of climate change. This report pulls on the definitions of the slow-onset disaster from the 2012 United Nations Framework Convention on Climate Change. Approaches taken by states to protect the rights of those affected should be comprehensive enough to include both sudden and slow-onset disasters. In defining environmental displacement, it is essential to identify the events that lead to it. However, creating a category for those displaced sets parameters on how states assist. Defining the event is only part of the process.

Looking more specifically at how the state decides to categorize people or resources, James Scott explains in the article *Seeing like the State: How Certain Schemes to Improve the Human Condition Have Failed (1998)* how governments have long tried to simplify reality. They use a complex system and reduce the scope of vision to narrow down controllable assets that benefit their agenda resulting in many aspects of this system being left out of their view entirely. The reality of mobile groups of people is not simple. How does a state benefit from a group of displaced citizens? What level of jurisdiction is responsible for them? How should they be accounted for?

In 2008, Polzer and Hammond wrote in the article *Invisible Displacement* about how groups of people are categorized and the events that allow them to be visible or invisible to institutions. Understanding the state's interests, Polzer and Hammond suggest that the methods in the categorization of internally displaced persons may have resulted from its desire to avoid the responsibility of having to establish a policy for assistance and protection. How a state chooses to categorize could reflect its desire to see or purposefully not see groups of people.

While many international conventions and frameworks suggest potential definitions and labels, there are no universally agreed-upon categorizations of EDPs. As pointed out by several scholars, how a state chooses to see vulnerable groups determines who will or will not receive certain assistance. Knowingly or not, each state categorizes EDPs under its laws, determining what support is entitled to EDPs. This study looks at how the state views EDPs, particularly the unique situation of the Samut Chin, in its policy.

METHODOLOGY

The author formulated a questionnaire to analyze policies consistently and strategically. It highlights the information needed to assess the categorizations and allocations of such categories. It was divided into descriptive and analytical sections reflecting the presumed specific hardships and vulnerabilities of the Samut Chin community.

Through a sorting method to identify the specific subjects, keywords were drawn from the questionnaire and used as codes to search policies published in English except for the Samut Prakan, a provincial policy in Thai.

Using the codes derived from the questionnaire, the translator found relevant quotes and translated the Thai document to English. The author analyzed these provisions of the policies.

FINDINGS

Below is a chart of the keywords or codes with a summary or exact quote from the analyzed policies.

Code	DPM Act 2007	DRMP 2015	SNAP 2010-2019	SPPDRMP 2020
Disaster	"...fire, storm, strong wind, flood, drought, epidemic in human, epidemic in animals, epidemic in aquaculture, and epidemic in plants and other public disaster either natural disasters or human-made disasters, accidents or all other incidents that effect to life, body or properties	"...fire, storm, flood, drought, human epidemics, animal epidemics, aquatic animal epidemics, and plant epidemics, including any type of hazard that has a negative effect on general public, be it induced by nature activity, human activity, accidents or any other incident which is harmful to life, body of people	"...flood, typhoon/hurricane , tsunami, earthquake, landslide, drought, fire, explosion, accident, epidemics, pests, and civil unrest"	"Disaster means a public disastrous occurrence which in form are fire, storm, flood, drought, seasonal drought, hail, wildfire, pandemic from insect ... and other disasters both happen naturally and man (or animal) made which cause harm to life, bodily injury to people or property"

Code	DPM Act 2007	DRMP 2015	SNAP 2010-2019	SPPDRMP 2020
	of the people, of the government...	or inflicts damage on property of the people or of the state...		
Climate Change	N/A	Recognizes international understanding of Climate Change impacting frequency and intensity of disasters	As something that contributes to the risk Thailand faces with natural disasters	Climate change contributes to intensity and frequency, as well as increasing risk
Slow onset/sea level rise/coastal erosion	N/A	Contributes to "sea-level rise," "coastal erosion" etc. to climate change- impacts on society (social, economic, development)	N/A	Coastal erosion from mangrove deforestation leaves coastline more vulnerable to storms and storm surge
Relocation/displacement	N/A	Emergency, evacuation	N/A	Emergency, evacuation
Rehabilitation	N/A	"An effort to manage the negative consequences of disasters with a view to restoring livelihoods of communities affected by disaster to their state prior to an occurrence of a disaster. This effort includes the provision of mental health/immediate psychosocial support to those affected by a	"Rehabilitation" is the goal of post-disaster management	Mentioned in short-term, medium-term, and long-term sections. Focus is on rehabilitating livelihoods, health, agriculture, etc

Code	DPM Act 2007	DRMP 2015	SNAP 2010-2019	SPPDRMP 2020
		disaster as well as encouraging and helping them, where necessary and appropriate. Cope with and adapt to changes"- sited many times, delegates which government institutions are responsible for which part of rehabilitation		
Shelter/ housing	Responsibility of temporary shelters is designated	Temporary	N/A	Temporary, short-term
Livelihoods/ occupation	N/A	Emphasis on reestablishing livelihoods (used in a broader sense than occupation)	N/A	Specific agencies are designated in the province to help support livelihoods
Assistance	N/A	Emergency, short term	"Post Disaster Management takes the form of needs assessment, recovery assistance measures, victim assistance networks, sanitary measures, financial measures, basic facility restoration, initial monitoring, and assessment measures, etc."	Mostly used in the context of monetary assistance, see "loans/grants"
Grants/loans	N/A	Guidelines for Economic	N/A	Monetary assistance is given

Code	DPM Act 2007	DRMP 2015	SNAP 2010-2019	SPPDRMP 2020
		Recovery and Economic Strengthening Intervention- responsible for distributing funds (includes terms such as “emergency” and “short term”)		in the case of loss of limbs, disabilities, or deaths. Monetary assistance is granted to property when a “disaster” or “state of emergency” is declared.
Other Stakeholders	Focuses on delegating responsibility between national and provincial disaster agencies	Encourages involvement of those affected by disaster, specifically delegates what agencies are responsible for which part of recovery	Much of this policy is focused on requesting cooperation between state and non-state actors, there is quite a bit of detail as to how non-state actors should be involved in recovery	Designates which stakeholders are responsible for which part of recovery

Analysis of Categorization in Policies

This section synthesizes the content analysis above to examine the representation of the different keywords or elements. Each part shows how policies view this element concerning categorizing EDPs using the situation of Samut Chin as a reference point.

Disaster

The definition of disaster is consistent among all policies in Thailand due to its disaster management structure. The overarching explanation of disaster recognizes that events that damage life and property should be considered as disasters. While it appears to include situations of a slow-onset disaster such as coastal erosion and sea-level rise that are consistently causing property damage and severely impacting life, upon further

examination, however, the definition does not. The list of disasters does not include slow-onset disasters. It is a gray area in terms of understanding disasters. Much of the focus in the categorization of disaster in Thailand's policies are on sudden disasters. Sudden disasters do result in displacement but perhaps not as permanent as slow-onset disasters. By keeping such a narrow scope of disasters, many situations and, therefore, many vulnerable groups are overlooked and excluded (Scott, 1998). A simple definition allows states to exempt large numbers of people from getting assistance, whether intentional or not.

Climate Change

Three of the four policies analyzed – DRMP 2015, SNAP 2010-2019, and SPPDRMP 2020 – acknowledge climate change. These policies adopt provisions of international conventions in understanding the impact of climate change on the severity and frequency of disasters. The DRMP 2015 recognizes the impact of climate change on slow-onset disasters such as coastal erosion. However, the Thai government's understanding and categorization of disaster was not influenced by the policy. Many groups facing environmental displacement are still excluded from receiving support from the government (Scott, 1998).

Slow-onset/ Sea-level Rise/ Coastal Erosion

In two of the four policies, neither the term “sea-level rise” nor “coastal erosion” was mentioned. Also, all policies never cited “slow-onset”. The DRMP 2015 and SPPDRMP 2020 referred to these concepts using other words and are only limited to climate change. The policies recognize that climate change can cause these concerns and leave communities vulnerable to storms and other sudden disasters. These policies do not consider these concerns as disasters, however, leaving people facing displacement excluded.

Relocation/ Displacement

All policies refer to “relocation” as a temporary means of assistance, cited only together with “evacuation” or “emergency”. There is no reference given to permanent relocation. Once again, the focus is on sudden disasters. It shows that the policies are focused on returning life to normal. Those who cannot return to their homes that faced slow but continuous environmental degradation do not benefit from the assistance of evacuation and focus on returning to normal.

Rehabilitation

The SPPDRMP 2020 and the DRMP 2015 did specifically designate certain agencies to help rehabilitate and reconstruct specific community elements such as individual homes, public infrastructure, agriculture, and others. However, these policies focus on rehabilitation efforts during the recovery stages. While other policies mention rehabilitation, it is not as in-depth as the provincial plan or the DRMP that pay attention to alleviating quite a few of the predicted vulnerabilities that displaced groups face. Unfortunately, rehabilitation in this sense focuses on those attempting to remain or return to their homes. It may be beneficial to temporarily environmentally displaced persons but unfortunately, these resources and institutions are not available to those facing permanent displacement.

Housing/ Shelter

The terms “housing” and “shelter” were mentioned in all four policies but only as temporary in the context of an emergency, similarly to “relocation”. Temporary housing or shelter benefits those temporarily displaced and attempting to return to the disaster location by alleviating potential vulnerabilities for them but not for those permanently displaced.

Livelihood/ Occupation

Though all four policies seem to recognize livelihood as more than just an occupation or means to acquire basic needs, these policies promote different methods and institutions to establish efficient livelihoods. These policies do not recognize that disasters, sudden or slow-onset, can result in loss of occupation. More attention must be given to the re-establishment of livelihoods as this plays a vital role in reducing the impact of several vulnerabilities such as material and financial vulnerabilities. Though the focus on livelihoods in these policies is encouraging, a crystal-clear plan to be implemented is still missing. Also, the focus of livelihoods is on rebuilding what is already existent and returning life to normal. However, this again excludes those who are permanently displaced. Communities can recover their livelihoods only through the rehabilitation of many societal aspects.

Assistance

Only the DRMP 2015 and the SNAP 2010-2019 gave reference to “assistance” but only used it in connection with “temporary” or “emergency” resulting in restrictions not only on how and when assistance is granted but also on who received assistance. While the

provincial policy, SPPDRMP 2020, details the types of assistance to be given, it also enumerates the conditions and requirements in granting assistance by identifying who qualifies or not. As a result, the environmentally displaced persons (EDPs) are excluded from receiving the many types of assistance from the government.

Grants/ Loans

The policies could have been more straightforward in outlining guidelines for monetary assistance. The SPPDRMP 2020 and the DRMP 2015 may have given the most specific instructions regarding disbursements of funds. However, it boils down to the ability of the residents to prove the cause of the damages. Monetary assistance seems to be more readily available for events declared as disasters; however, how a disaster is categorized poses a limitation to residents. Similar to assistance, grants and loans are also conditional and exclude the EDPs.

Stakeholders: Local, Provincial, and Civil Society

In recognition of the government's limitation in covering all elements of disaster management, the SPPDRMP 2020, SNAP 2010-2019, and the DRMP 2015 state the need for cooperation of civil society, non-government organizations, government, and other stakeholders. It is only the DRMP 2015 that recognizes the capacity and role of those affected by disasters in contributing to the recovery process. Involving those affected and other non-state actors ensures that the assistance and support received by the affected groups truly address their specific vulnerabilities. Their contributions may be in the form of behavioral changes, both physical and attitudinal, that bring a sense of empowerment (Mustafa et al., 2010).

CONCLUSION

There is much debate in defining and labeling displaced people by environmental causes. Having clear parameters regarding the risks that displace people is necessary to understand who is addressed by policies. As mentioned by Lyster and Burkett, the lack of a clear definition of disaster in international frameworks contributes to the lack of adequate policy at the state level. Examining Thailand's disaster policies with the specific situation of Samut Chin as a reference point, the categorization of disasters and the resources allocated are limited and insufficient.

In connection to this, Polzer and Hammond (2008) argue that states categorize groups and events in a certain way making certain groups invisible. The disconnectedness between the event and the vulnerable group seems to be the problem of Thailand's disaster laws. The limiting categorization of disasters restricts those considered as affected. Also, the policies on disasters do not define the EDPs and exclude them from receiving assistance from the government.

Communities like the Samut Chin that experience slow-onset disasters are not entitled to the same resources provided to those facing sudden disasters because the laws do not allocate resources for permanent displacements. Therefore, EDPs will not be able to rely on these disaster laws to alleviate their vulnerabilities. The limiting categorization of disasters in these laws results in many potentially displaced groups not receiving the necessary support from the state.

The analysis of these policies offers resources that can help reduce the vulnerabilities of groups facing environmental displacements.

ANNEX - QUESTIONS USED FOR ANALYSIS

Descriptive:

Which institution created the policy?

What jurisdiction does it cover?

How is disaster defined?

Is there a specific term that the policy uses to label EDPs?

Are there any parameters for who is included in this label?

What resources are allocated to this group of people?

Analytical:

Material Vulnerabilities

How do the policy view livelihood (means of gaining basic life necessities) and occupation?

Does the policy consider the loss of livelihood, if so, how?

Does the policy provide monetary assistance, how?

Does the policy account for the physical reconstruction of homes and personal property?

Institutional Vulnerabilities

How does the policy account for family relocation?

Does the policy coordinate with civil society groups, if so, how?

How does the policy account for community infrastructure and reconstruction?

Attitudinal Vulnerabilities

How does the policy promote community input in decision-making and reconstruction/relocation plans?

How does the policy arrange communication between individuals and varying levels of government?

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THE EXISTING LAW AND ITS IMPLEMENTATION ON RIGHT TO INTER-CASTE MARRIAGE OF DALITS IN RUKUM, WESTERN NEPAL

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ABSTRACT

In Nepal, Dalits are the victims of caste-based discrimination and their right to marriage is one of the most violated rights because their marriage with upper-caste people is restricted. Despite the provision of the law to protect inter-caste married couples, cases of threat, social exclusion, kidnaps, and murder still exist. Caste-Based Discrimination and Untouchability (Offence and Punishment) Act was introduced in 2011 to address the issue. However, since its establishment, nine (9) death cases of Dalits have been reported due to inter-caste marriage. These cases call for the need to examine how the laws and policies are implemented by the concerned government authorities and what gaps and challenges exist in its implementation. Thus, this paper intends to: (1) Investigate how the state implements the law on the right to inter-caste marriage of Dalit, and (2) Identify the barriers in the implementation of the law that could be addressed.

The researcher in this qualitative research collected the data from police officers, government representatives, NGOs working on the issue of Dalits, and the National Dalit Commission on an online platform following the interview guide. It is found from the findings that the problems that occur in the implementation of the inter-caste marriage laws and policies are: delaying and denying to register the complaints of inter-caste married couples at concerned police units; no or minimum punishment than mentioned under the law to the perpetrators; lack of protection to the inter-caste married couples; and no knowledge on the provisioned law. Moreover, there is also a challenge from the upper-caste people who do not recognize these laws and are against inter-caste marriage due to their traditional discriminatory mindset. Therefore, along with the implementation of provisioned laws and policies, advocacy and campaigning are crucial to change the community's perception on right to marriage of Dalit.

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Keywords: Caste-Discrimination, Inter-Caste Marriage, Untouchability, Socio-Cultural Exclusion, Dalit

BACKGROUND AND STATEMENT OF THE PROBLEM

The discrimination of people based on their caste is simply known as caste discrimination. In a broader sense, the pattern of discrimination against Dalits is closely linked to the social, political, and economic structure of the state. This discrimination has violated the civil, political, economic, social, and cultural rights of Dalits. International Dalit Solidarity Network (IDSN) report (2009) mentioned that “caste systems divide people into unequal and hierarchical social groups and those at the bottom are considered ‘lesser human beings, ‘impure’, and ‘polluting’ to other caste groups”. Minority Dalits are the victims of this caste-based discrimination in Nepal. According to Kareriya (2011) “Dalits are economically exploited, politically voiceless, socially humiliated, and educationally backward”. Dalits are discriminated against in the religious and cultural spheres.

According to the official census report (2011), Dalit constitutes 13.6% of the total population in Nepal and it is the most dominated and discriminated community. Dominated in the sense that there is control on the exercise of the rights and freedoms of the Dalit community by the majority upper-caste people. They are forced to engage in the traditional occupations or jobs which are regarded as of low status or standard in the society. There is also control and restriction on the right to marriage of the Dalits. They are dominated due to their poor economic, social, and political status. National and international human rights instruments have made the provisions of the right against discrimination however these minority Dalits are discriminated against and their rights are violated. The right to marriage is the most violated right of the Dalit people due to this caste discrimination. Though inter-caste marriage was legalized by King Mahendra in 1963 modifying the Civil Code of 1854 and is also legalized by the constitution of Nepal 2015 it is not respected. “Inter-caste marriage means the marriage of two people from different caste groups but the general convention of inter-caste marriage usually denotes the marriage between Dalits and non-Dalits in Nepal” (Bhusal, 2014). Inter-caste marriage is a great concern for family and society in Nepal as the acceptance and rejection of marriage by a particular family are determined by the social perception and behavior of the family (Poudel, 2018). Different factors of the traditional society victimize inter-caste married couples. They face problems from family, relatives, and society. Family problems,

social problems, cultural problems, and psychological problems are common for them. Due to the influence of various factors, young generations these days are challenging the deep-rooted socio-cultural beliefs and getting inter-caste marriage but they are not protected. Inter-caste marriage of Dalits in Nepal is a very serious phenomenon where Dalits are not only discriminated against rather, they lose lives as well. The marriage of Dalit with non-Dalit takes the form of torture, kidnap, social boycott, and murder due to the caste though the right to marriage is protected by the international and national human rights instruments. To address the issue the government has provisioned the law named Caste-Based Discrimination and Untouchability (Offence and Punishment) (CBDU) Act 2011.

However, incidents of violence and discrimination against Dalits remain prevalent. After the introduction of this law in 2011, there have been 17 recorded cases of Dalit deaths where half of the cases (9) are of inter-caste marriage (Manandhar, 2020). This situation calls for the evaluation and analysis of the implementation aspect of the provisioned law and existing gaps and challenges. Thus, this paper with its main focus on the law implementing aspect intends to fulfill the following objectives;

- i) To investigate how the state implements the law on the right to inter-caste marriage of Dalit
- ii) To identify the barriers in the implementation of the law that could be addressed.

HYPOTHESIS

The implementation of laws and regulations to end the discrimination against Dalit people in terms of their right to marriage seems ineffective due to the underlying barriers. Though religious orthodox and deep-rooted cultural practices impede people to fully enjoy this law, the incidents of violence and discrimination against Dalit take place due to the lack of effective implementation of laws and policies that protect their right to marriage. Discrimination of the upper caste against Dalits reaches the extent of killing them once they engage in inter-caste marriage. Although pieces of evidence are presented that can identify the members of the upper caste as the perpetrators, they are set free from the punishment due to their political connections and the political pressure on the law implementing agencies. Thus, victims do not get justice in such cases.

The higher caste people (majority group) discriminate against the Dalits (minority group) due to deep-rooted religious-cultural practices and traditional discriminatory mindset. To change their perceptions and existing practices, a campaign about the law is necessary.

Society needs to know that discrimination against any person or group on any basis is a violation of human rights and those who discriminate are subjected to punishment under the law. The law is provisioned to address the issue but the majority of people in the society are unaware of this legal mechanism. Thus, the hypothesis of this research paper is that along with the implementation of provisioned laws, a campaign and advocacy at the local level are needed.

METHODOLOGY

This paper is based on the qualitative data which are collected from inter-caste married couples, the government representatives, NGOs, National Dalit Commission, police officers, lawyers, and law professors. The researcher selected Western Rukum as a study area because the cases of discrimination and violation against Dalit including inter-caste marriage are comparatively higher in this area. This is one of the remote places of Nepal where people have very poor access to basic infrastructures. Due to poor literacy and lack of access to the media and communication, the cases of discrimination and violation against Dalit are hardly reported and the incidents get repeated. The researcher used both primary and secondary sources of data to fulfill the objectives of the paper. Primary data are collected through the semi-structured interview which followed the interview guideline prepared to focus on the research objectives and the interview was conducted both online and onsite considering the pandemic restrictions. For secondary data, the researcher used reports, articles, and recorded interviews on the selected issue available on public domains.

Right To Marriage and Existing Law on Inter-Caste Marriage of Dalits

(1) Right to Marriage

The right to marriage is a civil right that has been provisioned and protected in many national and international human rights instruments. Nepal is a state party for all the international human rights instruments that protect the right to marriage. Article 16 (1) of the UDHR states that “Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family and they are entitled to equal rights as to marriage, during marriage and at its dissolution”. Article 23 (1) and (2) of International Covenant on Civil and Political Rights (ICCPR) mentions that “The family is the natural and fundamental group unit of society and is entitled to protection by society and the state, and the right of men and women of marriageable age to marry and to found a family shall be recognized”. Similarly, Article 5 (d) iv of the International

Convention on Elimination of All Forms of Racial Discrimination (ICERD) states the right to marriage and choice of spouse. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Article 16 states the equal right to enter into marriage and the same right freely to choose a spouse and to enter into marriage only with their free and full consent. National Civil Code 2017, Article 69 mentions the freedom of marriage as it states every person shall, subject to law, have the freedom to conclude a marriage, establish a family and spend a conjugal life and every person's family life shall be inviolable.

(2) Existing Law on Inter-caste Marriage of Dalits

In Nepal, there is no separate specific law on inter-caste marriage however the issue is addressed with few provisions under the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act 2011 which was introduced mainly to address the issue of all forms of discrimination against Dalit. Section 2, (f) of the CBDU Act states "each person shall have the right to marry and choose the bride or bridegroom". Similarly, Section 4, Sub-section 11 of the Act mentions "no one shall, on the ground of origin, caste race, descent, community, occupation or business prevent a person of marriageable age under the prevailing law from getting inter-caste marriage or deny to perform the naming ceremony for the person born from such marriage or compel, or cause to compel, one to dissolve the already concluded marriage."

The CBDU Act criminalizes a range of actions amounting to segregation including inter-caste marriage, caste-based discrimination, and untouchability practices. The Act has provisioned the complaint procedures in section 5 (1) as "A person who knows that one has committed or is going to commit the offense referred to in Act may make a complaint to the nearby police office as prescribed within three months from the date of commission of the offense". Similarly, there is also a provision of punishment in the Act. Section 7 (1) states that any person who commits any offense referred to the Act including inter-caste marriage shall be liable to the punishment of imprisonment for a term from two months to two years and a fine from twenty thousand rupees to one hundred thousand rupees. And also, there is a provision of compensation of two hundred thousand to the victim.

Despite the protection of the right to marriage by the national and international human rights instruments and provision of law by the government, the marriage of Dalit with non-Dalit is hardly accepted, the acceptance cases are very rare and the inter-caste married couple go through various challenges and violent incidents. Budha (2020) highlights the

cases of discrimination and violation against inter-caste married couples. On June 26, 2008, a family of the inter-caste married couple in Udaypur district was excluded from the society, and the family got displaced. Sujan B.K and Rupa Rai escaped from the family after they got married due to which the family of the girl (non-Dalit) threatened to Dalit family to kill them if they will not call their son and girl back into the family. After the continuous torture and threats, the family was displaced. Taulan Kahar and Sarita Chaudhary from Kapilvastu district got married on June 2, 2010, but the couple forcefully got separated under the pressure of the State Minister Dan Bahadur Chaudhary who was the relative of the girl. The couple who was of legally marriageable age got married with their will and consent but the Minister, relative of the girl continuously put pressure on local administration and police unites to separate the couple. The boy who belonged to the poor Dalit family was falsely accused and charged on the case of trafficking the girl. Even the girl herself stated that she married the boy in her will and consent, cried and appealed not to separate them but the administration handled the girl to her family stating the security reason, and finally, the couple got separated.

Police administration is the first agency to which the inter-caste married couples go after they face violations for justice and security but in some cases, police are found separating the inter-caste married couples. Inter-caste married couple who even registered their marriage in the court and got marriage relationship certificate was separated in the involvement of police in the demand and appeal from the family of the girl belonging to upper-caste who married to Dalit. Suman Magarati and Urmila Khatiwada from Biratnagar got married on March 7, 2014. The couple left home after the marriage and the police took the father of the boy Keshab Magarati in control and ordered him to call his son and the girl to the police station. After the couple got the news of arresting the father, both of them presented to the police with the marriage document they got from the court but the police separated them and handed them to their parents. The girl was taken by her family but the boy was kept in custody. When the police administration was asked for the reason, the police officer responded that the family of the girl had filed the case of missing their daughter so they took that action. The boy said that the family of the girl forcefully separated them because he is a Dalit and the police also supported them.

The mentioned cases give a clear picture of the situation of inter-caste marriage of Dalits in Nepalese society that inter-caste married couples are not only discriminated against and harmed by the society but also are not supported by the law implementing agencies,

the government, and police units. So, these challenges for the inter-caste married couples should be addressed and the couples should be protected by the state.

FINDINGS AND ANALYSIS

Inter-caste marriage of Dalits has remained a very serious issue and challenge in the protection and promotion of human rights in Nepal. At the same time, inter-caste marriage is also found very crucial means to end caste-based discrimination in Nepalese society. Laws and policies are provisioned to address the issue however inter-caste married couples are still not protected and go through various violent incidents due to some barriers and poor implementation of the law. International Dalit Solidarity Network (IDSN) in its report to the United Nations Universal Periodic Review mentioned the barriers for Dalits in the incidents of caste-based discrimination including inter-caste marriage in accessing justice which is pressure on victims (Dalits) for forceful negotiation in the name of social harmony, security threats to victims, undue political influence, and not supportive attitude of Dalits. Similarly, there is very little participation of Dalits in public, civil life, and decision-making process, and discrimination against Dalit is categorized as a public place, private place, and religious cultural, and economic (Subedi, 2011).

The Chair Person of Samata Foundation (an organization working and researches the issues of Dalits) Pradip Pariyar in the interview said that marriage is a matter of personal choice and freedom and any kind of restriction or torture to the inter-caste married couples is a serious violation of human rights. For the social interaction of Dalits and non-Dalits inter-caste marriage of Dalits plays a crucial role but married couples should be given full protection from the state. Two important ways should be taken into action for the protection of inter-caste married couples. The first one is strict and effective implementation of the existing laws and the second one is initiating the strategies and policies for the transformation of society which is constructed on the caste system and that transformation is needed to change the mindset of the people.

Challenges and barriers in the implementation of law

Law is a powerful tool to give punishment to the offenders and justice to the victims and it is achieved and realized in practice if the provisioned law is implemented. Challenges and barriers in the existing law cause problem in its effective implementation. Some barriers are found in the implementation of the law of inter-caste marriage. Firstly, the old mindset and attitude of the higher-caste people towards Dalit has created a challenge in

the implementation of the law. These higher caste people do not respect the provisioned law if it's a matter of inter-caste marriage and caste discrimination. Religious beliefs, social norms, and values seem stronger and obeyed more by the people.

“People in Nepalese society are deep-rooted in the traditional religious and cultural beliefs and practices. They have discriminatory and dominated attitudes towards the Dalits who are at the bottom of the caste hierarchy, who are regarded as untouchable and lesser humans. Due to such mentality of the non-Dalits in Nepalese society towards Dalits, they do not accept the marriage of Dalits with non-Dalits since marriage is the matter of blood relation and the process of social interaction. When people in the society, do not accept the law it becomes failure itself...” (Prakash Nepali, Advocate and Lecturer).

Second, in the law implementing agencies; police administration, the government attorney office, and courts, the highest and decision-making power is held and exercised only by the so-called higher caste people. Dalits have a very poor representation in all the law implementing agencies and those who are represented are not in the power exercising and decision-making position. According to the data provided by the Samata Foundation, the representation of judges in the judiciary is 1.09%, representation in police and the parliament is about 8% and 7% respectively. So, when it's the matter of cases of inter-caste marriage or caste-based discrimination they are not found serious, strict in the implementation of the law. For instance, according to the report of the National Dalit Commission, among 93 registered cases of untouchability and caste-based discrimination in the courts in 2020, only in 3 cases the offenders got punishment. Similarly, political leaders who are in the government and power are the product of this same society so they go with the social values norms, and traditions with the majority group. Politics is the power and only higher caste people mostly the Brahmins (who are on the top of the class hierarchy) are in the power-exercising stages for age.

The third challenge is the lack of awareness and knowledge among the people in society about the legal provisions. Durga Soab, chairperson of Feminist Dalit Organization said,

“Victims don't have knowledge of the law and legal procedures. The law is also not disseminated in the community police units. There is no training to the police officers to handle legally this particular case or issue of inter-caste marriage which is crucial...”

So, when the people in the community including police units who are one of the law implementing agencies are unaware of the existing law, its provisions, and justice procedures it creates a serious challenge in the implementation of the law.

Another challenge is the withdrawal of the registered case by the victims. When the complaint is registered by victims at the police office, after the investigation the case proceeds for the further legal process but victim at this stage request and ask to withdraw the case and go for negotiation. The Police Officer in the interview said,

“...one of the challenges while going through the legal process is ‘HOSTILE’ which mean once the complaint is made by the victim and it is registered the case proceeds to the government attorney office for the court process but during this stage, the victim who registered the case asks to withdraw it mentioning the reason that the complaint was prevocational and want to go with negotiation...”

The officer further said that sometimes there is also political pressure if the offender has a political background and is close to the political leaders who are in the government.

CONCLUSION AND RECOMMENDATIONS

Based upon the findings it is concluded that despite the legal provisions and policies to address the issue of inter-caste marriage of Dalits, the marriage of Dalits with non-Dalits is not found successful. The couples who marry inter-caste are not safe and go through violent incidents like social exclusion, threatening, kidnap, murder, suicide, and displacement. On the one hand, people who are experts and experienced on the issue argue that inter-caste marriage and its promotion which increases the social interaction between Dalits and non-Dalits is the only way to end the age-long caste-based discrimination in Nepalese society but on the other hand inter-caste married couples are not safe, they lose their family and life due to inter-caste marriage. The barriers; structure and formation Nepalese of society, economy, and politics on the caste hierarchy and deep-rooted discriminatory mindset of the higher caste people due to existing social beliefs, norms and values, no representation of Dalits in the decision making the position of law enforcement agencies, lack of knowledge on the prevailing law and its legal procedures among community members, victims, and community police officers, political pressure on the police case investigation officer at the time of registering the cases, and withdrawal of registered complaint by the victims have created the challenge in the effective implementation of existing law.

To conclude, effective implementation of provisioned law, a guarantee of protection to the inter-caste married couples from the state, and campaigns to change the old deep-rooted discriminatory mindset of the people seems crucial for the promotion of inter-caste marriage. There must be Dalit representation in the decision-making and power exercising position of law implementing agencies. Along with the training to the community police officers who handle the cases of inter-caste marriage and dissemination of law and its provisions related to caste-based discrimination and inter-caste marriage should be done in the coordination of police, local government, civil society, and organizations working on the issue of Dalits.

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‘US’ VERSUS ‘THEM’: THE DAILY LIFE STRUGGLES OF THE STATELESS COMMUNITY IN SABAH, MALAYSIA

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ABSTRACT

The statelessness issue in Malaysia, particularly in Sabah's state, began in the early 1970s due to the influx of Filipino refugees during the Mindanao insurgency and civil war. Scholars have documented that the stateless community in Sabah faces social discrimination and exploitation from various actors that cause them to live in vulnerability. Although previous research has written extensively about the plight among the stateless children in Sabah, there is limited research that talks about living conditions and the daily life struggles of the community itself. Therefore, using a qualitative approach, this study will explore the issues and challenges this community faces regarding their living conditions and access to essential services and amenities. In so doing, we conducted in-depth interviews with 30 stateless individuals living in Kota Kinabalu, Sabah. This study found that the stateless community in Sabah is having difficulty in terms of status registration, limited access to employment, worse housing and living condition, and no access to healthcare and education. Therefore, this study may improve the understanding of the state of statelessness in Sabah and provide input in constructing policy and mechanism frameworks to reduce the statelessness issue.

Keywords: Stateless, Plight of Stateless, Human Right, Discrimination.

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INTRODUCTION

The international law defines stateless as an individual who is not recognized by any state as a citizen under the operation law. Recently, statelessness and forced displacement have become the focus of global agenda as the high widespread of the issue in globally (UNHCR, 2019). The stateless individuals can be classified as internally displaced persons (IDPs) because “they have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised state border” (UNHCR, 1998). Thus, stateless individuals are separated into two types, namely, *de jure* (people who have no legal nationality) and *de facto* stateless (people who have no “effective” nationality) (Chickera, 2010; Massey, 2010).

Statelessness and force displacement are interconnected because the stateless individuals encountered high risk of being forcibly displaced and the force displacement peoples also faced high risk of being stateless (Albarazi & Van Waas, 2015). In fact, though the refugees, migrant and stateless have clear differences to each other, Malaysia law categorized all refugees and stateless individuals as illegal immigrant (Kanapathy, 2008; Petcharamesree, 2016). The issue of stateless person that occurred from the presence of refugees is highly happened in Sabah compared to other states in Malaysia (Jassica et. al., 2020).

Tamara (2016) identified three groups of *de facto* stateless in Malaysia, including Orang Asli and Indians in Peninsular Malaysia and the children of IMM13 pass holders (the Filipino refugees). Meanwhile, the *de jure* stateless group in Malaysia are among Bajau Laut community (Sanen et al., 2019) in Sabah and the Rohingya ethnic (Tamara, 2016) in Peninsular. However, the data on stateless population captured by UNHCR are highly concentrated on the situation in Peninsular and there is unavailable data and demographic profiles for the stateless people in Sabah (UNHCR, 2017). The circumstances due to unavailability documents and evidence of their citizenship for generations and rejection from the local people of any country fit them into the definition of stateless person by international law (Rodziana, 2017). In 2018, it is estimated that there are 800,000 stateless individuals among were children and living in isolated areas across the Sabah (Jassica et. al, 2020).

The citizenship issue in Sabah was started in early 1970 due to the tremendous influx of Filipino refugees during the Mindanao insurgency in Philippines (Azizah, 2009; Badariah, 2018). The Filipino refugees were provided with basic housing and special permission to reside and work from the state government (Azizah, 2009). However, the vulnerability of Filipino refugees to register the birth of their newborn children to the National Registration Department Sabah (NRDP) led to the birth of a stateless generation (Badariah, 2018). As the consequences, the expanding of their generation led to the rising number of this intergenerational case of stateless population in Sabah (Azizah & Ubong, 2005; Allerton, 2017). Since the Malaysia government does not ratify the convention related to refugees and statelessness, all the irregular migrants including the generation of Filipino refugees are seen as “illegal immigrant” (Azizah, 2009).

There are various factors including the internal and external reason that contributes to the statelessness issue in Sabah. The internal factors are including the vulnerability of refugees to register birth of newborn (Kanapathy, 2008), unregistered married (Azizah, 2009), the children status who born out wedlock (Allerton, 2017) and illegal status of the parents. For external reason, Tamara (2016) state that the ad-hoc policies by the government in governing stateless lead to confusion due to the inconsistencies in statements and poor registration system (Rodziana et. al., 2015). Therefore, a systematic framework involving multiple stakeholders are significant to find effective solutions to the statelessness issue (Rodziana, 2017).

LITERATURE REVIEW

The statelessness has wide concepts and perspectives from various scholars and institutions. The 1954 Convention relating to the Status of Stateless Persons and international law defines stateless as an individual who are not recognize by any countries or study under its operation law. Meanwhile, Rodziana et. al (2015) defined statelessness phenomenon as a result of reverse nationality. Groot et. al. (2015) state that the statelessness is related to the deprivation of legal documentation of birth certificate or evidence, that affect to another significant issues where it restricts an individual from proper access to civil, cultural, and social right. The definition by international law is criticized because it is not understandable and difficult to interpret (ISI, 2014). Besides, the interpretation of “stateless person” by international law only applicable by the authority of states on minority cases and unable to consider both citizenship laws and governance practices when determining whether a person is stateless (Thomas, 2006).

Generally, the stateless persons are divided two types which are de jure and de facto stateless. Both de jure and de facto stateless are comes from the Latin words meaning of “legally” and “factually” respectively (Vonk, Vink and de Groot, 2013). de jure statelessness occurred when the individual does not have any nationality from any countries in the world while de facto statelessness happened when the individual nationality in his/her country is ineffective (Chickera, 2010). In fact, the statelessness definition by international law is only referred to the de jure stateless and does not confer to de facto (Achiron, 2005; Guterres and Johnsson, 2005; Rodziana et al, 2015). Besides, many legal scholars also argued that the international law definition is too narrow and insufficient as it does not include those peoples whose citizenship ineffective or inability to prove their nationality (Weissbrodt and Collins, 2006). On the other hands, the de facto stateless who are born as second generations and above are at the risk and vulnerable in changing their status to de jure stateless (Massey, 2016).

Being stateless also means limited from various access and right such as proper living conditions, education, and healthcare. The stateless are forced to lives in ghetto-like condition without sufficient access to healthcare, education, and job opportunity (Kaveri, 2017; Badariah, 2018). According to Lynch and Teff (2009), the unavailability of birth certificate among the stateless children causes them restricted to received vaccination and education. Many of the stateless population faced chronic poverty, malnutrition, unnecessary detention, denied from the right of education and being the victim of exploitation, which depicted overall of their daily life (Brunt, 2015). In a study by Barua et. al. (2019) had found that the Rohingya stateless peoples are not entitled on birth registration at government hospital, disposed to poor babies and child health, malnutrition, and other multiple illness and some of them lives in dismal condition in the unregistered refugee camp at Bangladesh (Crabtree, 2009). Meanwhile, the displaced Kosovo Roma community in Berane, Montenegro, who resides in impoverished informal settlements at riverside as they have no right on any property and proper dwelling (Arraiza and Ohman, 2009).

Lack of full set of rights accessible to citizens, stateless individuals face a greater discrimination in the justice administration, harassment, and arbitrary detention (Perks and Clifford, 2009). Besides, the stateless individuals are restricted to vote and participate in political affair, restricted to acquire travel documents, and restricted to access multiple ranges of government services and employment (Goris et. al., 2009). Limited information is available on the plight of stateless individuals in detention in the country they reside

because they often seen as 'hidden' population and also received lack of attention been paid to stateless populations (Perks and Clifford, 2009).

Meanwhile in Sabah, the Filipino refugee generation who in risk of stateless lives in slum and squatter settlement or workers' housing with no proper piped water and electricity supply is limited (Azizah, 2009; Allerton, 2017). Being a stateless caused the generation of Filipino refugees faced various difficulties and challenges. The stateless individuals often received public resentment, risk of exploitation (Allerton, 2017) and often blamed by the local people in Sabah for the crime rate, security threat, pollution, and unemployment among the local community (Azizah, 2009). This is contradicted with the statement by Commissioners of Enquiry on Immigrants in Sabah (2014) as they mentioned that the refugees in Sabah have more privileges compared to the refugees in Peninsular in terms of their ability to work, to live with their dependents and apply for a Permanent Resident (PR) status.

In fact, they are frequently in the state of fear of arrest by the enforcers that jeopardize their freedom of movement (Tamara, 2016). Furthermore, due to the poverty and the absence of birth certificates, stateless children are prevented from receiving Malaysian education (Allerton, 2014). The undocumented and stateless children are considered as marginalized and disadvantages group as they face confinement on access to education, healthcare, birth registration and child protection services (Fahisham, 2012).

RESEARCH METHODOLOGY

This study developed insights from a semi-structured in-depth interview with key actors that included face-to-face interviews with stateless people. In total, 30 respondents were involved with the semi-structured interviews. The qualitative interviews took between 60 to 90 minutes, which were usually recorded and transcribed for thematic analysis. The sample were taken from four settlements including Kampung Teluk Luyang, Telipok, Pulau Gaya and Kampung Numbak using snowball sampling method. After the data collection had been done, the next task is transcribing, coding, and developing topics into several themes. The interviews were conducted to illustrate how they talked about the issues and challenges the stateless communities faced. Based on a qualitative inquiry guided by case studies analysis of stateless community in Sabah state, this study will investigate the implications of statelessness towards the stateless community in Sabah. Sabah state provides unique characteristics to study the statelessness phenomenon because it has

the most non-citizen population in Malaysia. Based on this study title, “us” here are referring to the local people and “them” are referring to the stateless in Sabah. Therefore, this paper will examine on the plight and challenges of stateless people in Sabah.

RESULT AND DISCUSSION

This researcher arranged the findings of this study into four themes that related to the struggle faced by the stateless community in Sabah. Each theme is inter-related to each other that made up from their status as stateless people with no proper documentation and held any effective citizenship. Most stateless people interviewed facing registration and documentation issues as Allerton (2017) argued that the second and third generation of Filipino refugees are desperately trying to escape irregularity by having verified documents and exploited by unrecognized passport or visa agents. For instance, one participant of stateless community explained the issue:

“I do not have any registration card. I was registered with “Kad Burung”, but the card is not verified by the government due to invalid serial number. Last time, I was registered the card with middle person”.

Besides, the Malaysian law required any children who born in Malaysia are compulsory to register and have birth certificates regardless the nationality of their parents. However, according to Jassica et. al. (2020), the registration of children could mean a financial burden since they must deal to many bureaucratic processes that cause the failure of having birth registration documents. The lack of birth certificate as the evidence affect to others major issues, restricting the stateless community from having proper access to human rights (Groot et al., 2015). This is revealed by a father of stateless children:

“It is really difficult to have registration from the government. I have 7 children and all of them do not have birth certificate. How would they have birth certificates if the cost of DNA test for each child is RM2000. This is not including the cost for courts. I also need to pay RM50 to take the registration form. I do not have enough money.”

On the other hands, being a stateless also restricting them from better access to employment and occupation. Since they absence documents and formal education, it is revealed that they are involved in 4D sectors (dirty, dangerous, difficult, and demeaning)

and the income is fluctuated due to several factors such as atmospheric condition, health condition and the availability of job (Azizah, 2009). A respondents commented on this:

“Currently I only work at the sea to catch fish and sell it at morning market or night market in Kota Kinabalu. I earned RM20 to RM50 per day. However, this is not daily based because I could not go to sea during rainy day. It has been 2 weeks I lack money and only eat anything left”.

In fact, Asis (2005) also mentioned that the stateless community has low income and underpaid as one of the participants told that: “I was working as dish washer in restaurant. The employer pays low salary, but it is still enough to buy food for a day. I was arrested because I do not have any documentation and get released in few days after. I could not work due to lack of document”

For the living conditions, the stateless people in Sabah are lives in poor and slum of settlement with poor road and no proper facilities such as piped water, electricity supply and waste collection management (Azizah, 2009; Allerton, 2017). One respondent talked about this:

“Our house is wooden based made by our great-grandparents. I am living here as the third generations. It is terrible. We have no water supply and electricity, and we buy the water from middle person with the price RM1 per gallon.”

Besides that, based on the field work experience by research, it is revealed that the stateless people are lives in a small wood house with their big family. A participant simply said: “our house has no bedroom, so we just sleep altogether. The small house is sufficient for my ten family members to lives here”

The federal and Sabah state government also must encounter issue related to escalating number of street children especially in Kota Kinabalu city (Ismail, 2008). A stateless parent said: “our children are not going to school. Since they were young, we asked them to do any job including catching fish or any other work”. According to Dayang (2000), due to inability of the parents to afford the schooling cost, they just schooling a child for sufficient conditions only due to their status as “non-citizen.”

Apart from living conditions, the stateless community also has limited access to healthcare services as they lack proper documentation and their children also has no birth certificate (Jassica et al., 2020). A participants told: "I have never gone to public or private hospital because I heard the cost is expensive. All of my children are born in the house and there is midwife helping". This issue is faced by most of the stateless people around the world. For example, Barua et al. (2020) in their study found that the Rohingya stateless people are vulnerable to poor children health, malnutrition, lack of obstetric care and ineligible on birth registration at government hospital.

Nevertheless, drawing from the empirical data, two conclusions can be summarized: most of the respondents encountered similar issues and challenges as the stateless people and the vicious cycle will continuously happen within their generation due to the vulnerability of the stateless community. This situation happens due to their status as stateless person that restrict them from various right and lives in poverty. These findings are very significant because it is essential to identify the socio-economic characteristics of the stateless community to solve the issue as it is inseparable from the Sabah society, politics, development, and economy. The findings in this paper are based on this study direction and a preliminary action to get the idea of stateless people socioeconomic background before the researcher developing a questionnaire for survey.

CONCLUSION

As the conclusion, this paper revealed that stateless people in Sabah faced many barriers and discrimination throughout their livelihood aspects. As seen in other countries, the enclosure and barriers faced stateless discuss Rohingya in Bangladesh (Crabtree, 2009); Kosovo Roma in Montenegro (Arraiza and Ohman, 2009); and Bihari community in Bangladesh (Hussain, 2009). In Malaysia, the statelessness issue may not have signaled the states on effective policing but rather to strengthen and protect the sovereignty and security of the state. Therefore, by this point we believed that the status as stateless person with ineffective nationality also means the absence of various human rights. The issue of statelessness must be solving by the involvement multi-level governance (MLG) among the federal government agencies, state government, local government, and non-government organization (NGO). Implementing effective public policy to monitor the movement of stateless people in Sabah. The purpose of effective public policy is to ensure the "win-win" solution to protect the national security from any threat cause by the

outsiders and to addressing stateless in Sabah by follow the #Ibelong Campaign by UNHCR.

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THE PHILIPPINE GOVERNMENT'S IMPLEMENTATION OF PREVENTIVE MECHANISMS AGAINST HUMAN TRAFFICKING: CHALLENGES AND PROSPECTS

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ABSTRACT

Human trafficking is a threat to overseas Filipino workers (OFWs) at all stages of migration. OFWs are susceptible to the risk of abuse that migrant workers in general experience. In the worst-case scenario, these abuses cross the line and become human rights violations (HRVs). HRVs cover abuse against universal human rights “to life and liberty, freedom from slavery and torture, freedom of opinion and expression, [and] the right to work and education,” among others. Consequently, the Philippine government has crafted and implemented laws, policies, and agreements to combat forced labor and debt bondage, two major forms of human trafficking of Filipino migrant workers. This study will focus on: (1) discussing the government’s implementation of preventive measures against human trafficking of Filipino migrant workers, and (2) identifying elements that deter these efforts taken by the Philippine government.

This study uses a qualitative approach in analyzing migration governance in the Philippines, which involves the collection of primary data from the Department of Justice-Inter-Agency Council Against Trafficking (DOJ-IACAT), OFWs, and a Filipino expert on migration and human trafficking. This research utilizes a set of interview questionnaires in a series of semi-structured one-on-one interviews. The evaluation of the data gathered suggests that cases of forced labor and debt bondage brought about by the horrors of human trafficking in the pre-migration stage are still a current trend in the Philippines. A major issue is the need to suppress the practices of illegal recruiters. Also, confusion and inconsistencies in policy implementation should be addressed, and capacity-building training among implementing officers is crucial. Moreover, discussions on migration

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programs must be conducted with attention to the interagency structure in order to improve coordination among migration-related institutions for combatting human trafficking. The Philippine government needs to continually pursue effective implementation strategies against human trafficking that are adequate and reliable.

Keywords: Human Trafficking, Pre-Migration, Recruitment, Overseas Filipino Workers (OFWs).

BACKGROUND AND STATEMENT OF THE PROBLEM

The Philippines is one of the largest sources of migrant workers worldwide, with the Philippine Statistics Authority tallying an estimated total of 2.2 million active Overseas Filipino Workers (OFWs) in 2018. Out of this number, 1.2 million, or over 56 per cent, are women. Consequently, there are as many as from 2.2 million to 5.8 million families in the country that depend on overseas remittances as main or supplementary source of income. These families comprise as much as 10 to 27 per cent of the total number of families in the country. Meanwhile, the total remittances sent by OFWs in 2019 reached a total of USD 33.5 billion, or PHP 1.6 trillion. This accounts for nearly 10 per cent of the country's Gross Domestic Product (GDP). That puts the Philippines in fourth place in the list of global remittance receivers, behind India, China, and Mexico.

Part and parcel of the benefits that come from being an OFW, however, is the risk of abuse that many Filipino migrant workers face at the hands of their employers. In the worst cases, these abuses cross the line and become human rights violations (HRVs). HRVs cover abuses that violate universal human rights "to life and liberty, freedom from slavery and torture, freedom of opinion and expression, [and] the right to work and education," among others.

Human trafficking, in particular, is a constant threat to OFWs at all stages of migration. The literature on migration states that there are three general stages of migration: pre-migration, which involves the decision-making and planning that occurs before migration; migration proper, which involves the actual transfer of an individual or group of individuals from one place to another; and post-migration, which involves the integration of the migrant into his or her new environment. Other sources add a fourth stage, return, in which

the migrant returns to his or her country of origin. Human trafficking is defined by the United States' Department of Homeland Security as:

...the use of force, fraud, or coercion to obtain some type of labor or commercial sex act... Traffickers might use violence, manipulation, or false promises of well-paying jobs or romantic relationships to lure victims into trafficking situations... Language barriers, fear of their traffickers, and/or fear of law enforcement frequently keep victims from seeking help, making human trafficking a hidden crime.

The United Nations (UN) Office on Drugs and Crime adds that there are three elements to human trafficking: the act, or what is done (including recruitment, transport, etc.); the means, or how it is done (including coercion, abduction, fraud, etc.); and the purpose, or why it is done (including prostitution, forced labor, etc.).

In response, the Department of Justice's Inter-agency Council Against Trafficking (DOJ-IACAT) was formed on the basis of Sections 20 and 21 of Republic Act (RA) 9208, or the Anti-trafficking in Persons Act of 2003. In particular, Section 21 assigns to the council the role of formulating, promulgating, and overseeing the implementation of various policies aimed at mitigating human trafficking of Filipino citizens. In its 17 years of operation, the DOJ-IACAT has established many relevant programs on its own and in partnership with other entities, both public and private, including the U.S. Department of Justice Office to Monitor and Combat Trafficking in Persons.

Among the council's notable initiatives are the National Strategic Action Plans, the first of which was in force from 2004 to 2010 and the second of which, from 2012 to 2016. These plans focused on four main components: prevention, protection, recovery and integration. In 2012, RA 9208 was amended by RA 10364, or the Expanded Anti-Trafficking in Persons Act. A year later, the Philippine Commission on Women, a member agency of the DOJ-IACAT, coordinated with the council to release "The Philippine Guidelines on the Protection of the Rights of Trafficked Women" in line with RA 10364. These guidelines aimed to supplement those provided under the second National Strategic Action Plan with consideration for the specific types of trafficking abuse to which Filipino women are vulnerable.

Despite meeting the minimum standards set by the Philippine government's anti-trafficking plans, however, the effectiveness of the preventive mechanisms -- including policy development, awareness-raising campaign, and training -- is not assured due to

the challenges that the government encounters along the implementation process. With this in mind, the challenges faced in the implementation of the current preventive measures against trafficking in the Philippines need to be identified and adequately addressed. It is only by determining the elements that hinder the full implementation of the preventive measures that the government can adequately address these concerns and eventually usher in successful implementation.

RESEARCH QUESTIONS & OBJECTIVES

For a long time, migration governance has been a priority area of the Philippine government and the welfare of overseas Filipino workers (OFWs) has been the focus of its attention. Despite this, the International Labor Organization (ILO) reported that there are as many as 400,000 Filipino women who are forced into human trafficking each year. This makes female domestic workers headed for work abroad one of the sectors most vulnerable to this type of abuse. The U.S. Department of State further states that most of these workers fall victim to labor trafficking through illegal recruitment methods that place them in forced labor and debt bondage. The labor trafficking industry in the Philippines, the ILO revealed, has earned about USD 150 billion a year as of 2014.

The argument of this study revolves around the premise that, although the Philippine government has made significant efforts to comply with international standards set by the United Nations and other international instruments, and although legislative and policy changes are necessary, the government needs to focus more on the implementation aspect of existing preventive mechanisms. Of particular concern is the challenges that it experiences while the policies and programs for promoting the human rights of migrant workers are being implemented.

The researcher intends to draw attention and respond to the following questions:

1. How does the Philippine government implement its prevention mechanisms against human trafficking?
2. What are the challenges that it faces in the implementation of these prevention measures?

The researcher intends to fulfill the following objectives:

1. Analyze how the Philippine government implements preventive mechanisms against human trafficking.

2. Identify the challenges that the Philippine government encounters in the implementation of these preventive measures.

UNIT OF ANALYSIS

This study is focused on the Philippine government's implementation of preventive mechanisms against human trafficking. It studies migration stages where rampant illegal practices occur and victimize OFWs who are bound for their destination country. These practices eventually lead them to forced labor and debt bondage, two of the most common types of human trafficking. Specifically, this study will highlight the implementation by the DOJ-IACAT of the anti-trafficking laws, policies, and agreements for the safe, orderly, and regular migration of OFWs.

The DOJ-IACAT is the Philippine government's inter-agency body that is mandated by the law, under Section 20 of Philippine Republic Act 9208 (R.A. 9208) or the Anti-Trafficking in Persons Act of 2003, to spearhead the implementation of the law and is composed of government agencies and non-government sectoral representatives. The DOJ, as the lead agency, coordinates and monitors all initiatives and programs of the body. The DOJ-IACAT conducts various projects and initiates mechanisms to combat trafficking in persons. Since its establishment, the DOJ-IACAT has been geared towards the elimination of trafficking cases in the Philippines, prevention of trafficking, protection and rehabilitation of victims, and conviction of trafficking offenders.

REVIEW OF RELATED LITERATURE

Migrant worker vulnerability

In a 2019 study for the International Organization for Migration, David, Bryant, and Larsen explain that migrants become most vulnerable in areas which the arm of the state does not reach, and most especially in irregular channels for migration. The capacity of the state to protect migrant workers, they add, is affected by the amount and quality of legislation in place for that purpose, as well as by the quality of service offered by law enforcement. In other words, corruption and simple neglect perpetrated by government officials can determine how vulnerable a state's migrant workers would be.

The study also explains that female migrant workers are more vulnerable than their male counterparts, as demand for them is high in the industries of domestic work, sex, and

forced marriage. Further, undocumented migrants, as well as migrants whose employers are in possession of their visas as they fulfill their work contracts, are more vulnerable than other migrant workers.

International standards and protocols against trafficking in persons

The United Nations (UN) Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children, which supplements the UN Convention against Transnational Organized Crime (UN Protocol Against Trafficking), Article 3 defines trafficking as "the recruitment, transportation, transfer, harbouring or receipt of persons, by the threat or use of force, by abduction, fraud, deception, coercion or the abuse of power or by the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of [...] sexual exploitation, forced labor or services, slavery or practices similar to slavery [...]".

The UN Protocol Against Trafficking provides three approaches to dealing with human trafficking: 1) prevention of trafficking in persons; 2) protection of, and assistance to, victims of trafficking; and 3) promotion of human rights and cooperation among state parties.

The International Convention on the Protection of the Rights of All Migrant Workers and their Families (ICRMW) envisions certain human rights protection for all migrant workers, followed by more rights, particularly the right to non-discrimination, for migrant workers who are documented or in a regular situation.

In 2002, the UN Office of the High Commissioner for Human Rights listed the promotion and protection of human rights as the first guideline in addressing human trafficking. According to the agency, because violations of human rights are both a cause and an effect of trafficking in persons, it is essential to put the protection of human rights at the center of any measure taken to prevent and end trafficking. Anti-trafficking policies should not adversely affect the rights and dignity of persons, especially migrants and those who have been trafficked.

In her 2014 article on exploitation creep, Chuang explains that the anti-trafficking legislative framework is composed of three prongs: persecution, protection of the victim, and prevention. Chuang then goes on to argue that, rather than focus on policies based on the persecution aspect, legislation more heavily built around the prevention aspect --

or proactive policies -- might be more effective in mitigating the exploitation experienced by trafficked migrant workers. A 2001 case study released by the ILO, titled Sri Lanka: Good Practices to Prevent Women Migrant Workers from Going into Exploitative Forms of Labour, proves that a primarily prosecution-based approach is not as beneficial as a more proactive, prevention approach.

METHODOLOGY

The researcher conducted qualitative research using the narrative approach. The study will provide primary data on the Philippine government's implementation of the preventive mechanisms against human trafficking.

Online interviews were conducted with: one (1) officer from the DOJ-IACAT on the implementation of preventive efforts against human trafficking. The researcher will investigate the challenges that are encountered by the government body in the implementation of the preventive mechanisms and will highlight the prospects of refining these measures to prevent human trafficking. Five (5) OFWs were interviewed to determine their views on, and experiences with, these government preventive mechanisms and the latter's implementation process throughout their journey as OFWs. One (1) Filipino expert on human trafficking in the Philippine context was interviewed on his views on the efforts of the Philippine government to prevent human trafficking and on recommendations to refine these efforts from the perspective of a migration/human trafficking expert.

The interviews were semi-structured. They used interview guide questions that were framed through the research questions. They also used informal conversational interview, in order to generate questions based on the natural flow of answers from the interviewees and extract data that will be relevant to the study. Each interview conducted lasted approximately one (1) hour.

RESULTS AND DATA ANALYSIS

Over the years, government efforts to promote and protect the welfare of migrants, especially migrant workers, are pursued and are made to reflect on policy development. While protecting Filipino migrants should be constantly accompanied by legislation and executive plans, the implementation of these efforts is not assured with success due to

challenges along the path of their execution. Thus, the researcher argues that there is a need to shift government efforts from legislation to implementation. There is an imperative to further explore the implementation process -- to determine the challenges that explain why these existing policies and plans, while in compliance with international minimum standards, are still insufficient when it comes to cracking down on human trafficking.

Although laws, policies and agreements to promote and protect the rights of OFWs are in place, the continuous increase in cases of forced labor and debt bondage brought about by human trafficking is still a current trend. As such, improvements in the implementation of existing policies and the crafting of strategies to enhance the implementation process are significant in intensifying government efforts to provide safe, orderly, and regular migration, especially at the pre-migration stage. The Philippines should not be complacent and should continue to pursue strategies that are adequate and reliable in seeking to realize the objectives of existing laws, policies, agreements, and programs that were created for the welfare of OFWs.

Against this background, discussions on the implementation of migration plans and policies must be established with an attention to the interagency structure in order to improve coordination among migration-related institutions and ultimately combat human trafficking in the country. Consolidated efforts from all concerned agencies need to be strengthened to efficiently address and respond to the threats and challenges accompanied by confusions and inconsistencies in policy implementation.

In particular, the first challenge faced by the government in the implementation of preventive mechanisms against human trafficking is the schemes employed by illegal recruiters, especially during the COVID-19 pandemic when they take advantage of online platforms to find Filipinos whom they can victimize.

“So basically, first the challenge is that the modus operandi of the respondents [illegal recruiters] are levelling up, too. Unlike before it was easier to track them, however right now due to information technology, there are a lot of avenues wherein -- for example, doing fake documents. So basically, they [OFWs who were victims of illegal recruiters] were told that it's easy for them to go out because the process is easy and it's short. Unlike the legit[imate] process for them to get out, you need to secure a license, you need to attend training and everything. Maybe it's the factor,

the most significant factor for them why they do -- why they chose to be illegal rather than legal, because of the tedious process I believe..." (Officer, DOJ-IACAT).

Secondly, the government also finds Filipinos' lack of information and knowledge about the legal processes available to them for working abroad, as a challenge.

"And also, some of the Filipinos really don't have this proper knowledge and skills in determining who is legit and not [recruiter] maybe because they lack -- cause some also with the lower end of our society, those who are in those socio-economic status, they really don't know their rights, also they are not knowledgeable of the process. (Officer, DOJ-IACAT)"

Another challenge is that the government continuously implements efforts to crack down on illegal recruitment and implementing officers sometimes become confused in interpreting policies. This is also a contributing factor to the very low conviction rate of illegal recruiters. In most cases, however, the victims are also very afraid to pursue a case because

"The trend is decreasing conviction rates [in the Philippines]. Particularly for labor, because in labor, the trend right now, there is a high incidence, but prosecution success is [a] bit low. Probably, in terms of illegal recruitment on trafficking issues, if they [migrant workers] are caught, despite the desistance of the victim or the witness, the case will be pursued. But for illegal recruitment, if the victim or witness is illegally recruited..., if they just sign an affidavit of desistance, the case will be dismissed. So that's a clear [case of] exploitation since you're already illegally recruited but you signed just one affidavit then the case will already be dismissed unlike in trafficking..."

Another significant barrier to the success of the implementation of preventive mechanisms against trafficking is the one-size-fits-all Pre-Departure Orientation Seminar or PDOS provided by the government to migrant workers before their departure for the sending country. This makes migrant workers who are bound for work abroad more vulnerable to human rights violations which fall under human trafficking.

"It [pre-departure training] was ill-fitted. There should be instructors like us, who experienced working there. The instructors there didn't know anything [about the

actual job]. When I was there, I couldn't use any of the lessons they taught me. Ask any domestic worker if they were able to use that skill, that arranging utensils skill. We all struggled to pass that exam, even failed at times and then we couldn't even use it on the actual job. They should acquire workers like us who worked there.”

The Commission on Filipinos Overseas (CFO) is mandated to provide training for migrant workers who are about to work abroad. Although the intention is to prepare them for the conditions will greet them upon their arrival in the destination country, there is a need to revisit how the government implements this seminar. Due to differences in cultural embodied practices, there should be a tailored-fit training for migrant workers, especially those going to areas that have a different culture in dealing with women.

CONCLUSION AND RECOMMENDATIONS

Based on the data gathered, although laws are in place, continuously increasing cases of forced labor and debt bondage brought about by human trafficking are still the current trend due to challenges faced by the government in the implementation process. As such, improvements in existing strategies on implementing these preventive mechanisms need to be revisited. The Philippines should not be complacent and should continue to pursue strategies that are adequate and reliable.

Confusions and inconsistencies in policy formulation should be addressed. There must be capacity-building training for all implementing officers working to uphold the preventive mechanisms against trafficking in persons. Through this, there can be a single, unified interpretation of the laws and policies pertaining to this concern and the officers can be capacitated to handle cases of violations under human trafficking laws.

The pre-migration stage is where rampant illegal practices occur that victimize OFWs who are bound for their destination countries. These practices lead them to forced labor and debt bondage, two of the most common types of human trafficking. In order to disempower the illegal recruiters, the government should ensure that awareness-raising campaigns and educational training among prospective OFWs are strengthened, so that migrant workers will not fall for the false promises of illegal recruiters. With this, the strict implementation of laws against illegal recruitment is necessary.

Moreover, discussions on migration policies must be established with an attention to the interagency structure in order to improve coordination among migration-related institutions and ultimately combat human trafficking in the country. Consolidated efforts from all concerned agencies need to be strengthened to efficiently address and respond to the threat and challenges posed by the practices of illegal recruiters.

In early 2020, lawmakers in the House of Representatives of the Philippines approved a bill that seeks to create a new agency dedicated the deployment of Filipino workers to other countries and mandated to pursue cases of illegal recruitment. The law is still pending and needs the approval of the Senate and the President.

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WOMEN'S POLITICAL REPRESENTATION AND GENDER-RESPONSIVE DEVELOPMENT POLICIES: A PARADOX IN THAILAND AND THE PHILIPPINES

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ABSTRACT

There is a highly conceded notion that women in power represent the needs and interests of women. Furthermore, it has also been argued that the greater number of women in power the more likely gender-responsive policies for women are going to increase as reflected in many Western societies. However, this has not been the case for many countries in Southeast Asia. To illustrate the point, Thailand has a lower percentage of women in parliament than the Philippines but ranks higher in the Gender Inequality Index (GII) that includes access to education, reproductive health, and economic empowerment, among others. Hence, based on historical and institutional analysis, this paper explores how women's representation in politics influences the enactment of gender-responsive development policies in Thailand and the Philippines. The paper argues that the number of women in the legislature does not necessarily influence the implementation of gender-responsive development policies in both cases. Instead, party politics, systemic challenges in the parliament and House of Representatives, and policy priorities of women in politics are more relevant factors. The present study contributes to the understanding of the intersection between gender, politics, and development in the Southeast Asian context.

Keywords: Women in Politics, Development, Political Representation, Women Parliamentarians.

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INTRODUCTION

Women play a meaningfully important role in politics and development. Women's inclusion in both areas ensures a higher level of success in terms of empowering women and contributing to development initiatives. There's a highly conceded assumption that women in office represent women's interests. Literature on women's political representation argues that when women are in power, they make development policies that address the needs of women on the ground (Bratton, 2002; Gilligan, 1982; Jabri and O'Gorman, 1999; Conway et al., 1997; Shapiro & Mahajan, 1986; Swers, 2002; Thomas 1991). Although it's a logical argument and applies to most of the developed world, it is simply not the case in Thailand and the Philippines. These two countries in Southeast Asia defy logic in terms of how women's political representation results in more development policies for women.

Women in Thailand and the Philippines have been involved in the public sphere for a very long time, and their presence has been heavily documented. However, there exists a stigma about women's role in society, and this has resulted in the formation of several organizations and movements that would, later on, contribute to the strong presence of women in both societies. However, it is critical to recognize that women's participation in politics in Thailand and the Philippines does not come unquestioned. Despite the long history of women in both societies, women in politics still struggle to come up with tangible policy outcomes due to factors that are inherent in the institutions to which they belong. This paper is concentrated on the years after the Asian financial crisis (1999-2019) in both Thailand and the Philippines due to the important developments during this period. The Asian financial crisis has once again emphasized the necessity to address the needs of Asian women as they are the most vulnerable and affected during the crisis.

In this paper, the author started by discussing studies on women in politics and women in development done worldwide to provide a general background of the field, with an emphasis on Thailand and the Philippines. Then, she touched upon the theory and methodological approach found appropriate in this study. She then moved on to the findings and discussion of the results that came from the interviews done as well as the conclusion based on the data and results available as of the writing of this paper.

RESEARCH QUESTION

To what extent does the political representation of women influence the implementation of gender-responsive development policies/programs in Thailand and the Philippines?

LITERATURE REVIEW

The importance of women's inclusion in politics and development has been highlighted and conceded by many scholars, politicians, governmental and non-governmental organizations in the years after the Cold War, specifically in the early 2000s (Azizah, 2015; Breuning, 2001; Stockemer, 2015; Thompson, 2018). Most of the work in existing researches has been centered on understanding and analyzing these two research themes separately. On the one hand, there exist numerous studies about the challenges that women experience in politics (Conway et al., 1997; Iwanaga, 2008; Thompson, 2002) and the importance of having women in all areas of the government. On the other hand, several studies emphasized the massive role that women play in development efforts (Breuning, 2001; Sapiro, 1981). Although there is benefit in doing so, the connection between women's political representation and the creation of development policies and programs is another area in the research that merits appropriate consideration. It has been stressed in the existing literature that women's political representation results in more gender-responsive development policies and programs. Thus, this paper is directed towards the intersection of women's political representation, decision-making and policy priorities of women in government, and gender-responsive policies and programs.

Thailand

The paradox in Thailand is that women have low representation in the parliament, but Thailand's ranking in the Gender Inequality Index (GII) by the UNDP is higher than that of the Philippines which has a higher women's political representation. This requires a scholarly investigation to understand the complex way in which women in Thai politics represent the interests of women in general. Several Thai scholars (Satha-anand, 2004; Songsamphan, 2011) recognize that even though the women's movement in Thailand is robust, issues such as deep-rooted patriarchy, political structures, and socio-cultural differences hinder the progress of the women's agenda in the public sphere.

However, it is also worth noting that there is limited literature on the policy priorities of women in the Thai government and how it influences policy outputs. To contextualize,

Iwanaga (2008) who wrote extensively on women in Thai politics argued that similar to other Asian countries, the environment of women in Thai politics has historically been dominated by men, and women's presence in governance and politics remain limited even though Thailand was one of the first Southeast Asian countries to grant women the right to suffrage. This sheds light on the struggles of Thai women who get into politics, and even if they get into politics, it's important to question whether or not they are able to push for development policies that are gender-responsive by nature. Iwanaga (2008) interviewed several present and former women in the Thai government and he raised questions about women in parliament being more likely to push for development policies that cater to the needs of women and his findings suggest that some women legislators refuse to look at gender as a factor in determining their priorities in policy-making. He also noted that similar to other countries, other relevant factors such as party policy and discipline affect women's political behavior in the Thai parliament (Iwanaga, 2008).

Philippines

The involvement of Filipino women in public life is well documented. Aguilar (1990) explained that women in the Philippines are involved in different aspects such as civic associations that address the needs of particular deprived groups in society. Similar to Thailand, the assumption mentioned earlier about 'women for women' also does not quite capture the intricacies of Philippine politics. The paradox in the Philippines is that women have high representation in the government sharing 28% of the seats in parliament (UNDP, 2020), but the Philippines' ranking in the Gender Inequality Index (GII) by the UNDP is lower than that of Thailand which has a lower women's political representation. To contextualize the Philippine case, it is necessary to recognize, as Thompson (2002:538) noted that 'women have long been politically prominent as ministers/cabinet members, senators, governors, etc.' that Filipina feminists continue to doubt their presence there. Moreover, it is also beneficial to make a comparison with other Southeast Asian nations. The Philippines has a stronger, active, and dynamic women's movement (Azizah, 2015). However, Veneracion-Rallonza (2008) argued that a strong patriarchal outlook continues to shape the political realities in the Philippines, which often results in men retaining political authority while women remain to be a mere addition to the government. She also emphasized the disconnectedness between research and the realities of women empowerment in the Philippine context.

Based on these arguments, it shows that Thailand and the Philippines share a similar important variable—patriarchal society, and strong women elites. Despite the changes in

Thai and Filipino societies brought about by globalization, the challenges wherein women struggle to be heard and to be represented are still evident in both societies. To sum up, the existing literature points out women do have more concern and willingness to forward more gender-responsive policies in the parliament compared to their male counterparts, and that several factors affect the decision-making and policy priorities of women in politics. However, to say that these factors are simply because of them being in patriarchal societies, as well as not being gender-conscious in their priorities, seem misleading and insufficient. Therefore, there is a need to extend this research area to better understand this paradox and to attempt to answer it.

THEORETICAL FRAMEWORK

This paper will utilize the Historical Institutionalism (HI) approach (Steinmo and Thelen, 2002) by studying the Thai and the Philippines' parliaments as political institutions where women parliamentarians belong on two levels. The first level of analysis will focus on the evolution of parliaments in Thailand and the Philippines and how this structure affects the power politics within men and women parliamentarians. The second level of analysis will pay attention to the way the Thai and the Philippines' parliaments as institutions limit articulation of interests, specifically the articulation of collective interests that in turn gets transformed into policies. The intricacies of the interactions that take place inside the Thai and Philippine parliaments can offer a substantive understanding of how parliament—both as a structure and historical institution—shape the direction of gender-responsive policies forwarded by women parliamentarians in both Thailand and the Philippines. Moreover, this theoretical framework will look at both soft and hard institutions that contribute to shaping how women who belong in them act within said invisible and visible walls.

METHODS

This study will be following a qualitative descriptive methodology by using a comparative study method to investigate the connection between women's political representation in Thailand and the Philippines using the Most Different Systems Design (MDSD) (Lor, 2019). The comparative study will focus on analyzing the relationship between the independent variables that lead to the dependent variable of gender-responsive development policies and programs in both Thailand and the Philippines. The author used elite interviews and semi-structured interviews to have an in-depth understanding of the

phenomena. As of the writing of this paper, five people have been interviewed. Two of the interviewees are former female members of parliament (MPs) in Thailand, while one of them is a current female MP in Thailand. Additionally, one expert in the Philippines was also interviewed, as well as a current congresswoman in the Philippines. Interviews with experts and female members of the legislature have provided a deeper understanding of their lived realities in their political life, which would be beneficial in the analysis of the influence of the institutions they belong to by using a historical and institutional approach. In total, the author is aiming to interview at least two more female congresswomen or senators in the Philippines and another expert in Thailand.

FINDINGS AND DISCUSSION

The findings presented in this paper are preliminary. This paper aims to answer whether or not the political institutions and historical trajectories shape the ability of women in power to enact gender-responsive development policies in Thailand and the Philippines. After conducting several interviews with experts and women in the legislature, there's one thing that they all agreed with, and it is that women in the legislature face a set of challenges—varying in context and nature—in parliaments such as sexism, societal factors, bureaucratic systems in place, party politics, and even their own policy priorities. One former female member of parliament (MP) in Thailand believes that she was treated differently because of her sex and political party. However, another former female MP said that in politics, gender doesn't matter and she felt that she got treated equally during her time in the parliament. Several questions were asked to identify the factors that affect the decision-making and policy priorities of women in the legislature in Thailand and the Philippines. Themes will be used to identify important subjects discussed during the interviews.

Discrimination and Being Treated Equally

An expert on the Philippines argued that most Filipino women in politics usually come from political dynasties and well-respected families (Thompson, 2002), and due to this fact, their presence in the legislature is usually not contested, however, women's interests are considered 'progressive' and it is difficult to push forward policies that might be sensitive in the Filipino culture, which has strong ties to the Catholic church. For instance, laws such as Reproductive Health Law were delayed for quite a long time in Congress, facing opposition from religious members of Congress, and as well as groups that support the Catholic church, despite there being Separation of State and Church in the

Constitution. In comparison, women Thai politicians have shown quite a stark difference in their experiences as former MPs. One former MP contended that having been a member of a new progressive political party, she was treated unfairly in parliament not just because she is a woman, but also because of her political party and her age. She also expressed concern about the unwarranted attention that other MPs, especially older MPs give about superficial matters such as fashion choices. Another former MP, however, said that in her time as an MP, she was treated equally by all members of the parliament and she emphasized the importance of respect. She believes that treating other members of parliament with respect will go a long way as a politician in Thailand.

More than the institution itself, and whether or not parliament and Congress were historically patriarchal, other issues such as party politics, respect (as part of the culture), religion, and the struggle towards forwarding progressive policies are factors that influence the decision-making of women in the legislature in Thailand and the Philippines.

On Patriarchy

All of the interviewees agreed that both Thailand and the Philippines are patriarchal societies. This is also evident within the walls of the parliament and congress. One former female MP argued that many cultures are patriarchal and this isn't necessarily a disadvantage to women in the legislature, while another former MP conveyed disappointment about Thailand's patriarchal nature because it prevented her from doing her job. Instead of focusing on policies that would benefit the Thai people, she is caught in party politics dominated by men. She is not also being taken seriously by male members of parliament because of her sex and age. However, the expert interviewed in the Philippines conceded that patriarchy plays a role in the political life of women politicians in the Philippines. Despite the high percentage of women in the legislature, currently at 28% that is substantively higher than other Southeast Asian countries, their ability to forward progressive policies for women is usually blocked by male politicians who deem women's issues as less important and unnecessary. Thai female politicians raised the concern that male MPs tend to leave women's issues to women in parliament, making it a less important issue undeserving of their attention or time.

A patriarchal society is a reality for both Thailand and the Philippines, and its influence on women's ability to forward any gender-responsive policies in parliament or congress is present, no matter how little. Whether or not this is more detrimental than advantageous is yet to be studied on a more micro level. For there to be changes, all members of

parliament, both men and women, need to realize the importance of women's issues and why these policies contribute to society as a whole.

Policy Priorities

During the interviews, the author mentioned the phrase 'women for women' to the women parliamentarians and asked them if that statement applies to them, and both of the former Thai MPs conveyed that they do not consider themselves as representatives only for women and women's issues. One of them mentioned the importance of also paying attention to other groups such as the Lesbian, Gay, Bisexual, Transgender, Queer and/or Questioning, Intersex, and Asexual and/or Ally (LGBTQIA+). Another female MP argued that although it is ideal to focus on women's issues, they also have to prioritize other issues such as land reform, education, and healthcare. Another female congresswoman in the Philippines considers women as one of her priorities. However, according to the congress website, and looking at all the bills she passed in Congress, it is evident that she does not focus merely on women's issues but other issues such as the declaration of holidays, road safety, and education, among others. Based on the answers the author received for the interviews, it is evident that the policy priorities of women politicians in Thailand and the Philippines are far from being women-focused. If the situation arises and there's an opportunity to submit bills and forward policies that benefit women, they will support it, but it is not their number one priority. When asked why, their answers were also similar, and it is that their job as parliamentarians is to uphold and create policies that benefit the greater good.

Therefore, although the institutions where these women politicians belong might influence their decision-making when it comes to enacting gender-responsive development policies, there are other factors more relevant and prevalent in both Thai politics and Philippine politics. There is no correlation between the number of women in the legislature and gender-responsive development policies.

CONCLUSION

Based on the initial findings of the research, the author concluded that the number of women in the legislature does not necessarily influence the enactment of gender-responsive development policies. Although logical and ideal, the highly conceded argument that women promote the interests of women is not applicable to Thailand and the Philippines. Women involved in politics are responsible for their whole constituency,

and therefore they aim to serve everyone equally regardless of sex. Thailand and the Philippines being developing countries is a highly probable reason behind this argument. A big portion of the citizens of Thailand and the Philippines still struggle to achieve a stable living with access to education, healthcare, and social welfare systems, which means that women in parliament have to find a way to address these pressing issues as well for the public good, instead of merely focusing on women's interests. Moreover, even if women in politics want to prioritize women, challenges such as party politics, and parliament's bureaucratic systems make it difficult for progressive policies such as women's rights to push forward. Interestingly, although female representatives in Thailand and the Philippines consider themselves supporters of women, the realities of their job are more complex, and they recognize that they can't focus on women's issues alone. Historically, both the Thai Parliament and the Philippine Congress have aimed to promote equality between their members, but the reality is much more complex when it comes to how the patriarchal nature of both of these institutions influence how much power or voice women get within its walls, or whether or not they are heard or taken seriously. Moreover, the whole concept of 'patriarchy', despite its negative connotation, is simply a reality in the Thai and Filipino society, and it is worth noting that female politicians from both Thailand and the Philippines accept this reality and does not consider this as a big hindrance for them to perform their duties.

The preliminary result of this paper is contradictory to the notion that women in power represent the needs and interests of women, emphasizing that the number of women in the legislature does not necessarily increase gender-responsive development policies. Moreover, the findings of this study support the need to expand the current debates about women's political representation and development with emphasis on the Southeast Asian region. Available studies done in the West are definitely helpful but limited in nature and are not representative of the realities in Southeast Asia, where women's position in public life is still questioned. Therefore, there needs to be a more nuanced understanding of women's substantive representation and its relation to development policies for women.

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UN-SEXUALIZING GAY SPACE: GAY FILIPINO WORKERS' REINTERPRETATION OF GAY BARS IN THAILAND

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ABSTRACT

Thailand is known to be one of the gay-friendliest countries. This is manifested especially through the abundance of gay-oriented and promoted establishments located in its major tourism sites, particularly Bangkok. Apart from the local gay demography, gay bars attract foreign gay men who come for work and leisure. Despite an abundance of studies on gay bars as a gay space, there is still a need to examine the perspective of its purpose in the lives of the gay patrons aside from their gender and sexual identities. In this regard, this paper explores the role of gay bars in the lived experiences of gay foreign workers in Thailand. The research employed two approaches: first was the "hangout approach" to observe and engage with the target respondents in the gay bars; second was the informal interview with eleven regular documented skilled gay Filipinos residing and working in the Kingdom. Data revealed that a gay bar is more than a space to express the informants' gender and sexuality freely. It is a space that can satisfy their needs for a migrant community, provides them an alternative way to extend their professional network, and presents opportunities to communicate their racial identity by exhibiting their financial capability. Therefore, through the presence of gay migrant workers, gay bars' purpose as a gay space is constantly redefined. It will continue to go through this process that does not follow the perceived and conceived idea of a gay space but is used according to the requisites of their other social identities that are intersectional with their gender and sexuality.

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Keywords: Gay Bars, Gay Space, Bangkok, Thailand, Overseas Filipino Workers, Queer Space, Gay Migrant Workers.

INTRODUCTION

Thailand is considered a “gay paradise” for having one of the largest queer communities in the world. This is due to its robust queer scenes highly palpable in its capital city (Jackson, 2011). Furthermore, Bangkok is acknowledged as the center of Thai queer life and Asia’s oldest gay capital after Tokyo, making it a gay mecca (Dacanay, 2011). Since the end of World War II, the flourishing of Thai society’s contemporary queer scenes is majorly attributed to several factors that include the country’s political landscape, economic development, the dominant religion, and historical political independence (Askew, 2002; Jackson, 2011; Atkins, 2012). These factors contributed to relatively less resistance and hostility from the government and the wider Thai public, as well as opposition from the Buddhist clergy regarding practicing and promoting non-traditional gender norms (Jackson, 1995; Winter, 2011; Numun, 2012). Hence, queer cultures thrive in the city. There is normalcy in interacting with *kathoeyes*, the ubiquity of sex workers, and the emergence of queer spaces or the proliferation of gay-oriented and promoted commercial establishments that shaped the urban architecture²² of the city (Jackson, 2011).

The presence of gay recreational businesses like gay bars is a manifestation of how queer the city of Bangkok is, because this is a type of establishment that is historically acknowledged as the primary socializing structure for the LGBTQ+²³ community (Chauncey, 1994). A gay bar provides a safe space for leisure and appropriate contexts for the expression of queer identities (Markwell, 1998; Krane et al., 2002). Therefore, it is not only a public site where queer people gather, but also a space of alternative discourse that rejects heteronormativity (Blichfeldt et al., 2013; Cattan & Vanolo, 2014; Greene, 2014; Faderman, 2016; Mattson, 2019). As queer people are prone to experience

²² Bangkok’s major gay entertainment zones can be categorized based on its major patrons (Dacanay, 2011; Jackson, 2011; Atkins, 2012). Foreigners, tourists and immigrants, and middle-class Thai gay men would go to Si Lom Road, where a couple of alleys or soi are apportioned for gay bars. DJ Station, one of the most famous bars in the city, is located on soi 2 of the road. Meanwhile, younger local demography from the lower-class background frequent Saphan Khwai, recognized as the suburban version of Si Lom. There are also other sites outside the downtown commercial districts, such as Jatujak in the north, Ratchada in the inner north, and Ramkhamhaeng in the city’s eastern part.

²³ Lesbian, Gay, Bisexual, Trans, Queer, and other gender and sexual identities that do not conform or adhere to cis-heterosexuality and heteronormative distinctions.

marginalization and micro-aggressions, a gay bar provides spatial protection. It is a space that ensures freedom from fear of violence and discrimination (Branton & Compton, 2020). Furthermore, it is a built environment where queer people can express and perceive themselves without inhibitions; thus, accessing the site helps in identity construction and confirmation (Harvey, 2003; Lashkari, 2018). A gay person often experiences a sense of self-acceptance and normality of behavior in a gay bar. This is due to an underlying understanding and commonality amongst the patrons, which develop a social community, although this does not disregard a stratification that happens based on various social identities such as class, age, profession, etc. (Visser, 2007). Nevertheless, gay bars, a quintessential example of a gay space (Hindle, 1994; Ivy, 2001), are essential to imbuing one's sense of belonging due to interpersonal social bonds that are being facilitated inside, which have a significant impact on behaviors of queer people in social environments whether those are considered gay space or not (Anderson & Knee, 2020). Moreover, a gay bar also becomes a platform for a gay person to interact with the local culture (Hughes, 1997). It is argued that the attendance at the site is considered essential to both gender and sexual identity and performance of gay men with immigration backgrounds (Shield, 2018).

This paper aims to examine how gay bars in Bangkok influence the lived experiences of gay migrant workers given their multiple identities as queer, foreigner, and worker. Even though there are pieces of literature on Bangkok as a Gay City, there has been no direct attempt to investigate gay spaces, particularly gay bars, from the perspective of non-Thais. Although there is extensive research on gay bars, they are dominated by discourses situated in North America and Europe, mainly from the lens of the local gays and lesbians. Interrogation on the usage of gay bars of non-locals may present additional views as to how gay spaces are produced, consumed, shaped, reshaped, interpreted, and reinterpreted.

The scope of this paper covers the experiences of gay overseas Filipino workers. Based on studies, Filipinos²⁴ are the top skilled foreign workers that Thailand²⁵ hosts among

²⁴ The Philippines is considered the top labor exporter globally (OECD, 2015), with nearly ten percent of its total population working overseas (Commission on Filipino Overseas, 2021).

²⁵ The Department of Employment of Thailand cited the Philippines as the top source of skilled workers and technicians amongst other countries in the ASEAN (Association of South East Asian Nations). Skilled workers²⁵ mean those who are in teaching, management, engineering, architecture, and business. In 2017, there were 14,830²⁵ regularly employed Filipinos which does not include more or less 4,000²⁵ working irregularly, according to the Philippine Embassy in Bangkok.

ASEAN nationals. The significant increase in intra-regional migration²⁶ from the Philippines to Thailand is yet to undergo academic investigation (Perez-Amurao & Sunanta, 2020). In addition, this paper seeks to contribute to the growing accounts of Filipino labor migrants who identify as members of the LGBTQ+ community, particularly gay men in the diaspora²⁷ (Wright & Villaflor, 2019).

LITERATURE REVIEW

Queer Space²⁸

The publication of *Mapping Desire: Geographies of Sexualities* by David Bell and Gill Valentine (1995) was the first attempt to theorize the relationship between space and sexualities by finding out how spaces can manufacture, command, and obliterate the flourishing of and structure spaces (Avery, 2016). The book, however, does not define what queer space is. It identified scenarios on how a space can be queered which is through the presence and visible activities of queer individuals in specific locations because spaces are produced as “heterosexual, heterosexist, and heteronormative” (Bell & Valentines, 1995 p. 16). Therefore, the mere active participation of queer people in a space has been a way to deconstruct the “prediscursively straight” space. A relational concept from Judith Butler’s (1990) performativity in which the dominant identity performance, in this manner heterosexuality, is perceived as natural and its dominance was due to the repetition of acts and institutionalization of its control. In this sense, space does not have a pre-existing sexual identity that is genuinely and naturally viewed as “straight”; it only results in that because there is an intense production and heterosexualization (Binnie, 1997; Oswin, 2008).

²⁶ Despite the absence of a bilateral labor migration agreement, this influx of Filipino professionals is unlike the Mekong countries, which have a Memorandum of Understanding with the Thai Kingdom (Novio, 2018).

²⁷ Both governments do not have data to identify overseas Filipino workers based on their gender identity and sexual orientation, making gay overseas Filipino workers invisible due to a lack of institutional recognition. The absence of records about LGBTQ+ migrant workers make their participation in international labor harder to recognize; hence, the issues and challenges they face are not being discussed, resulting in the deficiency of interventions that could have addressed their plight (UNDP, 2014).

²⁸ The discussion about gay space starts with understanding the idea of a queer space, a discourse triggered by the conception of the queer theory, a product of the post-structuralist movement that rejects structuralism’s notion of identities as naturally designed settled (Evangelista, 2013). Queer theory is an act of transgression, a form of resistance against the established distinctions, social norms, and cultural homogenization to address representation in contemporary sexual discourses (de Lauretis, 1991). Scholars have capitalized the theory to “queer” numerous bodies of scholarship by introducing sexuality as an essential element of analysis in deconstructing normative philosophies, including spatial studies that eventually gave birth to queer space literature.

Because space does not have a natural character that carries an innate value and poses an inherent position, whether private or public, Chauncey (1996) believes that there is no such thing as queer spaces, only spaces that are utilized and situated by queers for queer purposes. Chauncey was inspired by Michel de Certeau's (1984) framework of tactics, defined as mobility that takes on the chance to seize the possibilities being offered for a specific moment. With this, users develop tactics that would allow them to alter the purpose of the space they are accessing, which original creators have initially defined. Therefore, space acquires its meanings from those who have the power to institutionalize or formalize its value, as well as from the users who can deconstruct the established value. Chauncey argues that tactics helped generations of lesbians and gay men to queer spaces of the dominant culture that does not tolerate homosexuality and homosexual acts.

Both notions of heterosexualization and queering of space through tactics are aligned with Henri Lefebvre's (1991) claim on how a space is social because humans produce it. Lefebvre argues that "each living body is space and has its space: it produces itself in space, and it also produces that space" (p. 170). By being spaces themselves, humans can form social relations and determine use-values which refers to the perceived tangible features of an activity or a commodity that can satisfy a human need or want. However, as Lefebvre continued, these elements will only be abstractions if these would not translate to the inception of social spaces that serve as domains of interactions and exchanges, but this does not mean that space is a container. Instead, it should be viewed as a product and a means of production. In this regard, spaces can be perceived, conceived, and lived by representations and practice. This capability allows humans to configure social spaces into physical spaces by setting physical boundaries or producing signs that symbolize demarcations of territories and constructed identities such as citizenship and sexualities.

Gay Space

Conversations on queer spaces are more commonly anchored on studying gay spaces. Gay demography and gay-associated establishments are more visible, tolerated, and well-promoted in urban areas. The virtual monopolization came as an issue of representation when geographers described queer space's transition from a space of opposition of the gays, lesbians, and queers to one that's heterosexual in form and in practice, which undermines other sexual identities like transgender, non-binary, bisexual, and even intersex in the discourse as well as the importance of how classed and raced these identities can be (Oswin, 2008). Furthermore, using "queer space" and "gay space"

interchangeably becomes problematic because it dismisses the foundation of queer theory that refuses the heterosexual-homosexual binary in which gay as an identity is ascribed to according to the politics being carried by the concept of homonormativity (Duggan, 2002; Browne, 2006; Nash, 2005). It also disregards the basic definition of queer, which is not limited to denoting gender and sexual minorities, but harps on identity politics to include other social identities as dimensions of oppression that need to be considered. In short, queer is a term to indicate a submissive position due to the circumstances created by the discursive environment (Halperin, 1995; Sullivan, 2003). Therefore, it is important to note that a queer space is not only about sexuality. Other social identities should be taken into consideration, since they are not mutually exclusive alongside the exhibition of transgression to resist both heteronormativity and homonormativity.

Filipino LGBTQ+ Migrant Workers²⁹

The challenges being faced by Filipino LGBTQ+s in working or looking for work make them more susceptible to poverty and abuse (Amoroto, 2016). They face limited employment opportunities, which restrict them from practicing their learned skills. This, more often than not, results in skills mismatch or job overqualification (UNDP, 2014). Many would also allow themselves to be taken advantage of because they need to earn more than anything else. These challenges push a number of LGBTQ+s to seek opportunities abroad, not because they will be protected as LGBTQ+s, but the prospects of earning are much higher. Economic migration is influenced by various factors. As the need to prove themselves at work, LGBTQ+s see that financial contribution not only provides for their family's needs, but also results in an acceptance of their identity/ies. (GALANG Philippines, 2015).

LGBTQ+ issues at work are transnational. This is even amplified because they still undergo similarly experiences in their destination countries. There are implicit and explicit expectations from someone identified as LGBTQ+ and from a developing country like the Philippines (Wright & Villaflor, 2019). There is also internal pressure to perform beyond what is expected of them to show that their gender identity and origin are not liabilities and do not in any way affect their job (ibid, 2019). However, this was not considered flawed because they are more concerned with recognizing their capability, which makes them

²⁹ It is widely believed that LGBTQ+s can easily relocate for different reasons, including for employment because they do not have families to raise and have lesser attachment with their nuclear families and, in particular for gay men, they can capitalize on being males because of patriarchy (Lewis & Mills, 2016). However, discourses about LGBTQ+ migrant workers cannot begin without assessing their situation in their home countries to contextualize the reasons for their decision to emigrate.

feel important. Hence, overseas employment validates their self-worth as a family member and as a member of an organization. On the other hand, they need to adhere to established set of etiquette, values, and morals, which necessitates them to restrict their gender expression and modify their character and personality. It is viewed that actions can be reflected on their employer and as members of the Filipino nation.

Even with the previously mentioned gains and satisfaction in working overseas, LGBTQ+s would nonetheless want to work in the Philippines if there are suitable and financially viable opportunities (GALANG Philippines 2015). Therefore, we should not look at the labor migration of LGBTQ+s as a practice of agency but instead, their outmaneuvering of the inequality as LGBTQ+s, which involves personal sacrifices such as being far away from their family and hometown to work (Lewis & Mills, 2016).

METHODOLOGY

This paper is based on a qualitative study that employed two methods of data gathering. First is through the 'hanging out approach', in which the researcher dedicated time to go to gay bars from February to March 2021. It is inspired by the deep hanging out method, a form of participatory observation that allows the researcher to immerse in a cultural group or social experience on an informal level (Geertz, 1998). Second is conducting informal interviews in May 2021 with some of the gay Filipinos who the researcher hung out with. Additional informants were introduced through referrals. A total of eleven (11) documented and skilled gay overseas Filipino workers participated in the online interview; six reside and work in Bangkok, two in Nakhon Ratchasima, one each in Nonthaburi, Phra Nakhon Si Ayutthaya, and Chumphon.

The average time of working in Thailand is three (3) years and eight (8) months, wherein eight years is the longest, while five months is the shortest. Seven of them are in the education sector, and four are in corporate fields. The pool covered three age brackets: one 18-25 years old, four 26-35 years old, six 36-45 years old. All of them declared that they identify as gay persons. All informants, regardless of profession, proclaimed that their emigration was primarily because of employment opportunities offered to them, whether as a promotion or referral by acquaintances already working in Thailand.

Informants were mainly asked about their experiences and identities as a gay migrant worker in Thailand, which led to their stories on the role gay bars play in their migrant lives.

RESEARCH FINDINGS

It was revealed that going to gay bars has been the most common way for gay overseas Filipino workers to perform their gender and sexuality. However, aside from the performance of their gay identity, informants revealed other reasons for being in the establishment, which are divided into three significant intentions:

Migrant Community

Some informants declared that a gay bar primarily functions as a site for social interaction with people of the same gender identity and sexual orientation, and background as international migrant. According to one informant, his social circle, which comprises his Filipino and non-Thai friends, was the main reason he would go to a gay bar. The size of his circle directly affects the probability of him going. He said, “once the social circle gets smaller, the tendency to go to these places tends to get slimmer and slimmer because you don’t have anybody to go with on that certain available time.” Another informant narrated that the usual place he and his friends, whether heterosexual and homosexual is the gay bar. “Every time that I go to gay bars, that is the only time I get to see my friends for a long time, so I need to make sure I hang out with them and share stories throughout the night.” he stressed.

Networking

Gay bars serve as a platform to forge professional networks. Informants usually go to the Si Lom area where the patrons are mostly foreigners. As for local patrons, they usually belong to middle class to upper class in socio-economic strata. In this demography, communication is no longer a problem. Hence, there is a higher chance of conversing in English. Furthermore, the people may also be working for multinational companies or related to the field of the informants. These criteria allow informants to expand their professional networks and capitalize on this new linkage. One informant asserted that by revealing and sharing their respective professions, he can be updated about the industry he is working in, including possible career opportunities offered by other companies. An informant expressed that a “gay bar serves as an ice breaker for professional deals, a jumpstart for collaboration.” For some informants, it is advantageous that gay bars now

attract heterosexual consumers as it increases the possibility to engage with people who can add value to the trajectory of their professional life.

Financial Capacity

As they earn more in Thailand, they now have more purchasing power which they can exhibit in gay bars. An informant mentioned that spending his hard-earned money in a gay bar is “a liberation and practice of power” because no one controls and judges his spending habit. He also realized that despite coming from the Philippines, a less developed country than Thailand, being in a gay bar makes him feel like an affluent and generous client who deserves special attention. This was also shared by another informant who looked at his brown skin as paradoxical with his financial means; thus, he considers the gay bar as a site to show that Filipinos are not all impoverished.

DISCUSSION AND CONCLUSION

Responses from gay overseas Filipino worker-informants reflect how the gay bar as a gay space is a fluid and contested site of identification, meaning, and negotiation. Thus, it should not be regarded as having a fixed set of norms heavily framed by discursive perception (Branton & Compton, 2021). A gay bar is more than a space where queer individuals can practice their gender and sexual identities as it also serves as a space where gay migrant workers can satisfy the needs of their other social identities (race, class, nationality, and profession.)

The aim to fulfill the mentioned demands of their intersectional subject positions encourages the informants to employ tactics (Certeau, 1984) such as choosing the bars where they can easily communicate and share migrant stories and, most importantly, reappropriating the purpose of its very existence. Therefore, even though the mere presence of gay bars is already a symbol of resistance against heteronormative urbanization, we can still witness a transgression inside the establishment, which will continue as a natural process of spatial production. The spatial triad (Lefebvre, 1991) becomes helpful in understanding this phenomenon because there is a difference between the spatial practice or the perceived function of the space, the representations of space or the constructed idea of the space by the authority, and the representational space which means how the consumers are using the space. However, it poses some problems, in particular, the reinforcement of linguistic compartmentalization of gay entertainment zones and limited flow of purple baht (Jackson, 2011) and

heterosexualization because of the attendance of heterosexual patrons, which can negatively impact the “safe” atmosphere the bar is supposed to create for queer expression (Branton & Compton, 2021).

Hence, even gay bars need queering to deconstruct their prevailing idea of existence and role to queer people and identify the concerns that are not uncovered because of the absence of examination of the patrons’ intersectional identities apart from their gender and sexuality. But an important thing to ponder is the extent of a gay bar’s volatility as a space that can affect its queerness and succumb to heteronormativity in the end.

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FOOD WASTE REDUCTION CAMPAIGNS IN DIFFERENT COUNTRIES: THE ROLE OF BEHAVIOURAL ECONOMICS

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ABSTRACT

Nearly one-third of food was wasted globally, accounting for 8% of global greenhouse gas emissions (UNEP, 2021). Reducing food waste will improve food security and contribute to the worldwide economy and the protection of the environment. The Sustainable Development Goals (SDGs) address the issue under target 12.3, aiming to halve global food waste by 2030 (United Nations, 2021c). However, most countries are still far behind the target, and investments and efforts addressing the issue are limited and focus primarily on awareness campaigns. Research shows that the strategies underlying these campaigns are unlikely to induce behaviour change.

The United Kingdom (UK) is the first and only country that has reached more than halfway towards meeting the SDGs' target with a 27% reduction in food loss and waste per capita from 2007 to 2018. They reduced food loss and waste by 34% during the lockdown period. This paper argues that integrating behavioural economics into the UK's behaviour change campaigns was crucial to reducing food waste. Behavioural economics goes beyond raising people's awareness and instead focuses on changing their behaviour. Using the Fogg Behavior Model, this paper analyses five social change campaigns in food waste reduction across five different countries to demonstrate the extent to which they adopt behavioural economics. This paper informs the development of social change campaigns in various countries by examining and comparing food waste reduction campaigns within the framework of the Fogg Behavior Model and thus contributes to the global effort towards reducing food loss and waste.

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INTRODUCTION

Food loss and waste

Food is known as biodegradable and compostable products, thereby the scale of food loss and waste and their impact on sustainability have been overlooked, compared to plastics or chemicals, for example. The unsustainable ways of producing and consuming food have become a global issue, occurring at all stages of the supply chain (UNEP, 2014).

Precisely, food loss is defined as food that is lost in quality and quantity throughout the stages of production, postharvest, processing, and distribution, excluding retailers. Meanwhile, food waste occurs at the retail and consumption levels. It refers to the food that doesn't get consumed before, during, or after meal preparation (FAO, 2011).

Impact

The recent report by WWF-UK and Tesco (2021) revealed that there is an increase in the amount of food loss and waste, from 1.3 billion tonnes in 2011 to 2.5 billion tonnes in 2021. This amount of food waste is estimated to be able to feed more than 3 billion people. However, we still see 925 million people out there are starving. Thus, there is an urgent need to reduce food loss and waste to eliminate poverty and malnutrition. The Sustainable Development Goals (SDGs) address the issue under target 12.3, which aims to reduce 50% of global food waste (United Nations, 2021c).

UNEP (2021) discloses that 931 million tonnes of food waste occurred at the retail and household levels each year. Moreover, the average food waste is almost the same in all income-level countries, from low to high. Thus, all countries need to make an effort in dealing with this issue. Moreover, the percentage of food waste in households, retail and food service is 61 per cent, 13 per cent and 26 per cent, respectively. Therefore, households generated the majority of food waste (UNEP, 2021).

According to the FAO, nearly one-third of food is wasted globally, accounting for eight per cent of global greenhouse gas emissions. Reducing food waste potentially not only improves food security but also contributes to the global economy and the protection of the environment (Flanagan et al., 2019).

Interventions of food waste reduction

The current research points out that most countries are still far behind the target SDG 12.3, and initiatives to address the issue are limited. The strategies focusing primarily on raising awareness of food waste are shown to be ineffective in inducing behaviour change because of the information-action fallacy (Goodwin L., 2020; UNEP, 2021).

THEORY

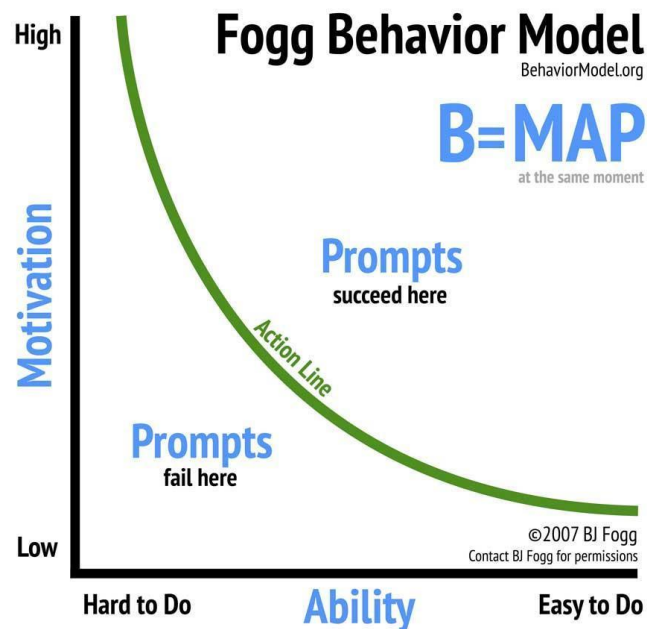
Behavioural Economics

Behavioural economics studies human decision-making by analysing the psychological, cognitive, cultural, emotional and social factors. It demonstrates that actual behaviour systematically deviates in various situations, usually predictable, different from the neoclassical rational model (Ariely, 2009; DellaVigna, 2009; Kahneman, 2011; Luoto, J. et al., 2014).

The initial applications of behavioural economics focused on investigating consumer behaviour, product or service purchase, for example. Then, the field took a further step into the area of designing and evaluating interventions. As a result, some interventions integrated behavioural economic principles have been developed and showed potentiality in changing behaviours in healthcare, including weight loss, smoking cessation, overeating, physical inactivity, for example (Thorgeirsson, T. et al., 2013; Luoto, J. et al., 2014; Wang, S. Y. et al., 2020).

Fogg Behavior Model

When it comes to building habits and creating positive change, systems based on human psychology or behavioural economics show to be effective (Fogg, B., 2020; WRAP, 2021b). Among them, the Fogg Behavior Model (FBM) has proved to be potentially used in designing and evaluating behaviour change interventions (Agha, S. et al., 2019).



The FBM is a persuasive and interactive technology model for understanding human behaviour and their change in attitudes and behaviours through persuasion. The model states that behaviour happens when motivation, ability, and a prompt occur at the same moment (Fogg, B., 1998, 2009). Motivation refers to the level of desire to perform the behaviour, including extrinsic (rewards, fame, money, praise, etc.) and intrinsic factors (anticipation, sensation and belonging). Ability serves as the perceived self-efficacy at performing a target behaviour, which can be impacted by time, money, physical effort, mental effort and routine (Agha, S. et al., 2019; Fogg, B., 2020). The prompt is the trigger that cues action, which reminds of the desired behaviour and engages people. By the FBM, it is hypothesised that an individual with high motivation for reducing food waste, who finds it easy to do, will reduce their food waste when a prompt happens.

Tight and Loose Cultures

Social norms usually influence individual behaviours in different contexts, from families, neighbourhoods, organisations, to nations (Gelfand, M. J., 2018). Gelfand, M. J. (2011) found that countries or groups with stronger norms have tighter cultures, and those with weaker norms tend to have looser cultures.

There are usually more order, disciplines, regulations, and close monitoring and control systems in tight cultures. Deviant behaviours and individual improvisation are barely

accepted in this context. On the other hand, countries with loose cultures are more open and flexible towards deviant behaviours.

When we know the cultural differences, we can better understand why the campaigners adopt different strategies and avoid judgement and bias.

METHODS

This study uses desk-based research, whereby academic literature, articles and public documents related to the food waste reduction campaigns are analysed for literature review. Also, based on the FBM, this paper examines different strategies of five social campaigns related to food waste reduction at the household level in various countries.

RESULTS

This part will analyse the five selected campaigns based on the FBM: Zero Food Waste Campaign in Seoul, South Korea; Clean Your Plate Campaign in China; Love Food Hate Waste campaign in the United Kingdom (UK); Save Food Cut Waste Campaign in Singapore; and A Food: Too Good to Waste campaign in the United States (US).

Zero Food Waste Campaign in Seoul, South Korea

The Seoul government launched the Zero Food Waste campaign in 2018. The desired behaviour of the campaign is to minimise food waste generated and to turn it into resources. The intervention refers to the weight-based and volume-based food waste disposal regulation. Across Seoul, 25 autonomous districts implemented various measures to calculate and charge a disposal fee for food waste, including automated bins equipped with scales and Radio Frequency Identification. Citizens are thus required to recycle food waste by using unique biodegradable bags or designated containers with electronic chips or stickers attached for prepayment (Broom, D., 2019). The bags cost about \$6 per month for an average four-person family. The campaign with a top-down approach used enforcement and savings to motivate the people's behaviour change. Also, establishing 6,000 automated bins in Seoul is an environmental setting to make access to disposal points easier. However, they did not adopt any prompt in this campaign. The campaign made the household food waste in Seoul reduced by 14 per cent. This intervention also helped save up to KRW 1.8 million annually (Seoul Metropolitan Government, 2016). Also,

South Korea recycles local food waste up to 95 per cent (Broom, D., 2019). However, there is no progress in scaling this campaign to other provinces and cities.

Clean Your Plate Campaign in China

Following the Operation Empty Plate Campaign in 2013, Chinese President Xi Jinping announced the Clean Your Plate Campaign in 2020, requiring citizens not to overeat and reduce their food waste. The directive urges the public to reduce food waste to assure and improve national food security, especially in the COVID-19 pandemic.

Based on that, some local authorities implemented strict regulations on food waste, such as the “N-1” system where groups must order one dish less than the number of diners in Wuhan or the mandatory recycling of food waste in Shanghai. Without compliance with these regulations, citizens will face fines or penalties for their social credit rating, affecting their economic and social prospects. Moreover, the local governments monitor their citizens by cameras and publicly shame their misbehaviours of overeating or wasting food. Thus, enforcement and punishment are the main motivating factors in this top-down policy intervention to change people’s behaviour towards food waste. The campaign has not considered any other factors to increase the ability or create triggers.

The impact report of this campaign was not released yet. However, there was criticism from the public as the campaign was too rigid or violated personal privacy (Earth.org, 2020).

Love Food Hate Waste Campaign in the UK

The Love Food Hate Waste campaign was launched in the UK by WRAP from 2007 to 2012. Its primary purpose is to help UK citizens understand the importance of reducing food waste by taking action directly. The campaign was primarily digital, targeting the 18-35-year-old age group who waste the most food based on research and, at the same time, look to take action. While a parallel campaign Wasting Food: It’s Out of Date helps raise awareness about food waste issues, the campaign Love Food Hate Waste provides a wide range of practical tips, advice, and opportunities to actually change individual’s behaviour and then lead to collective impact (WRAP, 2021b).

The platform <https://lovefoodhatewaste.com> provides recipes, advice, and tools, such as the Portion Planner, Food Storage A-Z, and the Chill the Fridge Out temperature checker

tool, all of which improves the ability of participants by simplifying and facilitating the new behaviours.

Besides, the campaigners organised several side events as a prompt. For instance, the six-week Food Waste Reduction Challenge consists of three fortnightly challenges to reduce and compost food waste, supported with information packs and equipment. Also, the annual Food Waste Action Week in March or the campaign's Facebook community page likely trigger regular behaviour practices. Or, the virtual two-week challenge Make Food Matter with the award of Food Saver Superhero is a good motivation created from a feeling of doing good and belonging to a changemaker community.

The report showed that the UK experienced a 15 per cent reduction in household food and drink waste (Yamakawa, H. et al., 2017) and avoided 3.4 million tons of greenhouse gases per year (Hanson, C. & Mitchell, P., 2017). Moreover, a third of UK citizens recognised the campaign, and 70 per cent of participants changed their behaviour (WRAP, 2021b).

Save Food Cut Waste Campaign in Singapore

The Save Food Cut Waste campaign was launched in 2012 in Singapore and managed by Zero Waste SG, the first Singapore campaign. The campaign aims to educate individuals, businesses, and organisations in Singapore about the environmental and social impacts of food waste and encourage everyone to take action in reducing food waste.

On their website, the campaigners shared personal stories of the success of influencers and their tips through three main recommended action series consisting of Grow and Buy; Cook and Eat; Give and Recycle. Besides, no additional efforts from the campaign to improve the ability of the citizens or trigger their new behaviours.

Research shows that the amount of food waste generated in Singapore peaked at 796,000 tons in 2013. Furthermore, only 13 per cent of the waste was recycled (Save Food Cut Waste, 2017).

A Food: Too Good to Waste Campaign in the US

The A Food: Too Good to Waste campaign occurred from October 2012 through December 2014 in many states of the US, which aimed at promoting five behaviours in reducing food waste: Get Smart, Smart Shopping, Smart Storage, Smart Saving, and Smart Prep. The

campaign focused on families with young children and 18-30-year-old adults as they wasted the most food in households.

Apart from providing easy-to-use templates and tools like “Meals-in-Mind Shopping List” to increase participants’ ability to perform new behaviours, the campaign also implemented various prompts. All materials such as the Fruit and Vegetable Storage guides or Eat First Prompt looked colourful and attractive, easily posted on the refrigerator or shelves. The monthly peer group learning calls, which is another prompt, were conducted between the community partners to learn from each other. Also, the public commitment to reducing food waste during workshops for the community and messaging about the severe consequences of food waste are strong motivators in leading to behavioural shifts of participants.

In the survey, the campaign received good feedback from participants like 96 per cent of the households also indicated that they are likely to continue to use the tools and strategies. For example, the campaign in Rhode Island reduced nearly half of local food waste by weight. Or, the citizens reduced 41 per cent and 37 per cent of the volume of food waste in Aurora and King County, respectively, after the campaigns (EPA, 2016).

INSIGHTS

This section introduces three major insights from the analysis.

Potential use of the FBM

The campaigns in Singapore, the US and the UK suggested a broad range of favourite behaviours to address food waste issues at the consumption level, leaving room for participants to choose their preferred and suitable behaviours. In addition, these campaigns look for volunteer commitment from the public by motivating them through good feelings, social acceptance, awareness and reflection. At the same time, providing tips, guidelines and training workshops seem to be a favourite and common choice amongst the three campaigns to make engaged participants find it easy to do their missions.

Yet, a variety of creative prompts for behaviour change in the UK and the US campaigns were more invested than in the campaign in Singapore, which resulted in their differences

in outcome. These campaigns made a more significant impact in reducing food waste and, at the same time, received better engagement and acknowledgement from the public. The FBM thus has potential for use in the design and evaluation of social change campaigns in food waste reduction.

Equal importance of all four elements of the FBM

Both the campaigns in Seoul, South Korea, and China solely focused on the desired behaviour outcome in reducing the national food waste amount through a top-down policy change forcing their citizens to either not overeating or recycling and weighing their food waste. However, it is concerned that their citizens were neither well aware of the dynamics of food waste issues nor well prepared nor trained to deal with the challenges, which would be struggling.

Or, despite multi-options of desired behaviours in reducing food waste, the campaign in Singapore highlighted only the motivation through the stories of social influencers without any effort in fostering ability or nudging actions. The campaign thus experienced an insignificant impact.

On the other hand, by equally integrating all of the four elements in the FBM in the design of the campaigns, the US and the UK successfully made participants voluntarily change their behaviour and maintain it even after the campaigns.

As a result, designing an intervention should not aim to achieve the behaviour outcome in the short term but instead equally promote all four elements of the FBM for a sustainable change.

Research-based FBM for a systematic change

Even though all five campaigns addressed food waste reduction at the household level, the campaigns in Seoul, South Korea, China, and Singapore have a one-size-fits-all approach that fits every audience in all instances. Different people, however, have different lifestyles and habits that potentially cause food waste at various stages in the supply chain, from shopping to consuming, for instance. For that reason, the one-size-fits-all approach showed to be limited and not optimal.

Meanwhile, investing in pre-campaign research, the US and the UK campaigners could precisely diagnose which group of people to target, which behaviour caused the most food

waste, or when and where they did it the most. The statistics and data from the research helped design better interventions with elements that suit their target audience and their preferences. The campaigns in the US and the UK thus significantly reduced food waste as they solved the primary cause.

Therefore, a research foundation of the local food waste challenges will contribute to designing the four elements of the FBM of the social change campaigns more systematically and efficiently.

RECOMMENDATIONS

The insight from this research could give some recommendations for future social campaigns in food waste reduction. For the interventions in a tight cultural context like China and South Korea, their top-down approach, such as government regulations, helps implement the desired behaviour quickly. However, to achieve a more significant impact, rather than a general solution, they should do primary research to better understand and focus on the primary issue and the main target audiences. Also, by implementing the behavioural economics practices, the campaigners will empower participants and facilitate their behaviour change instead of forcing, punishing, and impeding them. As a result, the participants would voluntarily support and feel more engaged in the campaigns.

On the other hand, the bottom-up interventions in the UK, the US, and Singapore offer alternative options for the participants to choose what suits their needs and interests. Nevertheless, the campaigners should balance motivation, ability, prompt, and desired behaviour factors in the campaigns. Thus, the participants would be able to change and maintain their behaviours. Besides, making the options various, yet simple and concrete are very important to avoid the choice paradox. Research shows that when people have multiple available choices, they will feel overwhelmed to decide and might end up doing nothing.

CONCLUSION

The paper informs the development of social campaigns in food waste reduction at the household level by examining the campaigns in South Korea, China, the UK, Singapore, and the US using the FBM. The paper reveals that the FBM has potential use in designing and evaluating social campaigns in food waste reduction. In addition, all four elements of

the FBM consisting of desired behaviour, motivation, ability, and prompts need to be equally highlighted to ensure the new behaviour to be maintained. Furthermore, a research foundation on the issue gives helpful insights for designing and implementing social campaigns for a more significant and sustainable impact.

The study also suggests that the top-down interventions in the tight cultural context should do foundation research on the issue and implement more behavioural economics practices for better participants' engagement. Meanwhile, the bottom-up campaigns in the loose or decentralised cultures could make a better impact if they equally address the four elements of the FBM and keep the options concrete to avoid the choice paradox.

For future research in the field, researchers could explore the challenges or the reasons why the impact assessment and transparency of many interventions were not available. Also, future research should do a quantitative evaluation of the role of behavioural economics in food waste reduction campaigns. Moreover, future research could study the impact of individual behaviour change in food consumption and waste on the economic system.

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INTERNET FREEDOM AND DIGITAL AUTHORITARIANISM DURING THE COVID-19 PANDEMIC: THE NEED FOR A RIGHT TO THE INTERNET

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ABSTRACT

The Covid-19 pandemic has exacerbated inequalities, destabilized geopolitical balances, empowered authoritarians, distorted democratic processes and curbed the enjoyment of human rights, particularly the right to free speech. The right to freedom of expression includes an exception for public health. However, Covid-19 has become a pretext for many governments to assume abusive control over the Internet and other sources of information. These issues include Internet freedom approaches of liberal states conflict with digital authoritarianism and illiberal cyber sovereignty, online human rights violations such as surveillance and prosecutions targeting journalists, academics, minorities, and pro-democracy activists. Such repression continues without effective consequences from the international community due to the disunity of the West and the United Nations (UN). Big tech corporations are complicit in distortions of democracy and freedom of expression. The Habermasian intersubjectivity paradigm provides a theoretical lens that can be applied to online discourse and freedom of speech, emphasizing how essential Internet freedom is for meaningful democracy. The abilities of netizens and civil society to communicate, organize, and mobilize are inhibited, and human rights and democracy are declining. At this time, when unprecedented global challenges such as Covid-19 and climate change require increased cooperation between the governments, the private sector and civil society, digital authoritarianism and cyber sovereignty are significant obstacles to collective international efforts. There is an urgent need for a human right to the Internet and digital democratization should complement this.

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This paper explores digital authoritarianism and cyber sovereignty, highlights discourses on a right to the Internet and considers new approaches to protecting Internet freedom. Its purpose is to encourage further research into a right to the Internet.

Keywords: Internet Freedom, Digital Authoritarianism, Cyber Sovereignty, Communicative Reason, The Right to Freedom of Expression, Democracy

INTRODUCTION

In an increasingly globalized, techno-centric, and digitalized world, Internet freedom has become an essential component of the fulfillment of democracy and human rights. Moreover, online freedom of expression facilitates democratization, openness and transparency, and access to digital information. It also allows netizens to be informed and increases their ability to enjoy human rights effectively. Informational power is pivotal in today's world. However, there has been a struggle between those who use it to promote and those who seek to prevent democratization and human rights.

The current Covid-19 pandemic has been used as an opportunity or justification for states to deny human rights online, especially the fundamental right to freedom of expression. Shahbaz and Funk (2020, p.1) observe that both state and non-state actors are "exploiting opportunities created by the pandemic to shape online narratives, censor critical speech, and build new technological systems of social control." These systems, exacerbated by corporate complicity, mainly target journalists, academics, minorities, dissidents and pro-democracy activists. Neither a market-based nor a state-centric approach could counter the rise of digital authoritarianism. For democracy and human rights to prevail, liberal democracies are urged to protect Internet freedom by fulfilling the right to the Internet, paired with freedom of expression, which is situated at the core of fundamental freedoms.

INTERNET INTERSUBJECTIVITY AND ONLINE COMMUNICATIVE REASON

The importance of public political discourse has long been established in political philosophy. In light of political transparency of public officials, Kant (1795, p.210) prescribes his hypothetical publicity test. Observing the connection between a free press, democracy and liberty, Tocqueville (2010, p.291) asserts that freedom of the press is the "sole remaining guarantee for liberty and for the security of the citizens." Rawls invokes

public reason, which stems back to Hobbes, Kant and Rousseau. He also asserts that reasonable pluralism is necessary for democracy. Rawls (2005, p.441) states that "a basic feature of democracy is the fact of reasonable pluralism— a plurality of conflicting reasonable comprehensive doctrines, religious, philosophical, and moral, is the normal result of its culture of free institutions". Habermas' intersubjectivity paradigm applied to online political discourse provides a theoretical lens that emphasizes how essential Internet freedom is for meaningful democracy.

Habermas (1985) constructs a paradigm shift to intersubjective reason in his critique of Kant's subjective reason. He acknowledges Kant's notions of human beings capable of perceiving moral and universal reason, but he identifies that this cannot manifest in one person alone. Instead, Habermas insists that a group must agree through "coming to an understanding". Habermas' theory of communicative action defines two types of reason; instrumental and communicative. Habermas (1985, p.398) states that " unlike instrumental reason, communicative reason cannot be subsumed without resistance under blind self-preservation. It refers neither to a subject that preserves itself in relating to objects via representation and action, nor to a self-maintaining system that demarcates itself from an environment". The Internet is inherently an intersubjective technology. It can be used either for instrumental or communicative reasons, with the former containing the potential for oppression.

With instantaneous communication which supercedes geographic limitations, online communicative reason can facilitate public political discourse and participation at local, national, regional and global levels, if Internet freedoms are protected. It is essential for meaningful democracy because citizens must be informed and agree on decisions that affect their rights and freedoms. Like the printing press of its time, the Internet has become a crucial technology used to raise awareness, organize, and mobilize in calls for change and acts of digital democratization. The Occupy movement, climate change strikes, BLM, MeToo, the Arab spring, the Hong Kong protests and Palestinian solidarity are some examples of global movements that demonstrate how communicative reason could drive online social justice, human rights and democracy activism. These supra-state online communities shaped political discourses that influenced both domestic and international policy. Intersubjectivity is at the core of all of these examples; however, they are imperfect forms of communicative reason because Internet-based discourses are often distorted and manipulated by actors with malicious intent.

Internet intersubjectivity is frequently corrupted by authoritarian states, pernicious actors and technology companies. As mentioned, big tech corporations are complicit in digital authoritarianism; their market share and profit interests are often prioritized to the detriment of democratization and human rights. Social media platforms profit from illiberal regimes who have disrupted online political discourses and democratic processes with systemic disinformation. The willingness of big tech to assist digital authoritarianism is problematic as it also obstructs the ideal conditions for communicative reason. According to Cain (cited in Salmon, 2021), the Chinese surveillance network Skynet (Tianwang), used extensively to target Uighur minorities in Xinjiang, relies on WeChat and Huawei and was based on Microsoft and Qualcomm technology. Levinson (2020) observes that Israel's NSO Group sold its Pegasus spyware to authoritarian regimes, which used it to target journalists, human rights advocates and democracy activists. Authoritarian governments assisted by the private sector also use online instrumental reason to consolidate their political structures and control their citizens. Scholars have identified the potential for information technology to be used oppressively (Adorno, 1991; Marcuse, 2002). However, Herasimenka (2020, p.2) insightfully asserts that digital technologies are part of both problems and solutions to digital authoritarianism. Internet technology facilitates both liberal and illiberal trends, but the current trend has led to a decrease in Internet freedom. The following section will discuss how the Covid-19 pandemic has emboldened digital authoritarianism.

DIGITAL AUTHORITARIANISM AMID COVID-19

Within this paper, power is viewed within three spheres: political, economic and informational. These spheres overlap as the lines between them are blurred in the Internet's public and private spaces. Interestingly, states, corporations and netizens both cooperate and compete for power in regards to the Internet and information. Informational power is of particular significance as knowledge shapes online public opinions. Foucault (1977, p.27) articulates that: "Knowledge linked to power, not only assumes the authority of 'the truth' but has the power to make itself true". Informational power has positive and negative capacities, including disinformation, censorship, surveillance, propaganda, education, transparency, privacy, and informative information that protects and promotes democracy and human rights

Digital authoritarianism is an approach used by illiberal regimes to control their citizens using technology and digital data. Huntington (1991, p.20) referred to "electronic

dictatorship' in which authoritarian rule is made possible and legitimated by the regime's ability to manipulate information, the media, and sophisticated means of communication". In a concise definition Khalil (2020, pp.6-7) states that "digital authoritarianism — also known as tech-enabled authoritarianism — is the use of technology by authoritarian governments not only to control, but to shape, the behaviour of its citizens via surveillance, repression, manipulation, censorship, and the provision of services in order to retain and expand political control." Russia and China have led the global trend of increasing digital authoritarianism (Khalil, 2020; Herasimenka, 2020; Rosenberger, 2019). It is important to note that some of the tactics of digital authoritarianism are also used by liberal democracies, such as the 'Five Eyes Alliance' between the US, UK, Canada, Australia and New Zealand. Internet freedom is imperfect in liberal democracies, but they are more likely to protect it than illiberal states.

The Covid-19 pandemic has exacerbated human rights violations and online repression of the right to freedom of expression. It has provided the ideal conditions for digital authoritarianism to slowly emerge as countries curb freedoms, collect vast amounts of private digital data, track citizens and limit public gatherings. Simultaneously, there are also global surges in nationalism, populism, plutocracy and autocracy within geopolitical power struggles. During the pandemic, Shahbaz and Funk (2020) observe that digital authoritarianism increased significantly in all regions worldwide. They assert that Internet freedom had been declining internationally for ten consecutive years before the pandemic and that this decline manifested in three predominant trends after the onset of Covid-19; limiting access to information, including blocking and disinformation, expanded surveillance, intrusive technology and cyber sovereignty, which restricts the flow of information across borders.

CYBER SOVEREIGNTY AND THE WESTPHALIAN SYSTEM

The Internet and sovereignty relate to each other in a dynamic convergence of information technology, cyberspace, globalized political economy and legal frameworks. Khalil (2020, pp.6-7) states that " digital authoritarians often adopt the principle of cyber sovereignty — control over the Internet within a nation's own borders. This runs counter to the founding principles of Internet neutrality and the unfettered flow of information. Cyber sovereignty empowers a government to better control the information environment of its citizens, pre-empting the need to censor them." Cyber sovereignty is part of a broader conflict between liberal and illiberal approaches to sovereignty online. Demchak (2016,

p.49) notes that Western civil society is ceding control of cyberspace to a "Cyber Westphalia" where governments and corporations are building online borders. Liaropoulos (2016, p.23) argues that like-minded states will need to acknowledge the global diffusion of power to establish multilateral treaties on Internet governance. Moreover, Zekos (2013, p.15) identifies the need to move beyond state-centric approaches, develop checks and balances and provide protections for freedoms and rights. He argues that the first challenge is for states to find some form of agreement on Internet regulation before any pursuit of sovereignty online. Geopolitical cyberscapes will continue to have conflicting and complementary effects between state sovereignty and the Internet. However, the repression of fundamental freedoms online needs to be countered. State-centric approaches are incapable of resolving digital authoritarianism because there is a lack of global agreement regarding Internet jurisdiction and regulation. The Westphalian system cannot adequately address cyber sovereignty and hence establishing a universal right to the Internet is an essential method for enhancing Internet freedom internationally.

The emergence of the right to the Internet

The right to the Internet includes a broad range of rights, such as freedom of expression, right to privacy, freedom of association, right to education, information, the concept of Internet neutrality, and other interconnected human rights and democratic values. It must include information because Internet freedom requires access to both communication technologies and digital information. At the moment, a right to the Internet is neither expressed nor articulated in any international treaty, but a right to information is implied through other human rights such as freedom of expression. Academic debates about a human right to the Internet are centred on the distinctions between derived, instrumental rights and primary, intrinsic rights (Mathiesen, 2014; McDonagh, 2013). McDonagh (2013, p.55) makes a case for an intrinsic right to information, but he acknowledges that this requires political will. Mathiesen (2014) asserts that the right to the Internet is derived from other rights, including the right to freedom of expression and identifies the need for a "Declaration of Digital Rights". Tomalty (2017) makes a robust argument that a right to the Internet is not possible as a natural human right and unwarranted as a legal human right because the Internet may one day become obsolete. Tomalty's latter claim may be refuted through observation of "print", which may become obsolete but is nevertheless included in human rights treaties. Terms related to the Internet such as "media" and "information" are also currently employed in the principles of international human rights law. In this light, the right to the Internet is warranted in international law because it is

vital for protecting democracy and human rights, which are core values of the UN Charter 1945 and the Universal Declaration on Human Rights (UDHR).

The difficulty in achieving a global agreement on the right to the Internet is primarily due to political polarization between authoritarian and liberal states. However, there have been some signs of progress. UN Human Rights Council resolution 38/7, The Promotion, Protection and Enjoyment of Human Rights on the Internet 2018, includes references to free speech and other human rights on the Internet, but it is non-binding and does not create a right to the Internet. Council of Europe Recommendation CM/Rec (2016)5 on Internet Freedom establishes that the European Convention on Human Rights 1950 applies online and offline. The Inter-American Commission on Human Rights produced a 2017 report in which Lanza (2017, p.13) states, "Access to the Internet is a condition sine qua non for the effective exercise of human rights today, especially including the rights to freedom of expression and opinion, association and assembly, education, health, and culture... Internet access must be universally guaranteed by taking measures to bridge the digital divide". In 2016, the African Commission on Human and Peoples' Rights adopted Resolution 362 (LIX) on the Right to Freedom of Information and Expression on the Internet in Africa. In 2019, ASEAN Intergovernmental Commission on Human Rights referred to digital rights and freedom of expression online at the "Consultation on Freedom of Opinion and Expression in ASEAN."

Regional progress has been impeded by domestic backsliding in Internet freedom; nevertheless, some countries have entrenched rights to the Internet in their domestic legal frameworks. The Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (HRC, 2011) notes that Finland, Estonia, France and Costa Rica have made significant domestic progress declaring a right to the Internet in legislative frameworks and court decisions. The Special Rapporteur's report observes that, in 2000, Estonia referred to Internet access as a "basic human right." Furthermore, in 2009, France's Constitutional Council declared it a "fundamental right", and a 2010 ruling by the Supreme Court of Costa Rica reached a similar decision.

Despite these signs of progress, Covid-19 has stalled much-needed progress, whereby all regions have been showing worrying signs of digital authoritarianism. Shahbaz and Funk (2020, p.4) discern that most of the world's Internet users live in states that do not respect Internet freedom. Without effective measures against digital authoritarianism, Internet-based violations of human rights and disruptions of democracy will continue to rise with

impunity. Digital authoritarianism challenges democracy and human rights norms, but liberal states have not yet countered this. The last section of this paper is devoted to briefly exploring some of the solutions scholars propose for digital authoritarianism and other areas of research that may be useful going forward.

PATHWAYS TOWARDS INTERNET FREEDOM

Solutions to the challenges posed by digital authoritarianism require commitment by and coordination amongst governments, the private sector and civil society. Shahbaz and Funk (2019, p.23) recommend that human rights are protected in all Internet laws and regulations, the private sector combat illiberalism online, ensure effective implementation of UN Guiding Principles on Business and Human Rights 2011, and that civil society continues to raise awareness about digital authoritarianism. Herasimenka (2020, pp.12-15) notes that international donors need to adjust to segmented and connective activists by supporting a more comprehensive array of groups, assisting them with funding infrastructure, sustainable media ecologies and improving the privacy needs of citizens. Yayboke and Brannen (2020, pp.8-10) assert that technology corporations, civil society and governments must agree on a set of values to foster open and inclusive societies. They also recommend resilience and tactical countermeasures against digital authoritarianism by building affirmative alternatives and promoting human rights through free and secure Internet communications.

Liberal democracies need to implement measures that will evolve and counter the fast-advancing capabilities of digital authoritarianism. Blockchain encryption and open-source intelligence should be utilized. More research and academic discourse are needed regarding Internet freedom and digital rights, regulations for the technology corporations, the socioeconomic and gender digital divides, geopolitical cybersecurity, digital democratization, and countermeasures against the global rise of digital authoritarianism. The voices of Internet users must be heard, and their claim to free and open cyberspace should be formalized in the governance of the Internet. Many other challenges will also require the connectivity of global netizens, from climate change to future pandemics. The right to the Internet is more than a counter to the problem of digital authoritarianism; it is the very fabric of global networks needed to overcome globalized crises that market-based and state-centric systems cannot resolve.

CONCLUSION

UN human rights chief Michelle Bachelet (2021) recently called for a new international social contract post-Covid-19 and stated that "to recover from the most wide-reaching and severe cascade of human rights setbacks in our lifetimes, we need a life-changing vision, and concerted action,". Amid the pandemic, digital authoritarianism is likely to further destabilise geopolitics and challenge liberal norms, even for decades to come. A prolonged lack of Internet freedom internationally will empower cyber sovereignty and illiberal regimes resulting in regressive democratization and further human rights violations. Internationally protected Internet freedom will facilitate Internet intersubjectivity and online communicative reason; which is essential to manifest meaningful democracy and effective enjoyment of human rights. A right to the Internet has sound philosophical, moral and practical justifications which can be used as the basis for an international human rights treaty. International, regional and national human rights systems show that this process is embryonic and faces significant resistance from increasingly authoritarian states. Nevertheless, scholars of Internet freedom have identified strategies that can tackle digital authoritarianism, and further research can assist in this process. Furthermore, the international community must consider this in the context of declining Internet freedom and the rapid rise of digital authoritarianism.

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POLICIES ON THE OIL AND GAS SECTORS AMIDST POLITICAL REFORMS IN MYANMAR FROM 2010 TO THE PRESENT

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ABSTRACT

Myanmar government has monopolized business of energy resources since the nationalization of the country oil industry in 1963, as it was part of the government's strategy to maintain energy independence. However, the country has been faced with an increasing energy demand, depleting energy reserves, shortfalls of human resources in energy sector, technological and financial constraints and rising energy prices, the Myanmar government has therefore reduced its control on the energy industry since the early of 1990s by allowing FDI in the oil and gas sub-sector with their desire to earn more from their energy resources. Moreover, Myanmar held its election in 2010 which lead to the country economic and political reformation including development in its policy on oil and gas business in which the country has been gaining significant revenue annually. With an intention of Myanmar to accelerate and facilitate foreign investment in oil and gas business has expedite Myanmar improvement in bureaucratic and administrative procedures including its reformation of legislation regarding oil and gas sector which including the amendments of the oil and gas related Act. However, there is a strong evident for the relationship between elected civilian government and military group even after the election in 2010 and 2015, thus the reform seems to be more on rules and regulations in order to attracts and facilitate flow of foreign investment to make the government revenue. On the other hands, Myanmar also need more energy to drive its rising economic growth, therefore Myanmar energy security policy does not only focus on maintaining the security of demand for their exports which generate the overwhelming share of their government revenues, but prioritizing its domestic energy consumption to robust their economic growth and all conditions would reflect in their oil and gas policy which is part of the country energy policy.

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INTRODUCTION

Myanmar, as a resource-rich country, is gaining significant revenue annually from exporting its natural resources but many times referred and brought up as a case study of resource curse country. However, resource curse suggests that countries with large caches of natural resources often perform worse in terms of economic growth, social development, and good governance than other countries with fewer resources. The geopolitical context of Myanmar's energy sector places the country in a unique position to attract foreign investment into its energy sector while trying to provide for its own energy needs. Myanmar is a net energy exporter as it is one of Southeast Asia's most natural resource-rich country which suggested that if the energy fields are fully developed it could satisfy the country's daily energy needs. Before the State Law and Order Restoration Council (SLORC) took power in 1988, all Myanmar governments had prohibited foreign participation in oil and gas exploration and production. In 1988, the SLORC opened up the opportunity for foreign companies to explore for oil and gas to allow foreign direct investment (FDI) into its economy sector and to support its expenditure. The development of Myanmar's oil and gas started in the early 1990s since then oil and gas has been making a significant among of revenue for Myanmar to develop their country.

MYANMAR'S OIL AND GAS SECTOR

Myanmar's energy-related data are quite limited comparing to many other countries since the country has long been closed from international world. It is suggested that Myanmar is a country of remarkable ethnic and geographic diversity with abundant of energy resource particularly hydropower and oil and gas as The Asian Development Bank estimated Myanmar's proved gas reserves at 11.8 trillion cubic feet while the country has no offshore oil production at this moment. Myanmar is considered one of the oldest oil producers as the country start export oil since 1853 while their first natural gas production for commercial purpose began in 1971 and the production was continually growing since then. In the past, after General Ne Win came into power in 1962 and adopting socialist and isolationist policies, oil and gas exploration and development activities have been nationalized and monopolized by the Myanmar government and foreign involvement in this sector has been banned. It is due to the situation Myanmar was facing during that period of time that make General Ne Win to looked to socialism to help solve the problems of the fragile country to rebuild a politically and economically viable Myanmar socialist state without needless dependence on the outside world after gaining independence from

Britain (Maureen Aung-Thwin, Thant Myint-U, & Thant Mynt-U, 1992). Then, there were a significant change when the military regime, the State Law and Order Restoration council (SLORC), took up a power in September 1988. Because, after the country has long been closed from international world, Myanmar need to accelerating their economic development and as a natural resource rich country Myanmar's government know that their natural resources can be turned into the country income. But, as a result of long-time isolation, foreign investment and international assistance were absent from Myanmar during those periods. Myanmar therefore was not only short of capital but also technical expertise and human capacity to extract their own resource and development in energy sector are needed. Moreover, after the coup in 1988, foreign donors suspended \$500 million per years in aid to Myanmar. Myanmar therefore decided to terminate their isolationist policies and implementing market liberalization policies by reducing state control over many sectors and allowing foreign direct investment (FDI) to flow in many economic sectors. As well, the government has relaxed its hold on the energy industry by allowing FDI in the oil and gas sector as well as private participation in fuel supply and electric production. Myanmar government do realize that by inviting foreigner and foreign investment into their country and opening the country for foreign investment is also beneficial to Myanmar's economic development. However, international aid from the International Development Association (IDA) of the World Bank, the Asian Development Bank (ADB), the United Nations Development Program and the Japanese government were resume to Myanmar after the country had arrange an election on 1990, though the SLORC annulled the election result, with the support reason that investment and aid to Myanmar will accelerate development and promote political liberalization in the country.

However, due to the abundance natural resource in Myanmar, many countries such as the United States and Canada still continually allow multinational corporations based in their countries to operate and invest in Myanmar, even though their government had officially opposed the actions of the SLORC in 1990. Multinational oil companies based in the United States, Canada, England, Japan and Australia have directly invested over \$400 million in Myanmar since 1989. After the initiation on market liberalization policies, the country Foreign Investment Law Myanmar has been promulgated on November 1988, and joint ventures and production sharing in the oil and gas subsector began. In the early 1990s, the State Law and Order Restoration Council invited foreign bids for offshore exploration rights in 18 concession blocks, 13 in the Gulf of Martaban and 5 off the coast of Arakan State. Starting in 1990, the first foreign companies to buy offshore natural gas concessions were Premier Oil (UK) and Total (France). Since 1990, Total, Petronas

Carigali, Daewoo, PTT Exploration and Production Public Company (PTTEP), and China National Offshore Oil Corporation have signed 20 offshore production sharing contracts and are currently exploring and/or developing 21 blocks.

Myanmar first developed offshore natural gas project is the Yadana project which covering M-5 and M-6 blocks off Moattama and this project began exporting gas to Thailand in 1988. Their second offshore project is the Yetagun, the project covering area of blocks M-12, M-13, and M-14. The extracted natural gas from Yetagun project is also to exports to Thailand since 2000 through gas pipeline. As the operators have been successfully extracted natural gas from both the Yadana and Yetagun projects this allowed Myanmar to become an energy exporter in the form of natural gas exports to Thailand. Thus, the two natural gas production projects did create foreign exchange for Myanmar since 1988. Moreover, Myanmar government has announced that the world class commercial gas deposit has discovered in Myanmar in 2004 after the project named Shwe has been discovered by Daewoo International of Korea and the consortium has been formed with Indian oil and gas firms in order to produce natural gas and export to China through China National Petroleum Corporation. Even though, Myanmar can produce massive amount of natural gas but Myanmar did export a large portion of the total primary energy produced and, therefore, the total primary energy supply is lower than total primary energy production. Most of the produced gas is intended for export, which accounted for 78.8% in 2012, while the remaining 21.2% is utilized for domestic use. While Myanmar demand for electricity has been offset the current supply and the country energy consumption has been increasing since 2000s as the country's total energy consumption increased during 2000 and 2009 by an average of 2.4% annually. Ever though the country main source for energy consumption is biomass but energy consumption by fuel type is shifting for natural gas, which increased on average by an estimated 15.1% annually during 2000–2009. Therefore, Myanmar government is considering and prioritizing domestic consumption of natural gas more comparing to what happen in the past and this policy would definitely affect those country that import natural gas from Myanmar and this including Thailand.

THE POLITICAL REFORMATION IN MYANMAR

Myanmar had it first elections for 20 years in 2010 after the country has long been controlled by the military junta in the name of SPDC (State Peace and Development Council) and the Union Solidarity and Development Party (USDP) claims a victory against the military government and this is considered as a beginning of the country economic and

social reform. However, this new elected government led by President Thein Sein is actually the synthesis of civilian and military personnel, and election had just generated the power transition towards a new semi-civilian government (Gabusi, 2018). Not only the president Thein Sein himself that is a former military officer, but key positions of his cabinet also occupied by former military officers (Farrelly, 2018). In 2015, Myanmar people are expecting for another political shift and change when its government scheduled for a general election and the National League for Democracy (NLD) had won a victory with the lead of President Htin Kyaw and Aung San Suu Kyi as Minister of Minister of Foreign Affairs, Minister of the President's Office, and State Counsellor. In the aftermath of the 2015 election, it seems that NLD was also fail to meet the expectation of their people as military member are still holding influencing power over the government member as evident by the meeting between Aung San Suu Kyi and Commander-in-Chief Min Aung Hlaing before the setup of the new government and the meetings appeared to clarify areas of cooperation and mutual interest among civil-military relations with no visible signs of transformation in the civil-military relations (Myoe, 2018).

The election in 2010 did not only initiate the country reform program in 2011 but also reconnecting Myanmar with the world economy. Moreover, this also led to the lifting of sanctions by the US and European Union in 2012. Myanmar has taken active steps to reform its oil and gas sector and foreign investment laws. Also, after the election in 2010, Myanmar has held a number of successful international bid rounds for onshore and offshore oil and the first bidding round was completed in 2011 and the second international bidding round for onshore blocks launched in January 2013, 18 blocks were offered and 16 blocks were awarded to winning bidders. In the first offshore bidding round in April 2013, 30 blocks were offered (19 deep water blocks and 11 shallow water blocks) and in early 2014 the Myanmar Ministry of Energy announced the selected operators for 10 shallow water and 10 deep-water blocks from the 2013 offshore oil and gas tender. Shell re-entered Myanmar as the only company awarded 3 deep-water blocks in a consortium with Mitsui Oil Exploration Company (MOECO). Blocks were awarded to prominent groups of multinational oil company including Chevron, Statoil, Total, ENI, along with other regional players and independent operators. Ever though, these blocks are still far from the development stage, with optimistic estimates that production could begin by 2020. According to Myanmar's Ministry of Electricity and Energy, some of the existing foreign companies working in onshore blocks are: MPRL E&P Pte. Limited, GoldPetrol, CIS Nobel Oil, NPCC, SNOG, PTTEPSA, PT Istech, Petronas Cargali, GeoPetrol, JUBLLANT, Brunei National Petroleum Co, ONGC Videsh Limited, JSOC Bashneft, Pacific

Hunt Energy Co, ENI Myanmar B.V, and Petroleum Exploration (PVT) Limited. Some of the existing players in offshore blocks are: Daewoo International, MPRL, WOODSIDE Energy, BG, Mpep, PETROVIETNAM, PTTEPI, PTTEPSA, TEPM, PCML, CNPC, Oil India, Mercator, Oilmax, Oil Star, Tap Oil, Berlanga Myanmar, Reliance Industries, Ophir Energy Plc, Shell, Statoil/ Conocohilips, and Eni Myanmar B.V. It was suggested that gas blocks in 2014 Myanmar attracted foreign direct investment at US\$8 billion, of which more than 35 per cent was generated by the energy sector as multinational oil and gas exploration and production companies are attracted by the undoubted potential Myanmar offers.

According to Myanmar's Directorate of Investment and Company Administration (DICA), Myanmar has received more than US\$ 3220.306 million in 2014 and about US\$ 4817.790 million in 2015 foreign direct investment (FDI) in the oil and gas sector. This makes the oil and gas sector the largest destination for FDI in the country, followed by transport and communication and manufacturing sector. Moreover, Myanmar's GDP in 2015 was US\$67 billion and is expected to increase to US\$200 billion by 2030. Consequently, the country domestic demand for oil and gas will also increase in line with its economic growth.

After the country's opening in 2011, the demand for energy from industry, commerce, and residential sectors are rising. By considered that energy is a key enabler of economic development, Myanmar government launched theirs "Domestic First Policy". This policy was emphasized by Myanmar's deputy director-general of the ministry's planning department, Win Maw, as he told industry analysts Platts in Tokyo while attending an oil industry conference that "The government decided [that only] after fulfilling the domestic sector we will export,". By implementing this policy Myanmar will satisfy its domestic oil and gas needs before considering exporting its natural resources. However, it was suggested that the Oil and Gas legislation in Myanmar is quite outdated as the exploration and production activities in the oil and gas sector are governed by Oil-Fields Act (1918), Oil-Fields Rules (1936), Petroleum Act (1934), Petroleum Rules (1936), the Oilfields (Labour and Welfare Act) (1951), the Petroleum Resources (Development Regulation Act (1957), the Myanmar Petroleum concession Rules (1962), and the Law Amending the Petroleum Resources (Development Regulation) Act (1969). Therefore, in order to facilitate foreign investors to make Myanmar a more attractive destination for foreign investors after the country reformed, since 2011 Myanmar government has reform legislation regarding oil and gas sector which including the amendments of the Oilfields Act 1918, Petroleum Act 1934, the Petroleum Rules (1937); the Essential Supplies and Services Act (1947); the Oilfields (Labour and Welfare) Act (1951); the Petroleum

Resources (Development Regulation) Act (1957); the Law Amending the Petroleum Resources (Development Regulation) Act (1969); the Myanmar Petroleum Concession Rules (1962); and the Environmental Conservation Law (2012). Moreover, Myanmar government has also reformed laws relating to foreign investment pass the new Myanmar Foreign Investment Law (2012) to replace the one which was first one that was enact in 1988. Under these reformed investment laws, foreigners can invest in the oil and gas sector through a joint venture with a Myanmar party, which can either be an individual or a corporation, in an 80:20 shareholding ratio. However, the Myanmar did not strictly apply the rule of 80:20 shareholding ratio because Myanmar at this moment have not has local expertise in highly technical areas of the oil and gas industry. In addition, the oil and gas sector in Myanmar is governed by 3 types of contracts, which are Production Sharing Contracts (PSCs): for Offshore and Onshore projects, Performance Compensation Contracts (PCC): for onshore projects, and Improved Petroleum Recovery Contracts (IPRs): for onshore projects. A production sharing contract (PSC) is entered into between the MOGE and the relevant foreign investor. The terms and conditions of the mentioned contracts will govern the foreign investor's rights and obligations in oil and gas sector in Myanmar.

Oil and gas sector in Myanmar has been heavily criticize on transparency and environmental issues for long period while Myanmar's continue opening the country for more investment in this sector. Therefore, Myanmar's Framework for Economic and Social Reform (FESR) which was drafted in 2012, stated a commitment of the Myanmar government to transparency and equitable sharing of benefits from natural resources: The Government will undertake transparent, competitive and non-discretionary procedures for the award of exploration, development and production rights and ensure that future concession agreements meet high social and environmental standards as well as delivering a transparent and equitable sharing of financial benefits. Therefore, Myanmar government lead by the President Thein Sein announced Myanmar's intention to join the Extractive Industries Transparency Initiative (EITI) in 2012. By joining this program Myanmar is required to disclose the recipients of the blocks awarded in the 2013 to 2014 bidding by accepting this program, oil and gas sector in Myanmar will be more credible according to the international world. Moreover, METIT are enable to suggest Myanmar's government on the improvement areas of Myanmar oil and gas regulation in order to improve the country resource governance. Myanmar government did hope to foreign investors to be more confident to invest in Myanmar by improving the transparency of this sector.

It can be assumed that Myanmar's oil and gas industry has been changed, liberalized, and modernized after the election in 2010, according to what have been described above. But is it really changed in term of actors playing in this industry and the beneficial group from the Myanmar oil and gas extraction industry? Since the implementing of the county economic and political reform, many keys' positions in Myanmar government are performed by retired or former military officer and this include the position of Ministry of Energy as well as a key positions in Myanmar Oil and Gas Enterprise (MOGE). Foreign oil and gas company have long been partnering with Myanmar government in the country extraction industry and paid hundreds of millions of dollars per year though Myanmar Oil and Gas Enterprise (MOGE) and profits from the extraction of the country resource are mainly sent to central government where their members are comprised of those who has military relations or background.

CONCLUSION

Myanmar's government's energy policy during the early 2000s were to maintain energy independence. Myanmar government has monopolized business of energy resources since the nationalization of the oil industry in 1963. It has been part of the government's strategy to maintain energy independence. Nevertheless, faced with the increasing demand, depleting reserves, human resources shortfalls, technological and financial constraints and rising energy prices, the government has reduced its control on the energy industry since the early 1990s by allowing FDI in the oil and gas sub-sector. After the 2010 election together with the implementation of the country economic and social reforms, Myanmar seem to give more priority on domestic development. The reform did reconnect Myanmar to the international market and made the country become even more attractive to foreign investment in exploit the country abundance natural resource. Australia, Canada, the EU and US suspended or removed economic sanctions in 2012, opening the way to new investment in Myanmar oil and gas sector. Moreover, in order to facilitate the foreign investors, Myanmar government has reviewed and reformed the country minded legislation in order to make Myanmar a more attractive destination for foreign investors. As Myanmar's oil and gas legislation and foreign investment law which were used since Myanmar opened the country in 1988 are outdated and did not suitable for the current oil and gas business sector and this including the launched of Myanmar Foreign Investment Law 2012. Moreover, after the country's opening in 2011, the demand for energy from industry, commerce, and residential sectors are on the increasing. Therefore, as Myanmar government did prioritize energy supply for domestic consumption, Myanmar is requiring

more energy supply to support the country rapid economic growing thus the Myanmar government initiated a policy on “Domestic First”, which means Myanmar will satisfy its domestic oil and gas needs before considering exporting its natural resources.

However, with a long record of civil-military relations in Myanmar government, influencers, players and groups of business interest from this industry are considering unchanged and it is not really the Myanmar people who gain benefit from the country oil and gas extraction sector, but the government with military relations and foreign company. Moreover, with the recent circumstance, since the Military Junta took power over Myanmar elected government in which brought Myanmar into political, social and economic turmoil in early 2021. Myanmar people, from both public and private-sector, across the country walkout took a massive march to protest against the military junta and the movement gone intense, and the security force has response to the demonstration violently and brutally. The International world did strongly criticize on this incident. There are calls for economic sanction over Myanmar in order to block financial resource for the military junta and its business interest.

As the protest against Myanmar military took long, the country is going to face more economic downturn and the country is not in the situation to attract foreign investment and this could lead to the country financial crisis. Myanmar military, therefore, lookback to their history and seem to discovered that extraction of the country natural resource has been the mainstay of the country source of revenue during the last period of military rule and this including oil and gas sector (International Crisis Group, 2021).

While oil and gas industry that is considered one of the significant financial resources for the military junta, but it seems that we barely see economic pressure from Myanmar’s business partner countries. Furthermore, there is no evident that foreign company has impose sanction in oil and gas sector to Myanmar at this moment and this means the military junta will be facilitated by revenue from oil and gas sector to secure its financial resource to continually maintain their security of power over Myanmar people as it was also happened during previous military regimes.

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"TASK FORCE POLICE'S PERSPECTIVES ON HUMAN RIGHTS TRAINING"

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ABSTRACT

Policia Nacional Timor Leste (PNTL) is a young institution, comprising of different units. Its members are individuals of various backgrounds, with a common experience of violence brought about by decades of brutal foreign occupations. Changing their attitude of brutality and anarchism through a professional development program brings immense challenges to the Timor Leste Government, the United Nations, and Human Rights Organizations. This study seeks to examine the effectiveness of human rights training provided through the Timor-Leste Police Development Program (TLPDP) to the Task Force Police (TFP) members. It shall also identify gaps in the current approach and to provide recommendations for the improvements of the program. Tibbitts' accountability and professional development education model is adopted to examine the human rights teaching and learning methodologies. More inclusive approach to human rights training will be taken by integrating perspectives of both trainees and trainers. Suggested improvements include the revision of the human rights manual, extension of initial human right training of new police cadets, fair remuneration package of the police officers, government supports, annual follow-up training, exposure and comparative studies in other countries. The study findings attempt offer a new understanding, as well as more effective and more sustainable human rights training methods to help transform Task Force Police members into more professional law enforcement agents.

Keywords: Police Training, Human Rights, Timor Leste.

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INTRODUCTION

Timor-Leste National Police, locally known as Policia Nacional Timor-Leste (PNTL), was established in 2000 by the United Nations Transitional Administration in East Timor (UNTAET) right after the country gained its independence from Indonesia. During this transitional period, many Timorese were recruited and trained to join the police force under the supervision of United Nations Police (UNPOL). A large number of them were former members of the Indonesian police who decided to remain in the country, prior to and after Timor Leste's independence. After completing three months of training in Police Academy through a joint program conducted by UNPOL and ETPS (East Timor Police Service), the then newly trained PNTL members were mandated with duties and responsibilities as public servants to uphold law and order, to safeguard the citizens, and to protect human rights. In the following years, more Timorese were recruited into the Institution. Some of whom were former resistant fighters, high school and college graduates, political activists, and members of different martial art groups.

In the beginning, members of PNTL were welcomed and supported by Timorese society. However, this acceptance gradually changed after the PNTL was handed over to Timor-Leste's Government in July 2004. The performance of PNTL drastically declined. In the process of exercising their duties as law enforcers, many PNTL members often use aggression and excessive force, such as physically beating, kicking, torturing and even killing perpetrators. This has led to massive violations of human rights, which have become common complaints of civil society and local community members.

Responding to the frequent human rights violations, Timor-Leste Police Development Program (TLPDP) was created to improve the performance of PNTL members. One of the main topics covered during the one-to-two-week intensive program is human rights protection. The short-term program is financially supported by the United Kingdom and Australian government as part of their commitment to develop and enhance the professionalism of PNTL members as law enforcers in the field of operations.

Statement of the Problem

Educating and training PNTL members to respect human rights and to changing their attitudes of brutality have been very challenging. It takes time, needs efficient methods, and requires adequate resources. This explains why after almost two decades of implementing the TLPDP, complaints against police's brutality continue to persist. In his

speech on International Human Rights Day in 2019, Timor-Leste National Police Commissioner, Mr. Faustino da Costa, acknowledged that there have been 323 cases of human rights abuses committed by his members. Provider Human Rights and Justice (PDHJ), a local human rights monitoring organization, accused most PNTL members as perpetrators of human rights violations. Since Provider of Human Rights and Justice PDHJ came into being in 2016, there have been 203 confirmed cases of human rights violations committed by police officers. The study therefore, seeks to examine how Timor-Leste Police Development Program (TLPDP) has influenced the professional development of Policia Nacional de Timor-Leste (PNTL) members in crime prevention. It focuses on responding to two key questions; How is the human rights training including its standards and practices perceived by the PNTL members, and how is compliant is the training with the national and international organization?

Significance of the Study

This study seeks to help improve human rights training of police in Timor-Leste based on the local perspectives. It shall identify a more effective and sustainable training concept that can potentially improve service standards, increase police effectiveness, as well as the improve the institutional reputation of the PNTL. Gathering local perspectives on human right training, especially from members of TFP, is important since they have gone through the training itself and at the same time often become the subjects of complaints on human right abuse. If they are seen as part of the problem, they should also be considered as part of the solution. The findings of this research will significantly support to help PNTL members perform their job well in accordance with human rights operational standards.

Research Focus

This research aims to understand effectiveness of human rights training from the perspectives of participants of 'Timor-Leste National Police Development Program' (TLPDP). In a way, it seeks to facilitate the improvement of Timor-Leste's Police Task Force members in the fields of security, human rights, and law enforcement training.

Selection of locations and research sites

The location is the training office of the Timor-Leste Police Development Program (TLPDP) and Police Training Centre (PTC) in Comoro Dili Timor-Leste. The researcher also reached out to Provider Human Rights and Justice (PDHJ) office in Caicoli Dili, Representative of United Nations, and Timor-Leste Community Policing Program

(TLCPP), which are all based in Dili. These locations are the central office of each key informant. They are easy access to field using the researcher identity, rapport build up and diversified, experienced and self-motivated stakeholders as study participants. Each party plays an important part in relation to Human Rights training and the use of force.



Figure 1. Google maps.

Retrieved from <https://www.lonelyplanet.com/maps/asia/east-timor/>

FRAMEWORK

This paper espouses Tibbitts' Accountability/Professional Development Human Rights Education (HRE) model as the main conceptual frameworks. This model is greatly inspired by the grounded theory approach (Tibbitts, 2017). Her three models are aimed at various types of learners. The Value and Awareness/Socialization Model is mostly used in formal education. Based on this theory, this research would consider different perspectives on human rights training for Task Force Police' members.

In terms of establishing a human rights standard for this paper, Articles 3 and 5 of the Universal Declaration of Human Rights (UDHR) state that "everyone has the right to life,

security of person, and freedom from torture and cruel, inhuman or degrading treatment or punishment”. Therefore, law-enforcement agencies are to be used only when strictly necessary. Moreover, the use of force should emphasize lawful and non- on the other hand, no exceptions or excuses shall be allowed for unlawful use of force. The police are mandated to endorse the law and order to protect the human rights of every citizen.

Article 147 of the national constitution of Timor Leste states that the police shall defend democratic legality and guarantee the internal security of the citizens, and shall be strictly non-partisan. Prevention of crimes shall be undertaken with respect to human rights. In addition, according to PNTL Decree law no. 43/2011 and the legal regime on the use of force decree-law no. 9/2008 (18 February), Police organic law, article 5 state, law enforcement officers shall guarantee the protection of person under their guard. Furthermore, decree no. 43/2011 refers to the police to do their duty accordingly, and that its members need to undergo human rights education and training to gather enough knowledge, skills/abilities, and good attitude. Moreover, to mitigate human rights violation committed by the police task force members, the police are required to attend human rights training delivered by TLPDP.

CONCEPTUAL FRAMEWORK

According to the framework, the use of force shall always be proportional to lawful objectives. The application of the use of force should be exercised with some limitations, and that damage and/or injury are to be minimized. There should be a range of means for a differentiated use of force made available. The principle on use of force and fire arms in relation to the human rights standards are presented according to the “PLAN” principles. PLAN stands for proportionality, legality, accountability and necessity.

Proportionality refers to the amount of use of force to deal with a hostile situation, based on facts known to the officer at time. This has to be reasonable in terms of intensity, duration and magnitude. Legality takes into account the existing law and relevant rules and provisions that conforms with or are permitted by law. In addition, accountability refers to implementation, monitoring and evaluation of the use of force and firearms. Incidents that shall be followed by reporting and review by superior officials. Further, the senior officials should be responsible for actions of police under their command. Officials who refuse to follow unlawful superiors’ orders shall be given immunity. Moreover, those who commit abuses shall not be excused on any grounds. The necessity the use of force

by the police effecting law arrest, last resort, unlawful self-defense of oneself or protection of others. The individual police can deal with the public in accordance with law and provisions to ensure the prevention of any human rights violations.

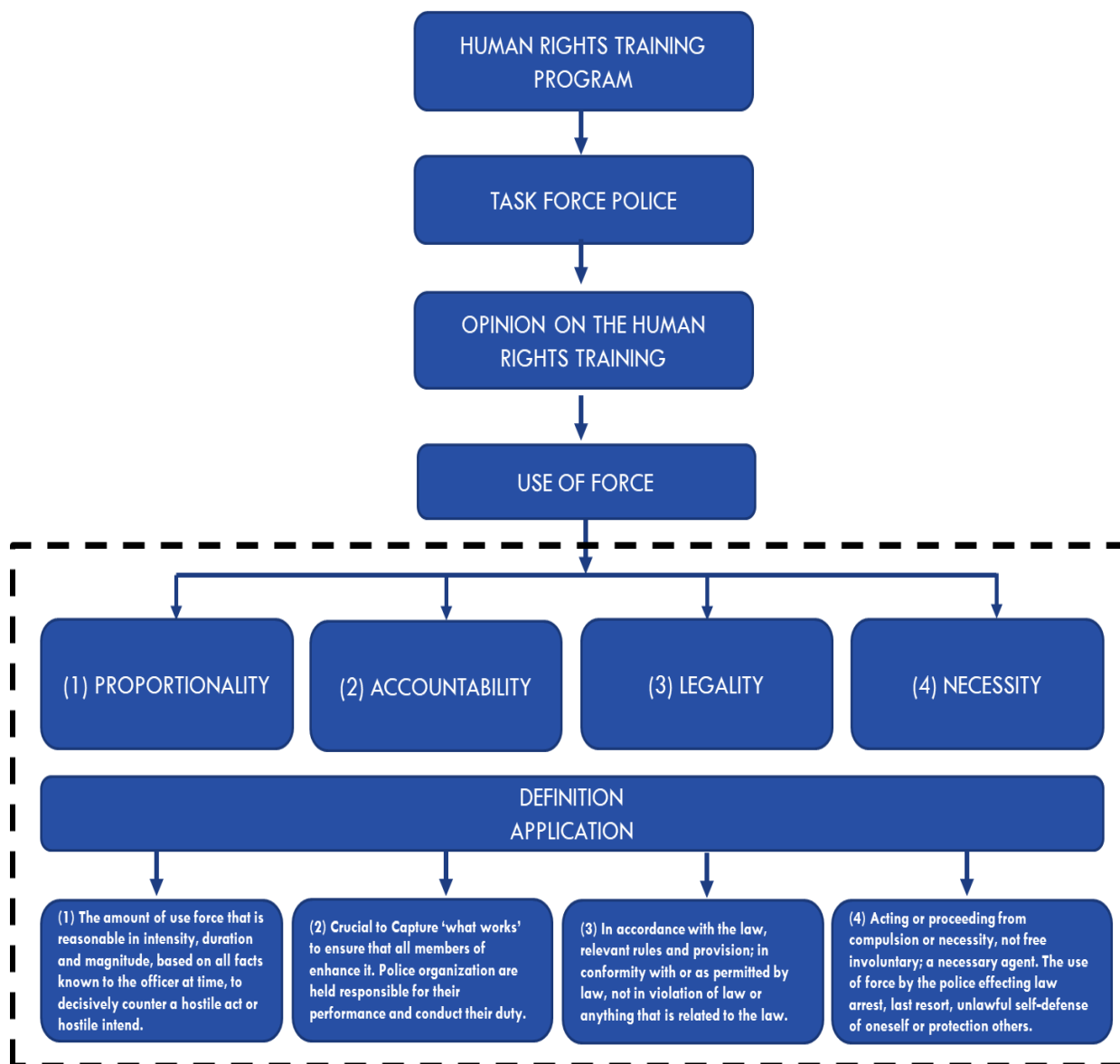


Figure 2. Conceptual Framework of the study

METHODOLOGY

This research is exploratory in nature. It adopts a qualitative research method data collection and analysis.

The type of data used in this research comes from two main sources; primary data collection from interviews with twenty-three (23) individuals. Main set of respondents were chosen for a certain reason.

1. Police Task Force - participants of the human rights training, and mandated to protect human rights in Timor Leste
2. Timor-Leste Police Development Program (TLPDP) and Timor-Leste Community Policing Program (TLCPP). supporter and implementor of capacity building programme/activities available to Timor-Leste Police Task Force members.
3. United Nations Representative, Police Training Center (PTC), and Provider human rights and justice (PDHJ) – The lped furnish Human rights manual training l for police task force Yayasan Hak and Asia Justice and Rights (AJAR) –involved in the monitoring of human rights in Timor-Leste.

Secondary data are derived from existing literature (online database, UPR Report, States Reports, NGO's, Annual Report, Pre-test, and Post-test Training forms questions and Government official reports) International standards and policy papers were also reviewed and assessed. A study conducted in 1997 by Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE), Texas state's police licensing authority, defined training evaluation as a method of measuring quality and effectiveness of in-service training for Texas Peace Officers. It further revealed that the evaluation of training programs could positively contribute to reshaping content for better and effective outputs. However, comprehensive evaluation of performance, and internal and external constraints is essential in designing the training process. Unfortunately, this study did not discuss the impacts of human rights training he behavior of police officers while handling detainees, which can be useful for young developing countries like Timor-Leste.

A study conducted to measure police performance in common law jurisdictions in Canada reveals that there is only one means to gather public feedback on police performance throughout the country. This is a national survey conducted every five years. Based on its assessment, regular monitoring and evaluation of police personnel performance, based on a standardized set of questions are required to improve the attainment of public satisfaction (Maslov, 2014).

FINDINGS AND DISCUSSION

Research for this paper found that there are numerous types of human rights training available to task force police members. These trainings cover a wide variety of topics related to human rights. This Study also observed that there has been a considerable decrease in police abuses after training at the PNTL. PDHJ annual statistic report in 2019 demonstrated that the number of complaints towards Human Rights violations committed by the police had lessened from 68 to 38. One task force member shared,

“Yes, I did commit a number of human rights violations. But after joining the human rights training, I started to be aware of my actions, and I become more critically reflective before using any means of force.”

Study participants shared that the human rights training was helpful in increasing their understanding about human rights and their duties for the community. This has brought out changes in their attitudes, which led to renewing mutual respect between the police and members of their respective constituencies. Hence, human rights training has been able to enhance service delivery and increase public trust and confidence. One respondent stated,

“We believe that through this training, we will be able expand their knowledge and ability and come more profession and more respectful to the rights of their citizens”
- Provider Human Rights and Justice Officer

One director of the task force explained:

“There is no end to education in our life. Therefore, human rights training is important as it can improve and develop the work of police task force. This can eventually strengthen their mandate”

Nonetheless, the study also found that there are key factors leading to police-sanctioned human rights violations. These includes weak institutional law, lack of advisory supports, ineffective leadership of the organization, unstable working environment, lack of equipment (Stick, OC Spray, uniforms, boots, food, water, fuel transportation), low income, lack of motivation and delay in promotion. One participant further explained,

“Ineffective leadership by the organization affects their learning behaviors, and working conditions. This can also lead to heightened stress and normalization of bad practices within the police force.”

At the individual level, one’s upbringing, family life, culture, leadership style, injustice, and ignorance, also could also contribute to one’s ill-performance.

In order to improve the program and reduce human rights violation, the following recommendations should be taken into consideration.

Human Rights Training for the Cadet Officers

Human Rights training should be integrated from the moment a candidate joins police force. Others suggested that the duration of the training should be more than six months and there should be a follow-up activity after the training. Adding to this, all PNTL members should be required to attend human rights training, including police commanders. Sometimes commanders give orders that violate human rights, for lacking of awareness. Moreover, training manual should be revised and separated into two levels of formation-intermediate and advance, based on the needs of PNTL members. Diversifying training pedagogies such as audio-visual presentations, case study analysis, foreign exposure and comparative study can help improve training efficiency.

Reasonable Remuneration Package, Promotion and Awards

Most PNTL members earn much less compared to politicians. Government should pay more attention to their wellbeing by providing life insurance, health insurance, and subsidy for communication, transportation, and overtime pay. Members who have done good job should be rewarded and promoted.

Human Resources and Facilities

More policemen should be recruited into the task force. Office facility should include sport, rest and recreation rooms. Detention cells should also be improved. Vehicles should be in good condition and at least, there is enough budget allocated for fuel and regular maintenance. More computers should be provided for the police to have their own data base to monitor crime rate and human right violation and some police should be specifically trained to run the data base. A counselling office is needed to provide psychological assistance to help the police deal with problems.

Discipline

Disciplinary action should be taken seriously by leaders of the institution against police members who break the rules. In addition, leaders themselves should set an example by obeying the rules like any other citizens. Moreover, police members should proactively intervene when their colleagues mistreated or use excessive force against detainees or suspects. Patient, calm, the use of correct terminology and increase of dialogue to resolve tensions in the community can help reduce human right violation.

Other recommendations include, planning of police commanders or PNTL Central Administration should be improved. National Government should allocate sufficient yearly budget for human rights training of the police, instead of relying on donors all the time. Last but not least, an association of wives of PNTL members should be established to support their husbands in serving the country.

CONCLUSION

One of the duties of PNTL is to respect and protect the rights of every person living in Timor Leste. Police officers should be held accountable to any violations committed against human rights and fundamental freedom. Constantly reacting to abuses and punishing human rights violators are not enough to eliminate police brutality. Human rights training professional development program such as TLPDP is one way to normalize respect and protection of human rights. Without human right training, as per research findings, it will be more difficult to raise awareness and concern for human rights amongst members of the police. Moreover, members of the public would continue to distrust law enforces. Thus, it is still important and necessary to continue human right training under TLPDP. TLCPP, PDHJ, UN Human Rights and Police Training Center. Government must provide an appropriate funding to be able to train even new recruiters. There is also a need to establish a good working environment and barracks to PNTL members. In addition, responsible agencies need the make sure that resources for communication, transportation and office supply are made available and accessible to ensure effective work with the community. If all these are met, then, Timor Leste's police will not only enjoy a more favorable reputation at home, but also at the international level.

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MYANMAR'S CIVIL DISOBEDIENCE MOVEMENT: ITS IMPACTS AND CHALLENGES TO THE 2021 MILITARY COUP

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ABSTRACT

Six months after the coup in Myanmar, it has been clearer that the military haven't governed the country fully, though taking the power violently at the gun point. Known as Myanmar's Spring, the people's anti-coup resistance has emerged with the CDM at the center as the great surprising force challenging the military's power. The CDM limited its power effectively by crippling the functions of the state institutions such as health, education, banking, international relations etc. This research has closely monitored the anti-coup resistance movements and collected the information primarily through digital communication with a network of CDM supporters based in Myanmar and Thailand, as well as the internet-based research since the beginning of the coup in February. The research assessed the factors supporting the emergence of the CDM and its impacts and challenges to the military coup. It is found that the extreme atrocities committed by the military brought the people to unity and gained the strength to launch the anti-coup resistance with the clear resolution that they must end the coup collectively, so must the culture of violence in the society once and for all. The military used all the violent means such as arbitrary arrests, unjust lawsuits, forced eviction of the civil servants from the government housing quarters, and intimidating and arresting their families, including the children. Despite that, the military cannot crack down the CDM, which has become formidable threat to their power.

Keywords: Military Coup, Civil Disobedience Movement, Nonviolence Resistance.

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INTRODUCTION: COUPS AND ATROCITIES IN MYANMAR

Myanmar's military had a long track record of using violent lethal forces against its own people, so had the people's resistance movement to the military oppressions in a form of nonviolent protests in the country history. Fighting in the longest internal wars against dozens of ethnic armed groups for seventy years, the military's battle-harden soldiers have been trained to never hesitate to use violent tactics in defeating their enemies in the jungle. But they have never been trained to deal with the unarmed form of nonviolent civilian protests on the urban streets, ever ending up with violence such as killing, torturing, arresting and disappearing the unarmed peaceful protesters.

The military's mindset of taking a supreme role in the country's politics have already led to two coups in the past. The first coup occurred in the era of Cold War in 1962, joining the camp of socialism (Kipgen, 2011), while the second coup occurred in the end of the Cold War with the topple of socialism in Myanmar in 1988 (Lintner, 1990). Each time, the military used violent tactics with lethal weapons to kill unarmed peaceful protesters and the generals ruled the country repressively. The military's atrocities have never brought to justice and the plight of the people continued to date. On 1 February 2021, Myanmar's military staged its third coup, taking back its supreme role in politics from the elected civilian government. Like his predecessors, Senior General Min Aung Hlaing might have assumed that there would be protests on the streets, they could be cracked down easily by his battle-hardened troops, and the situation would have been back to normalcy shortly.

But unlike the previous two coups, the international community has clearly seen how the military's barbarous act of killing hundreds of young protesters in a broad daylight with their own eyes through social media platforms such as Facebook, Twitter and Instagram in real time. Though using increasing atrocities to curb the protests, the generals faced a greater unprecedented challenge: the civil disobedience initiated by civil servants from the health sector, who the people regard as national heroes combating COVID-19 pandemic, followed by the wider civil servant communities from various government institutions across the country. The movement has become known as Civil Disobedience Movement (CDM), with the slogan "*Don't Work, Break the Chain*" spreading across the country and gaining the wider public participation with the call for boycotting the military businesses and paying no tax to the coup authorities.

The military's atrocities brought the entire population to the realization that these were amount to the crimes against humanity that they committed to the Rohingya population in 2017, as described in detail in the report issued by UNHRC (2018), and the atrocities that they similarly committed to the ethnic minorities for decades. It is also found that the atrocity became the cause behind the unity of resistance across the entire population. The more violence the military committed, the more united the people are across all ethno-religious lines to fight back the military. Such a unity has ever been seen for the first time after the country's independence struggle against the British in the early 20th Century.

The research has documented that the anti-coup resistance emerged quickly a day after the coup with the first resistance movement of banging "pots and pans" in each household, each street and each quarter together at 20:00 in every single night. On February 3, the medical professionals started launching Red Ribbon³⁵ campaign that became a precursor for the nationwide civil disobedience movements, quickly joined by other civil servants from different ministries such as education, transportation, finance, local administration etc. The coup leaders miscalculated that the civil servants were loyal to the military with full cooperation, as they did in the previous coups. However, it was too late to know that the anti-coup resistance has formed and coordinated across the entire social, cultural, and religious lines with the CDM at its core.

CIVIL DISOBEDIENCE: A HISTORICAL PERSPECTIVE

Civil disobedience is actually not a new resistance approach against the tyranny in Myanmar, yet it was embedded in its society a century ago. During the British colonial era, Myanmar was under the administration of British India as a part of the Indian Subcontinent. At that time, Myanmar's patriotic politicians were in close relation with their counterparts from India and their resistance movements against the British were much influenced by Indian methods of nonviolent resistance such as *hartal* (or boycott) and *swaraj* (or walkout). At this point, it is very important to understand the fact that if the term "civil disobedience" is a philosophical concept, the term "nonviolence" is a tactical approach of political resistance confronting the powerful authorities. Britannica³⁶ defined civil disobedience as "*a passive resistance, the refusal to obey the demands or commands of a government or occupying power, without resorting to violence or active measures of*

³⁵ Myanmar's Medics Launch Civil Disobedience Campaign Against Coup (irrawaddy.com)

³⁶ civil disobedience | Definition, Examples, & Facts | Britannica

opposition.” Therefore, the main purpose of civil disobedience is to halt the repressive authorities to not govern the people through non-cooperation and non-recognition.

In Myanmar’s political history, the political movements under the colonial era were first initiated by Young Men Buddhist Association (YMBA), and then it was outgrown as General Council of Buddhist Association (GCBA) in the early 1900s (Cady, 1958). Since that time, civil disobedience was used as a means of political resistance against the British and known as a *Buu* (in English as “No!”) strike. People disobeyed any kinds of orders by the British through their non-cooperation such as refusing to pay tax, boycotting English schools, refusing to work under the colonial rules etc. Moreover, the products imported by the British companies were boycotted to block the flow of revenues into the colonial administration.

At that time, the seed of *Buu* ideology³⁷ was first rooted in Hinthada, Ayeyarwady Region, located in the country’s delta region, further spreading to Shwebo, Monywa, in Central Myanmar and to Dawei in Southern Myanmar; where we can now see the anti-coup resistance movements after a century later. In response, the colonial government declared *Buu* movements as the unlawful movements, used force to disband them and imposed the martial law.

The modern *Buu* movement, or the CDM, in 2021 was also cracked down by the military using the same violent tactics in the colonial era, imposing the martial law. Though brutally cracking down the street protests, the Generation – Z who were born and grown up in the age of internet technology, quickly adapting to the challenges, creatively diverting the movements in every direction through the effective utilization of social media. Gen-Z adopted “a three-finger salute”³⁸ from the Hollywood movie of “Hunger Game” as a symbol of resistance and unity.

Adopting the same ideology of *Buu* movement in the early 20th Century, the CDM in 2021 also adopted the practices of “*no tax, no bill, no school and no work*” under the military control. When the CDM gained its momentum nationwide, it expanded its scope to the economic arena by boycotting the products produced and owned by the military industries and their foreign business partners such as Japan’s Kirin Holdings³⁹, Vietnam’s Mytel⁴⁰,

³⁷ The Long History of Myanmar’s Civil Disobedience Movement (irrawaddy.com)

³⁸ Three-finger salute: Hunger Games symbol adopted by Myanmar protesters | Myanmar | The Guardian

³⁹ Japan’s Kirin writes off \$193m for Myanmar beer unit - Nikkei Asia

⁴⁰ ‘Destroy your SIM card’ - activists call for boycott of Mytel for ‘aiding and abetting’ the military

foreign firms⁴¹ etc., and to the social arena by cutting all the relations with the military and their supporters. Senior General Min Aung Hlaing and the top military generals were unexpected, and not accustomed to, the modern *Buu* movement in the age of digitalization at all.

CIVIL DISOBEDIENCE: A PHILOSOPHICAL PERCEPTIVE

In the world history, civil disobedience as a nonviolent political means has been practicing in Africa and India as well as in the civil rights movements in America, and of labor strikes, anti-war campaigns, and other social movements in many countries. Mahatma Gandhi, regarded as a nonviolence philosopher and practitioner from India, was known in his leadership of civil disobedience movement against “Salt Tax”⁴² imposed by the British in India. He once explained his belief as follows:

“An unjust law is itself a species of violence. Arrest for its breach is more so. Now the law of nonviolence says that violence should be resisted not by counter-violence but by nonviolence. This I do by breaking the law and by peacefully submitting to arrest and imprisonment.”

– Mahatma Gandhi, Nonviolence in Peace and War 1942 – 49⁴³

Henry David Thoreau, a well-known American philosopher, who encapsulated and concretized this whole concept into the term ‘Civil Disobedience’ in his essay ‘Resistance to Civil Government’ while he practiced it in his own life by refusing to pay state poll taxes to the American government in protest against slavery namely the Fugitive Slave Law as well as the Mexican War (Sanna, 2003). Thoreau maintained that “all men recognize the right of revolution; that is, the right to refuse allegiance to, and to resist the government, when its tyranny or its inefficiency is great and unendurable... if it is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law... Under a government which imprisons any unjustly, the true place for a just man is also a prison... I simply wish to refuse allegiance to the State, to withdraw and stand aloof from it effectually.”

⁴¹Factbox: The foreign firms doing business in Myanmar | Reuters

⁴²Salt March - HISTORY

⁴³Mohandas Gandhi - Civil disobedience (weebly.com)

Gene Sharp (2012) described in his “consent theory” that “state power is produced from the cooperation or obedience of its members, through their everyday work in the economic sector, participation in political administration, and their upholding of cultural institutions. The regime is given the powerful resources through cooperation or de facto obedience. Thus, power is dependent on consent, or at least obedient behavior from below. It is then, logically, through protest or through economic, political, or social noncooperation or intervention that the power of regimes can be withdrawn, undermined, and resisted” (Vinthagen 2015: pp. 207–208). Nonviolent struggle is a much more complex means of struggle. It is psychological, social, economic and political weapons applied by the people against the unjust rulers. These have been known under various names of protests, strikes, noncooperation, boycotts, disaffection, and people power (Sharp 2012: pp. 30).

In the context of Myanmar, the country has been under the socialist authoritarianism for 26 years (1962 – 1988) and the people were indoctrinated with the ideology of socialist totalitarianism, without knowing freedom, democracy and human rights. After the democratic uprising in 1988, Aung San Suu Kyi was the only politician who started introducing the philosophy of civil disobedience and nonviolence as a political means to confront with the strong military dictatorship in Myanmar’s politics. At that time, she came back from Oxford to take care of her sick mother, ending up with her committed involvement in the popular “8888” democracy revolution that has become her entire life struggle to date. Born in Myanmar, she brought up and studied in her secondary and tertiary educations in India and Oxford. Therefore, her political belief was to a certain extent influenced by the life and philosophy of Mahatma Gandhi (Kaushikee, 2012).

In 1988–89, she confronted the repressive military generals, advocating a nonviolent campaign called “*Civil Disobedience against Unjust Laws*”, urging the people to not obey the military’s oppressive laws in 1988. However, the people did not understand how to disobey the laws because they barely heard of the term “civil disobedience” at that time. The campaign was unable to proceed after the military finally detained her under house arrest, and thousands of the prodemocracy activists were put in prison. Moreover, due to the absence of the civil servants’ participation in her call for civil disobedience, the functions of state institutions were back to normalcy soon after the coup with the full cooperation of the civil servants under the military rule. Before she was detained on February 1, Aung San Suu Kyi prepared to leave an important message to the people, appealing to launch “civil disobedience to oppose the military coup together in a way

possible”⁴⁴. Unlike the situation in 1988, the urgent call of Aung San Suu Kyi this time galvanized the civil servants into action, followed by the people in all walks of life by fully participating in the CDM at the absence of her leadership.

CDM: ASSESSING ITS IMPACTS AND CHALLENGES TO MILITARY COUP

Though having the historical and philosophical roots of civil disobedience in Myanmar’s politics, the successive military regimes were able to systematically indoctrinate the civil servants to not get involved in politics for decades, and it has been prohibited by law. In the 2008 Constitution, Article 26/A stated: “*Civil Services personnel shall be free from party politics.*”⁴⁵ In this way, the generals built their power structure, practicing divide-and-rule policy and using the civil servants’ neutrality and loyalty to ensure their grip on power. It was already experienced during the democratic revolution in 1988, when the civil servants first got involved in the protests, but they went back to their workplace immediately after the coup and served for the military loyally.

However, this loyalty has broken in the coup in 2021. The two influential factors are: the general election and the COVID-19 pandemic. The civil servants from education and health sectors made coordinated efforts so hard to overcome both challenges simultaneously, and won the people’s high respect and honor to their tireless efforts, regardless of being exposed to the high risk of COVID-19 infection. But the generals destroyed all their endeavors at all and stole the power from the people. What’s worse is that the military justified the coup with the false accusation of electoral frauds without evidence, insulting the dignity of the teachers who voluntarily took the responsibility to manage the voting process in all polling stations across the country.

In fact, The Carter Center and The Asian Network for Free Elections (ANFREL), the two independent international election observation bodies, observed the election by sending 137 observers across the country in the election day, apart from other independent observers from the European Union and the diplomatic missions, while 8,416 observers from 12 CSOs and 2 CSO networks monitored the irregularities of the election on November 8 (The Carter Center, 2020: p. 15). In its final report, ANFREL stated: “*Election Day was found to be peaceful and orderly with no major reports of irregularities or incidents that may have led to voting disruptions or doubts over the integrity of the polling*

⁴⁴Is Civil Disobedience Myanmar’s New Normal? (irrawaddy.com)

⁴⁵The Constitution of the Republic of the Union of Myanmar (2008), pp. 8

process." (ANFREL, 2021: p. 103). All the international and domestic election observation missions did not report the electoral frauds, as accused by the military.

At first glimpse, the military leaders' blender is that they might have assumed the anti-coup resistance, but only from the NLD and its supporters. After arresting Aung San Suu Kyi and the NLD leaders, they might have thought that the coup has been accomplished successfully and the country would have been back to normalcy. They took the civil servants for granted, merely being interested in grabbing power by force, pushing the people and the country into the abyss of health disaster at all costs. What they did not take into account seriously is that their false accusation directly insulted the dignity of the teachers, by humiliating them publicly for electoral frauds that they did not commit, while the medical personnel felt outraged at the generals' decision to stage a coup at the expense of the whole health sector's tireless efforts to curb the spread of COVID-19 pandemic during the election. Therefore, it could be assessed that the CDM has broken the decades-long loyalty built between the military and civil servants, with the latter escaping this time from being indoctrinated by the former for generations.

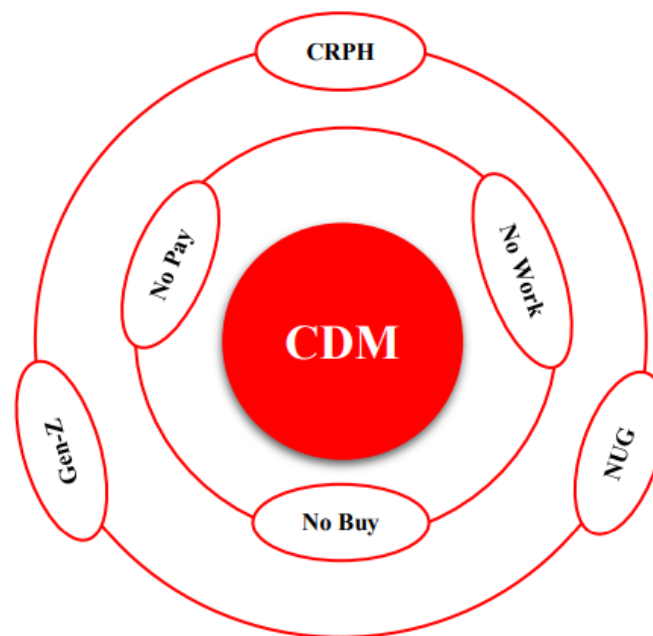


Figure 1: Diagram of Anti-Coup Resistance Formation

This research drew a diagram (See Figure 1) to understand the formation and development of anti-coup resistance with the CDM at the core. Though the CDM initiated by the civil servants working in different government ministries, the approach was later expanded to the whole-society resistance to the coup through mobilizing the participation

of the entire population. The clearly defined cluster of movements as a nucleus of the CDM are: “No Work” under the military, “No Pay” and “No Buy” to cut the revenues and financial flow to the military and its enterprises. To boost the effectiveness of the CDM, Generation Z staged daily protests across the cities, towns and villages, mobilizing through the extensive networks of student, worker and farmer unions. The anti-coup resistance drew great attention from all walks of life, due to the well-known doctors, teachers, student leaders, worker leaders, writers, artists, actors and actresses, poets, etc. They are social influencers already known to the public through their Facebook pages. CRPH and NUG took the role of political leadership, representing parliament and government of the people, by the people and for the people in the election on November 8, 2021.

Throughout the anti-coup resistance movements, it is astonishing to see the creative protest tactics such as banging pots and pans, candlelight or flashlight campaigns, car-honking or slow-driving or car-breakdown strikes, dawn or night strike, silence day, cursing ritual strike, red ribbon campaign, 3D poster campaign, etc.⁴⁶ to avoid the military crackdowns. Facebook has become the main digital platform that the Gen-Z used effectively to communicate with the people and to release the daily campaign instructions. Within the civil servant communities, some hundreds of military and police personnel came to join the movement. In this way, the anti-coup resistance forces have become more coordinated, so that the military cut the internet nationwide to disrupt the line of communication among the resistance movements.

Though brutally cracking down the street protests as they are visible targets, the military haven't so far grappled with the invisible targets of no-pay and no-buy campaigns, which critically limited the flow of revenues to the military. Socially, the campaign called “Social Punishment” stopped any social relations with the military and their supporters. In this way, the CDM have impacts politically, economically, socially and culturally in the entire social strata. Facing this anti-coup resistance nationwide, the coup leaders feared to lose power, terrorizing its own people as the enemies and transforming the cities into the war zones. Six months after the coup, it has been clear that the coup has failed, but the resistance would also be protracted, leading to the catastrophe of the entire society with the combined effects of the pandemic and the economic decline as the paramount challenge unprecedented in the country's history. The World Bank warned in *Myanmar*

⁴⁶Myanmar's Creative Anti-Regime Protesters Stay One Step Ahead of Police (irrawaddy.com)

Economic Monitor issued in July that Myanmar's GDP will fall to minus 18 percent in 2021 (WB, 2021: p. 9).

CONCLUSION

The people of Myanmar have endured the military's atrocities in all three coups in history, but this time the atrocities that they committed are amount to the crimes against humanity. The world has seen the people's resistance astonishingly and the military's failure to control the country visibly. As Vinthagen (2015) put it: "*power holders do not create power; instead, others give it to them in their daily cooperation and support*", the people's resistance to pay no tax and to buy no products of the military enterprises and to withdraw the money from the public and private banks means that they are trying to use every possible way to revolt the military. They do not want the institution that killed its own people anymore.

The people of Myanmar not merely revolt the military coup itself, but they also carried a broader goal of eradicating the culture of violence and injustice once and for all, so that they do not leave it for the future generation. The entire population deeply felt that the coup destroyed the future of the country. As Generation Z chants: "Give back our future!", they are so determined to fight for their life that have been lost together with their human dignity. If they won this battle, there would have been no military coup in the future of Myanmar, and Myanmar's anti-coup resistance with the CDM as the core would have been a model in the region. On 26 March 2021, Myanmar's CDM was nominated for the Nobel Peace Prize 2022.⁴⁷

⁴⁷The Civil Disobedience Movement of Myanmar is nominated for the Nobel Peace Prize 2022 – NRK Urix – Utenriksnyheter og -dokumentarer

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RIGHT TO CULTURAL IDENTITY AND THE ATI RESIDENTS OF ILOILO CITY, PHILIPPINES

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ABSTRACT

The emergence of the concept of cultural integrity is a promising development in human rights discourse. Cultural integrity encapsulates the survival and thriving of distinct cultures that form the anchor of the fundamental freedoms of indigenous peoples (IPs). Under Philippine jurisprudence, the Indigenous Peoples Rights Act (IPRA) of 1997 identifies cultural integrity as one of the four bundles of IP rights that the state must respect, protect, and fulfill. This paper explores the discussion of cultural integrity using the context of the Ati, an indigenous group which found residence in Lanit Village, Iloilo City, as an illustration. As a distinct people, their physical and cultural characteristics are supposedly the source of their pride and honor. As a qualitative research endeavor, this study utilizes secondary data in the form of legal and academic publications. Secondary data analysis is then employed to achieve the main objective of this study. The author argues that the Ati's right to cultural integrity can be comprehensively understood using the following as core elements: the preservation of identity, the protection of cultural heritage, and the participation of the Ati in decision-making processes on all matters affecting them. Contrary to the traditional notion that ties cultural integrity with ancestral land claims, this paper concludes that cultural integrity can be construed independently of ancestral domain/land occupation or possession. Recognizing that "all the rights of indigenous peoples are cultural rights," the state through the local government of Iloilo City is duty-bound to respect, protect and fulfill the Ati's right to cultural integrity.

Keywords: Ati, City Residents, Cultural Integrity, Philippines, Ancestral Claims

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INTRODUCTION

Much fascination with indigenous peoples has been revealed by a number of anthropological studies. These studies have investigated the preservation, survival and flourishing of cultures (Headland, 1986; Molintas, 2004; De la Peña, 2009; Koptseva et.al, 2014; Wiessner, 2011; Bautista, 2020); their migration and assimilation to mainstream society (Turner, 1979; Licen et.al, 2012); and their experiences of urbanization and development (Pérez-Llorente et.al, 2013; Stephens, 2015; Tindowen, 2016; Puketapu-Dentice et.al, 2017; Vincent, 2018). These have helped enlighten the public about the plight of indigenous peoples. At the heart of the discourse lies the issues of ancestral land access and ownership that form the anchor of their identity as a people, and thus the source of their cultural protection and survival (Molintas, 2004).

This paper focuses on the case of the Ati, the earliest known inhabitants of the Visayas islands, particularly those who found refuge in a village in the urbanized city of Iloilo. Though cities are seen as spaces of opportunities, they can be spaces of losses as well (Carlie, 2013). Cities provide opportunities especially in employment, education, health, political participation, and social recognition and visibility. At the same time,, city life and urbanization also have an adverse impact on indigenous peoples' cultural identity, traditions and institutions – the very DNA of their human dignity. Recognizing that “all the rights of indigenous peoples are cultural rights” (Wiessner, 2011), their right to flourish as a people wherever they may be is essential in order for them to live a dignified life.

The emergence and use of the concept of cultural integrity is a nascent development in human rights discourse. Although not explicitly mentioned in international human rights treaties, it has been used as a legal concept to include the many aspects of enjoyment and realization of cultural rights (Gilbert, 2017). In Philippine jurisprudence, cultural integrity is one of the four bundles of rights enshrined in the Indigenous Peoples Rights Act (IPRA) of 1997. This right, however, is holistically construed in relation to the right to ancestral domain/land, which forms the basis of cultural integrity -- taking off from the idea that indigenous peoples are not mobile (De la Peña, 2009).

This is where this paper finds its contribution – to supplement literature on the cultural integrity of indigenous peoples in Philippine cities. This paper argues that the realization of the right to cultural integrity ought to be seen as independent of ancestral land ownership. Although ancestral domain/land is truly significant in the lives of indigenous

peoples, not all indigenous groups who have claims over their ancestral lands are granted by the state with recognition and protection. More concern is hence given to Ati residents whose “ancestral domain cannot be identified and, whenever they can, have been titled to a non-Ati” (De la Peña, 2009). They are now living as a ‘community’ in a private land owned by a religious mission. The researcher further argues that despite the absence of the factor of ancestral land in the context of the Ati residents of Iloilo, they do not lose their right to cultural integrity. The state through its local government is duty-bound to respect, protect and fulfill this right.

THE ATI SITUATION IN LANIT VILLAGE

An estimated 24 Ati families are gathered in Lanit Village where they live as a community under the guardianship of an Ati pastor named Rogelio Elosendo and his non-Ati wife Sylvia. The couple leads the Ati Tribes Mission, Inc. (ATMI), a ministry devoted to the Ati people in Panay Island. The effort of gathering the Ati to the village began in 2013 with the fulfillment of the pastor’s dream of creating a community for his fellow Ati where they would no longer beg for food and would have a safe place to sleep. Since 2017, the ministry was provided with 24 concrete houses, a church building, a children’s center, an Ati orphanage building, and a concrete road project that connects the community to a nearby public school. All these were acquired through the joint efforts of non-governmental organizations and the local government. The Asia Pacific organization also provided a training on modern farming and donated seeds which the Ati have grown in the vacant areas within the community.

Bestowed with all these help, however, the Ati still cannot contain themselves within the village. The area lacks indigenous foods and medicines and the overall benefits of a traditional healthy lifestyle (Stephens, 2015). This is a reason why the Ati continue to move around and why they are exposed to various risks, especially amidst the present Covid-19 pandemic. Furthermore, Pastor Elosendo expressed in a news interview with *The Daily Guardian* (2017) that “though it is challenging to keep the Ati in one place, he is hopeful that with proper livelihood and access to social services, the Ati can thrive and even succeed in their new community.” These sentiments heard and learned from the Ati themselves reveal a desire, an aspiration, to thrive as a people with cultural integrity even in the village. Hence, this study.

OBJECTIVE AND METHODOLOGY

The socio-economic situation of the Ati in Lanit Village has improved through the years. The pooling of socio-economic assistance from both public and private organizations is impressive. Iloilo City, however, is not the Ati's land of birth. Although they are known as the earliest inhabitants of Panay Island, they cannot identify their ancestral domain. The rapid changes and development in the socio-political and geographic landscape of the region has further reinforced this difficulty in identifying their ancestral lands. Looked upon by society as "others," the Ati are still facing challenges on how to adapt and adjust to the non-Ati in the area. Considering their small population, the social pressure to "fit in," especially on the children and the adolescents, is strong. This pressure could lead to the weakening of their cultural fiber and, worse, to the total loss of their identity (Carlie, 2013). This experience of discrimination of the Ati residents in Lanit Village was not different from the experience of the researcher herself who has an Ati blood, according to her father. Although her mother does not concede to what her father told her, she was different from her six siblings due to her short stature, dark complexion and wavy hair. She grew up facing bullying and name-calling.

Understanding how cultural integrity be expressed, preserved, and protected in the context of the Ati residents in Iloilo City is essential for them to attain a dignified life. Thus, this paper aims to explore the discussion of cultural integrity as a distinct right provided in the IPRA of 1997.

To carry out this research, qualitative study was undertaken, utilizing secondary data in the form of legal and academic publications. These are necessary to augment the researcher's understanding and contextualization of the issue. Analysis of secondary data was then employed to achieve the main objective of this study. All throughout the research for, and writing of, this paper, the researcher's positionality of being a person with Ati blood played a role.

LITERATURE REVIEW

This part begins with defining the Ati as an indigenous group in Panay, Philippines focusing on their demographic and cultural attributes. It is followed by presenting how cultural integrity is construed as a concept and as a right.

Ati as an Indigenous Group

The Ati are also identified using different terms such as Ayta, Agta, Atta, Ita, and Batak (Gavino, 2020). As one of the ethnic subgroups under the collective term 'Negrito,' (Encyclopedia of Philippines Arts, 1994), the Aeta are known as the earliest inhabitants of the country. They are scattered in the various parts of the archipelago "from the Agta and Pugot of northern Luzon, to the Aeta of central Luzon, to the Ati and Ita of the Visayas, and to the Mamanwa (Lumad) of Mindanao" (Paredes, 2018). It is important to learn from the same article of Paredes (2018) that the process of naming these indigenous groups greatly depends on their location and self-ascription. This makes it difficult to determine their population demographics. Thus, until today no systematic census on the IP population has been undertaken in the country despite the efforts of various advocacy groups, the National Commission on Indigenous Peoples (NCIP), and the National Statistics Office, now the Philippine Statistics Authority.

The following paragraphs describe the cultural beliefs and tradition of this group in general. The Ati are known for their mobile lifestyle (De la Peña, 2009). In the words of Amper (2014), "migration is part of the Ati way of life." They move to sustain themselves. In fact, most of the Ati who are distributed in various settlements in Iloilo province generally originate from Antique. This movement to other towns and villages was propelled by economic opportunities offered by these places.

Nowadays, their subsistence includes foraging, livestock and poultry production, making and selling hard brooms, and farming and agriculture. Some families are recipients of the Pantawid Pamilyang Pilipino Program (4Ps) of the government and the outreach and extension activities conducted by non-government organizations and schools and universities (Tindowen, 2016).

Meanwhile, the ethnomedicinal knowledge of the Ati in Cebu was the central theme of a study conducted by Amper (2014). The rich tradition in ethnomedicinal knowledge is also evident among the Ati in Guimaras, Iloilo as revealed by the study of Ong and Kim (2014). One important observation made by the authors, however, is that this traditional knowledge is slowly being eroded (Ong and Kim, 2014).

The researcher's engagement with the community started in 2017 during the conduct of extension activities for the barangay or village. She learned about the Ati practice of 'pangayam' or hunting of monitor lizards and turtles. As shared by an Ati mother, the Ati

believe that eating monitor lizards or turtles once a week or a month prevents them from contracting diseases. The existence of this belief was affirmed by a field interview conducted by Jason Maentz, an American documentary photographer, with the Ati in Iloilo. The interview also shows that Ati beliefs concerning food and herbal medicine still continue to this day.

As a vehicle of cultural transmission, language is crucial in shaping and maintaining cultural identity. In his study, Headland (2003) identifies more than 30 Negrito languages as endangered. This implies that cultural values and meanings are also endangered and eroding. An interview with an Aeta mother in Zambales conducted by Licen, et.al (2012) reveals the desire of the mother to use the Aeta's own indigenous language in teaching their children in school. One observation made by Ocampo and Ocampo (2014) is that these tribal people do not give much importance to formal education since their primary concern is to secure food and other basic needs for themselves. Hence, researchers also concluded that these people are one of the most deprived cultural minorities in the country, if not indeed the most deprived among the lot (Headland, 1986; Torres, 2012).

On Cultural Integrity

The Manitoba Arts Council provides one definition of cultural integrity as “the practice of respecting and honoring the ownership of materials, traditions, and knowledge that originate from a particular culture or community.”

Cultural integrity as a right does not appear in any of the international human rights treaties and international human rights standards although it has been used as a legal concept encapsulating all the different aspects that are essential to indigenous peoples' cultural rights. Gilbert concludes that embracing cultural integrity as a right could provide a comprehensive and holistic approach to advancing the best interest of indigenous peoples in terms of identity and cultural heritage protection (Gilbert, 2017).

In the Philippine context, the 1987 Constitution provides the anchor for recognizing, respecting, and protecting the rights of IPs to preserve and develop their culture, traditions, and institutions. To enforce this constitutional mandate, Republic Act No. 8371 otherwise known as the IPRA (1997), was enacted. This law provides indigenous peoples with four bundles of rights, vis-à-vis ancestral domains/lands, self-governance and empowerment, social justice and human rights, and cultural integrity. In Rule VI Section 2 of the IPRA, cultural integrity is defined as,

“The holistic and integrated adherence of a particular ICC/IP community to their customs, religious beliefs, traditions, indigenous knowledge systems and practices and their right to assert their character and identity as peoples”.

This mandate was delegated to the National Commission on Indigenous Peoples (NCIP) as the primary and independent institution for implementing the provisions of IPRA.

Although this specific right to cultural integrity is provided separately, the law explicitly mentions in its Rule III vis-a-vis rights to ancestral domain that “ancestral domains and all resources found therein shall serve as the material bases of their cultural integrity.” Therefore, the researcher argues that the definition that the IPRA provides for cultural integrity is collectively understood and anchored in the context of the ancestral domain.

To illustrate, Amos (2004) presented the Cultural Integrity Framework designed by Datu “Migketay” Victorino L. Saway to show how the Agta-Dumagat people continue to assert their customary control as managers of the forest while enhancing their cultural cohesion and viability. This IP group is living within their ancestral domain and are therefore capable of regulating the entry of migrants, managing their collective resources, and protecting their culture and heritage.

This raises a concern regarding the context of the Ati in this study because they are ‘city migrants.’ In contrast with the Agta-Dumagat who have established settlements, the Ati community does not have a structured traditional political organization within the village, or an educational system that responds to the needs of their cultural life. They are the ones assimilated to a larger non-Ati community.

DISCUSSION

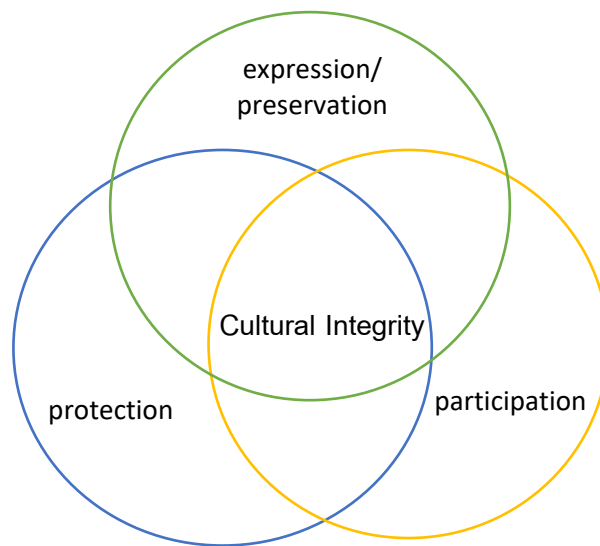


Diagram 1. Understanding Cultural Integrity

Analyzing the literature reviewed above helped the researcher understand that cultural integrity is an umbrella concept covering several cultural rights. In IPRA, it is discussed and construed as a distinct right of indigenous peoples. To secure the integrity of cultures and all its aspects, the indigenous group must have the right to preserve and to protect their identity and heritage, and to be able to participate in decision-making on matters that would affect the preservation, expression, and protection of their culture. These three elements, the researcher argues, are necessary for conceptualizing and understanding cultural integrity. If presented in a Venn diagram, it can be seen that the concept does not include ancestral domain as a key determinant in understanding cultural integrity among indigenous peoples, contrary to the discussion in most literature. The researcher argues that connections with their territories are inherent among indigenous peoples in the world. This paper does not discount the significance of such connections. As a distinct right provided by Philippine law, however, fencing the preservation, expression, and protection of cultures with the phrase “within ancestral domain” opens a room for debate on the true intent and construction of the IPRA. The existence of this law that was created to advance the rights and well-being of indigenous peoples is indeed laudable. The country has taken the crucial, initial step to carry out this task 23 years ago.

The terms of the IPRA, however, do not address the plight of the Ati who are caught within city walls. Understood holistically, the provisions on the rights to self-governance and

empowerment, social justice and human rights, and cultural integrity always go back to their right to ancestral domain. Even the Free Prior and Informed Consent or FPIC that is supposed to be the source of the empowerment of IPs appears to be less significant in this context because the law provides that the ICCs/IPs shall have the right to accept or reject a certain development intervention within their community. The basis in assessing this power to accept or reject wielded by the IPs shall primarily be the conservation and protection of their ancestral domains/lands, among others. This leaves the situation of the Ati in Lanit Village at odds with the terms of the law.

Understood as a holistic concept, cultural integrity can be secured and protected if the Ati are in control of preserving and protecting their cultural life, and when they are treated as active participants in the decision-making process in matters that would affect them. Their lack of awareness, the researcher argues, about their fundamental rights under IPRA makes them voiceless and, if they do have a voice, not yet empowered to invoke these rights.

CONCLUSION

The indigenous people's right to cultural integrity ought to be the source of their empowerment, not of their further marginalization. As an all-encompassing concept, cultural integrity truly caters to the many facets of the cultural life of indigenous peoples. The provision of cultural integrity as a right under the IPRA is also a great leap for the Philippine government in advancing the welfare of indigenous peoples. Defining and understanding cultural integrity both as a concept and as a right, however, continues to look for more avenues of discourse.

The Ati are no different from other indigenous groups in the country. Within or outside their ancestral domain or lands, they can invoke their right to cultural integrity to the state, which is duty-bound to respect, protect and fulfill this right.

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BETWEEN THE STATE AND THE ELECTORATE? HOW CAMBODIAN JOURNALISTS DEFINE DEMOCRACY

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ABSTRACT

Once praised as a successful case of externally administered democratic transition, Cambodia is sliding further towards authoritarianism. Journalism and democracy have long been closely intertwined. In democracies, journalists are ascribed key roles in democracies: as watchdogs to monitor government performance, to represent the public, and as a source of information for the electorate and the state. Employing a qualitative approach, this paper seeks to explore how Cambodian journalists define democracy. Primary data was collected through semi-structured interviews with 10 Cambodian journalists. Participants shared a broad definition of democracy, that includes protecting and upholding human rights as essential element. No participant would consider Cambodia fully democratic given the constraints on civil and political rights, weak rule of law and lack of a substantive multi-party system.

Keywords: Democracy, Journalism, Human Rights, Cambodia.

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INTRODUCTION

This paper presents preliminary findings of how Cambodian journalists understand the concept of “democracy”. Cambodia, once praised as a successful case of liberal peacebuilding and externally administered democratic transition, is sliding further towards authoritarianism. It is of crucial importance to hear local perspectives of democracy to understand to what extent the concept of “democracy” is consolidated among the electorate. To do so, this paper focuses on how journalists define democracy. Journalists play an important role in facilitating discourse and relaying information to the electorate. If one assumes that journalists function as a bridge between the state and the electorate, it is essential to understand how the people actively contributing to democratic elements make sense of democracy.

BACKGROUND

Cambodia is an example of a country with a relatively young history of democracy. In 1993 the United Nations Transitional Council (UNTAC) paved the way for the first free elections after several decades of civil war and the end of the brutal Khmer Rouge regime (Croissant and Lorenz, 2018, pp.39–40). While the case of Cambodia has initially been praised as a successful intervention by the United Nations to bring democracy to the Southeast Asian country ravaged by a brutal regime and a decade of civil war, the situation 40 years later is far from the democratic vision that the UN held in the early 1990s. While the Cambodian constitution guarantees that the country is a “liberal multi-party democracy”, reality leaves a lot to be desired. The country is run by prime minister Hun Sen, who has been in the position for more than 30 years and holds the country in a tight grip: the major opposition party was banned in 2018, freedom of the media and expression are severely restricted, and land rights frequently violated (Baliga and Chakrya, 2017; Meixler, 2017). Democratic processes and structures – while still existing – are characterized by corruption and superficiality and the economy is highly dependent on foreign aid (Un, 2005; Ear, 2013). Politics are characterized by large patron-clientelism networks. In the 2018 elections, after the opposition party, the Cambodian National Rescue Party (CNRP), was banned and its leader arrested, Hun Sen’s Cambodian People’s Party (CPP) won all 125 seats in the National Assembly, turning the country into a de-facto single-party state.

After the information infrastructure in Cambodia was almost completely destroyed during the Khmer Rouge regime and the ensuing civil war the media landscape had to be rebuilt

in the 1990s. When UNTAC came to the country they made the establishment of a free, independent press an important cornerstone of peacebuilding in Cambodia, and press freedom was enshrined in the 1993 constitution. Cambodia saw a boom in mass communications starting in 1991 and lasting until the end of the decade (McDaniel, 2007, p.78). According to a 2016 study, the most popular sources of information for Cambodians are the internet and Facebook, followed by television and radio (Phong, Srou and Solá, 2016, p.19). 48 per cent of Cambodians have at least one smartphone and almost half of Cambodians have claimed to have accessed the internet or Facebook (Phong, Srou and Solá, 2016, p.9). With the rise of the internet many Cambodian newspapers, television stations and radio channels have also increased their online presence. Although many TV and radio stations are privately owned, many of the private owners of media outlets are closely affiliated with political parties (Media Ownership Monitor, 2018). Radio is an important medium because it is a low-cost medium that does not require literacy or a connection to the electricity grid (Beban, Schoenberger and Lamb, 2019, p.5). In addition, many radio programs will read out newspaper articles, thereby slightly increasing the audience for print media. Print media play a small role in the Cambodian media landscape with only two per cent of Cambodians reading newspapers (Un, 2011, p.552). Reasons for the unpopularity of print include low literacy rates and distribution issues across the country (Wagstaff, 2010; Un, 2011). Even though there are more than 460 registered print outlets, only about 50 of them are considered as active (Media Ownership Monitor, 2018).

2017 saw a heavy crackdown on independent media in Cambodia. After the Cambodian National Rescue Party (CNRP), the major opposition party which subsequently was dissolved in 2018, gained a significant share of votes in the local commune elections, the government increased restrictions on press freedom in the country. The Cambodia Daily, one of two, independent, English-language newspapers was forced to shut down after being accused of failing to pay \$6.3 million in taxes (Reporters Without Borders, 2018, p.4). The second independent, English-language newspaper, the Phnom Penh Post was sold to a Malaysian investor, Sivakumar Ganapathy, in May 2018. Ganapathy is the CEO of Asia PR – a public relations firm that has previously worked for Hun Sen (Wallace and Ives, 2018). Ahead of the 2018 national elections and after the closure of the Cambodia Daily, Radio Free Asia (RFA), a US government-funded radio station that was broadcasted throughout the country, closed its office in Cambodia. The Cambodian government suspended at least 19 radio stations that broadcasted the program of RFA and a second, independent radio station, Voice of Democracy (VOD) (Len and Paviour, 2017). In addition

to the forced closures of independent media outlets and the sale of the once independent Phnom Penh Post, journalists also faced harassment and intimidation.

HOW TO DEFINE DEMOCRACIES?

Democracies are widely considered the only legitimate type of political regime in today's political discourse (Michelutti, 2007, p.640). Almost every country considers itself a democracy, however there is no universal definition of democracy. Instead, the concept often functions as an umbrella term for several associated political processes and institutions. Landman differentiates between three categories of democracy definitions: procedural, liberal and social democracy. He bases this categorization on how much overlap the definitions share with human rights (Landman, 2013, pp.25–38). Procedural definitions include contestation and participation as key dimensions of a democracy and are considered the narrowest democracy definitions. One such narrow definition is offered by Schumpeter “the democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote” (Schumpeter, 2003, p.269). This definition employs a very low threshold to characterise a regime as democratic. The mere existence of elections seems to be enough. Another prominent procedural definition of democracy comes from Robert Dahl. Dahl considers a democracy to be the ideal type of regime but acknowledges that it is a theoretical utopia to achieve. He outlines five democratic criteria: 1) voting equality, 2) effective participation, 3) enlightened understanding, 4) control of the agenda by citizens and 5) inclusion (Dahl, 1989, p.222). Dahl introduces the idea of a polyarchy, which describes the form of government found in a democracy, as a concept that can be achieved. Within a polyarchy “citizenship is extended to a relatively high proportion of adults and the rights of citizenship include the opportunity to oppose and vote out the highest officials in the government” (Dahl, 1989, p.220). Liberal definitions of democracy build on procedural definitions of democracy and keep the two key dimensions of participation and contestation but add a rights dimension. They include the protection of civil and political rights. Diamond stresses that “democratic structures will be mere facades unless people come to value the essential principles of democracy: popular sovereignty, accountability of rulers, freedom and the rule of law” (Diamond, 2008, p.20). He includes freedom of publication and broadcast as one of the attributes needed for liberal democracy (Diamond, 2008, p.22). Further, equal access to public media plays a role in determining electoral fairness according to Diamond (Diamond, 2008, p.25). In a similar vein, Sørensen also includes “a level of civil and political liberties” in his conditions

for a democracy (Sørensen, 2008, p.14) According to Landman, social definitions of democracy are the definitions of democracy that share the greatest overlap with human rights. That is because aside from including civil and political rights, they also include social and economic rights. One such substantive definition of democracy comes from David Held. Held bases his definition of democracy on the principle of autonomy. Held also echoes Dahl's criteria for democracy but goes on to stress the importance of granting and protecting social and economic rights to ensure a democracy (Held, 2006, p.278).

DEMOCRACY IN CAMBODIA

Elements such as free and fair elections, majority rule and autonomy of civil society have a relatively long-standing tradition in several Western countries. Many scholars today argue that democracy cannot necessarily be applied universally. Therefore, what is essential in understanding democratisation on the ground is an understanding of the local context (see Goodin and Tilly, 2006). Harris, Stokke and Törnquist emphasise the need for a broader definition of democracy, that focuses not on the existence of formal democratic characteristics – such as the existence of free and fair elections and democratic institutions – but instead argue that a democracy should be tested on whether formal democratic rights and institutions have real meaning for the people (Harriss, Stokke and Törnquist, 2005, p.6). Cambodia today is often characterized as a country that maintains a hybrid negative peace. This hybrid negative peace is characterized by a superficial democracy, rather than a democracy that is fully anchored in political culture, where democratic institutions and processes have real meaning for the citizens, as envisioned by Harriss, Stokke and Törnquist. Several scholars conclude that the attempt to externally introduce democracy to Cambodia has led to a “hybrid negative peace”, rather than establishing sustainable, positive peace (Öjendal and Ou, 2013; Simangan, 2018; Roberts, 2008; Un, 2005). Baaz and Lilja find that that the politics of presence and representation matter more in the Cambodian context than the politics of ideas, which are more important in traditional Western democracies. Politics of ideas describes a political focus on views, ideas and ideologies, whereas the politics of presence in the Cambodian context pertains to a political focus on who is representing the voter (Baaz and Lilja, 2014, p.9).

METHODOLOGY

The data used in this paper was collected as part of the research for my graduate thesis. To collect data ten Cambodian journalists were interviewed. Six of the interviews were

conducted in English, four were conducted in Khmer with the support of a Cambodian translator. The participants work for a variety of media outlets in Cambodia; including outlets that are traditionally considered closer to the government, such as Hang Meas TV or CTN; media outlets that can be considered somewhere in the middle, such as Thmey Thmey, and outlets that are widely thought to be more independent, such as Voice of Democracy, Voice of America and RFI Khmer. The outlets include TV stations, radio stations and online news. The interviews were transcribed and analysed using the thematic analysis approach based on Braun and Clarke (2009).

HOW CAMBODIAN JOURNALISTS UNDERSTAND DEMOCRACY

Comparing the definitions of the Cambodian participants with the different categories of democracy definitions outlined by Landman, most participants included human rights, especially freedom of the press and freedom of expression in their definition, thereby resembling social and liberal definitions of democracy. When asked about elements that they would consider important for a democracy, participants especially highlighted freedom, elections, the power of the people, public participation, rule of law and separation of powers.

Freedom, including freedom of the press and freedom of expression, was mentioned by almost all the participants. One participant said that the first thing that comes to mind is “freedom of expression and human rights and the rights that people are able to seek information and also speak up and express what they think” (Interview 8). Another participant highlighted that when people can't voice their opinion freely, problems that they are having cannot be fixed or heard” (Interview 7). Freedom of expression being part of a set of civil and political rights is usually included in broader definitions of democracy, underlining that the Cambodian journalists interviewed tend to favor a broad definition of democracy that focuses on the quality of democracy and not just on the formal existence of certain mechanisms, processes, and institutions. These relatively broad definitions of democracy that were put forward by Cambodian journalists, especially journalists working for more independent media outlets, might also have been established due to the discourse on human rights and NGOs in Cambodia and capacity building that has been supported by various international donors to strengthen the Cambodian independent press.

While the connection was not explicitly mentioned by all participants, the underlying idea of freedom of expression and its significant importance within a democracy is the idea that a democracy is a form of government that represents the will of the people. Some journalists pointed out how the will of the people is central to democracy:

“My views it's talk about the people in society power. Mean that the people have the power to choose, to do, to choose the leader or mean that they have joined freely in their society living. (Interview 7, Pos. 26)”

“Basically, freedom of expression of the public and their rights and that's it. So really prioritising the public opinion.” (Interview 9) (Q: What would you consider important elements of democracy?)

“Democracy is about the people power. About the people power it's about the election as well. Election it means like people vote for their representative and the representative that has to work to promote the benefit of the people, of the publics.” (Interview 5)

As the participant in Interview 5 mentioned, the people's power is often expressed through elections in a democracy. Elections as a democratic element also seemed to have been assumed by many of the participants. This indicates that the elements of narrow definitions of democracy which focus mainly on arriving at political decisions through the process of elections that represent the population of a given country, are elements that many people can agree on and consider essential elements of a democracy. When it comes to elements that might be included in broader definitions of democracy there is a little bit less of an overall agreement. For example, only two of the ten participants also connected democracy to economic elements and income levels. One of the participants, who works for a media outlet that considers itself to be neither pro-government nor incredibly critical of the government, highlighted the importance of wealth distribution and the connection between democracy and development throughout the interview:

“To me frankly speaking I am not satisfied with the current distribution of wealth, I see a lot of ultra-rich people riding Rolls Royce on the street where many people are poor. [...] So, to me if it comes to democracy, I want to see a fair distribution of wealth in terms of how you create opportunity for everyone, how you provide a

service that should be benefitting people in the urban areas as well as people in the countryside. And of course, freedom.” (Interview 3)

Highlighting the issue of inequality in Cambodian society is more in line with Held’s concept of democracy which posits that social and economic rights should be granted and protected to ensure a democracy. All participants agreed that democracy is a gradual process. It is not something that either exists or not, instead countries can vary in how democratic they are. While the journalists working for more independent and critical outlets were quick in pointing out that Cambodia could only be considered a democracy according to its constitution but not in practice, some working for less critical media outlets were a bit more hesitant. They would still call Cambodia democratic but think there are several gaps in the democratic system. According to the participants gaps include the lack of serious opposition parties, the intimidation of journalists and human rights activists, access of information for journalists, and a lack of public participation in political processes. The categorization of Cambodia as democratic with major gaps, made by all but two participants, is mirrored in the academic discourse to in which Cambodia is often to referred to as hybrid democracy (Baaz and Lilja, 2014).

One major event that stood out was the dissolution of the major opposition party CNRP in 2018. Many of the participants felt that this was undemocratic. This infers that one element that Cambodian journalists would include within the concept of “democracy” is a multi-party system that offers different options for people to cast their vote and have their opinions represented. Another aspect that came up in the conversations was the importance of understanding the local Cambodian context to understand democracy in Cambodia. One participant for example lamented that many people don’t have enough time to focus on democracy because they are poor and need to focus more on survival than on how they are being governed. Further, the historical background and political culture of Cambodia was highlighted by another one of the participants.

“Of course, there are lot of factors involving, democracy. What happened in the history, the culture and our mindset. And we think of what we have had right now and also cultural lesson of what will happen when certain things will be done. Because Pol Pot regime war over thirty years and we don't want it to return and of course we enjoy something that we have right now, especially younger people I think they have different perspective on what they have been enjoying so far. [...] So, because of that the concept of democracy might be at least modified to and people

tend to not think about the standard of democracy as the same as the democracy in the other developed country.” (Interview 3)

What stood out in this is both, the importance of understanding the local context but also that several participants when asked whether they think they are currently living in a democracy would compare Cambodia to other more “developed” countries. This might be due to the on-going narrative of Cambodia as a developing country that should not be held to the same standards as developed nations, a narrative that is very present in Cambodian society and Cambodian political discourse.

CONCLUSION

To sum up, the Cambodian journalists that were interviewed for this research share a relatively broad conception of democracy. They highlight more narrow elements, such as elections, and elements included in liberal and social definitions of democracy, such as press freedom, freedom of expression, political participation, and autonomy. This broad definition of democracy proposed by Cambodian journalists aligns well with more substantive definitions of democracy that include the quality of democratic processes and institutions. However, currently Cambodian democracy is far from a substantive democracy. The crackdown on the press has intensified during COVID-19 and 2020 saw strong constraints on protesters (Strangio, 2020; Human Rights Watch, 2020). With journalists often functioning as a bridge between the electorate and the state it is crucial to understand how they understand democracy since they can have a significant impact on the political discourse in Cambodia. However, given the recent development in the country, it remains questionable whether Cambodian journalists will be able to freely fulfil their democratic role, facilitating discourse between the state and the electorate and delivering information to the Cambodian population.

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POLICY ENGAGEMENTS FOR A JUST DECARBONISATION: CHINA'S 2060 CARBON NEUTRALITY PLEDGE'S RAMIFICATIONS FOR THE SHANXI COAL INDUSTRY WORKFORCE

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ABSTRACT

To achieve its ambitious carbon neutrality pledge by 2060, China, whose energy mix is still largely dominated by coal, must progressively phase-out coal-fired power plants. Being highly polluting, coal is no longer perceived as suitable to promote a sustainable, clean, and long-standing economy. Shanxi, a landlocked northern province, is considered one of China's most coal-dependent provinces and accounts for a significant coal workforce depending on the industry. Such a transition will, therefore, considerably alter the economic prospects and labour relations of this province. Considering the inevitability to lay-off coal workers, the objective of this paper is to determine how just China's policies are in context of Shanxi's decarbonisation and the impacts of the transition on coal workers. Specifically, it examines if Shanxi will lead a 'just decarbonisation', emphasising a just transition in industries to be decarbonised in respect to the right to decent work.

To answer the main research question, this paper conducted a qualitative content analysis of available policy documents that support coal workers in Shanxi, as well as semi-structured interviews with experts of China's environmental policies. Through a human rights-based approach and the concept of environmental justice, this paper found that numerous policies are available to support coal workers throughout unemployment and re-employment, aligning with the definition of decent work and the three types of environmental justice, but that workers from private firms are the most vulnerable to the transition.

These results suggest that different needs and employment difficulties are identified and recognised within policy documents but that they account for workers in state-owned

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enterprises, leaving out workers from private firms who do not receive support and depend on their employers. As many private coal-fired power plants have already merged with SOEs, the concept of just decarbonisation is respected within this setting.

Keywords: Just Decarbonisation, Coal Workers, Environmental Justice, Carbon Neutrality, Policy Support.

INTRODUCTION

With the emergence of worldwide concerns revolving around carbon emissions, climate change and pollution, governments and policymakers have started to slowly incorporate greener strategies and strengthen environmental policies. International agreements, such as the Paris Agreement signed in 2016, reinforce the necessity for global action in climate change mitigation and reduction of carbon emissions. To this day, the world's largest emitter of carbon dioxide, China, has recently become the world's largest investor in clean energy and has demonstrated significant efforts in reducing its emissions over the past decade. Indeed, China's main national strategic plan, the Five-Year Plans for Economic and Social Development, have included strong climate and environmental policies since the early 2000s. In September 2020, the Chinese President Xi Jinping announced that China pledges to become carbon-neutral by 2060 with an expected peak in carbon emissions by 2030. This announcement will shape China's future plans and strategies as this pledge now became one the major long-term national ambitions that the country is currently holding.

Nevertheless, almost 60% of China's energy mix consumption comes from coal, contributing to most of the country's carbon emissions. To achieve carbon neutrality, coal should, therefore, be drastically cut down. Such a phase-out would evidently have severe ramifications on the workforce to be discharged from their employment. According to Qiao, Chen, X. Dong, and K. Dong (2019), coal contributes to fifteen Chinese provinces' GDP and creates strong dependence in terms of extraction, production, or consumption. Phasing out coal in these provinces in an inadequate way will certainly lead to mass unemployment, reduction in economic growth and decline in living standards. With this in mind, can unsustainable energies or industries be phased-out in a *just* manner in consideration of those who will be impacted by the transition? Comparable to a 'just transition', this question can be answered with the term 'just decarbonisation' which

helped determine whether the government of China is implementing policies to support sectors most affected by decarbonisation. Essentially, this term aims to decrease the focus on the European centric frame of 'just transition', including renewables, by entirely focusing on the decarbonisation of the fossil fuels sector. The coal industry represents an enormous contribution to China's economic development and stability; however, the country is aware of its unsustainability and uncleanliness and is, therefore, preparing for its phase-out. In this regard, an unjust phase-out could have serious impacts on the communities, the country's economic stability and its energy security.

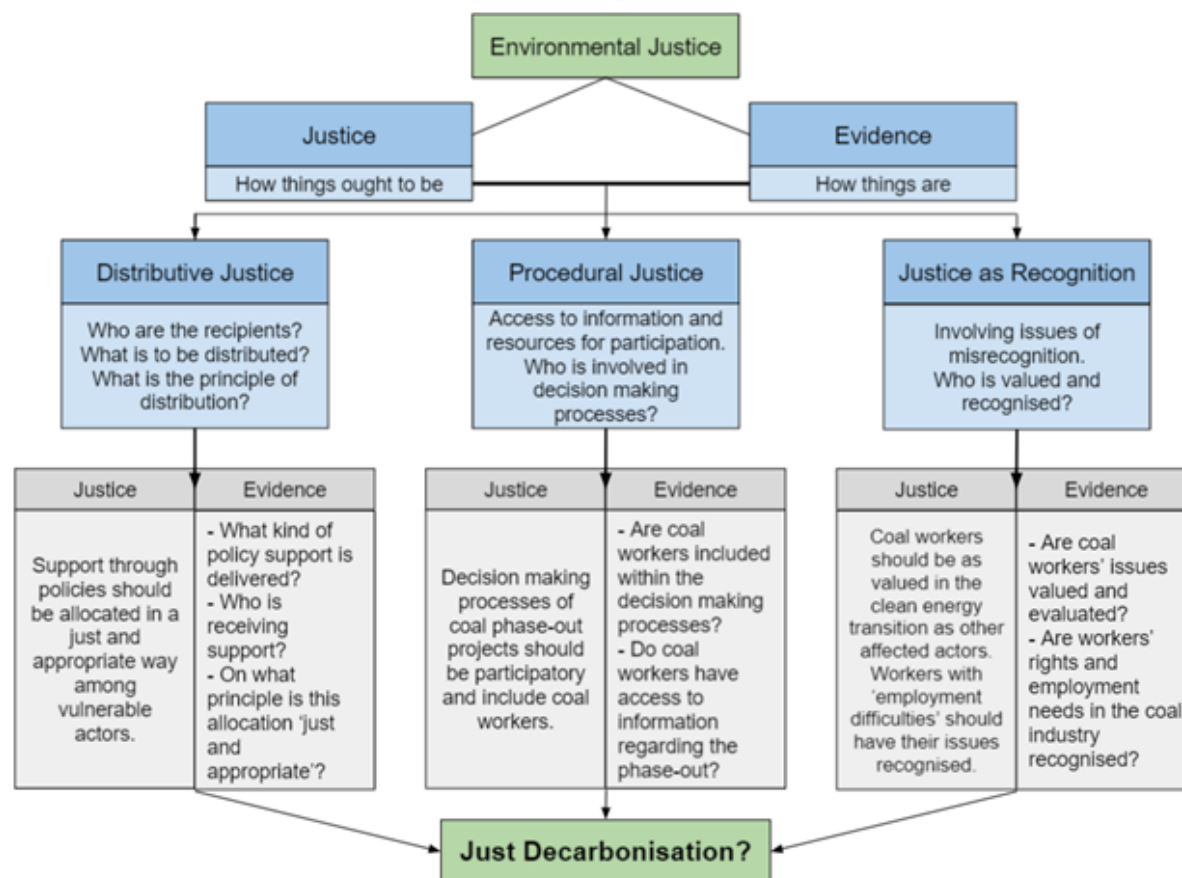
The purpose of this paper is to analyse China's national and provincial policies regarding the framework of 'just decarbonisation'. The aim is to determine whether the government is including support to affected actors in its policies to alleviate the inevitable phase-out. This essay focuses on the province of Shanxi, a landlocked Northern province with one of the largest shares of coal consumption in the country. The term 'just decarbonisation' acts as a foundation of this thesis, putting an emphasis on traditional industries to be phased out, instead of focusing on the new green industries. Through this paper, the three pillars of sustainable development, economic development, social equity and environmental preservation, are aligned and analysed jointly to provide clear reasoning of what Shanxi's decarbonisation resembles.

CONCEPTUAL FRAMEWORK

Environmental Justice

To provide a framework to the knowledge gap that this paper addresses, the concept of environmental justice is relevant. Figure 3 highlights the two aspects of *justice* and *evidence* described in Gordon Walker's book 'Environmental Justice: Concepts, Evidence and Politics' set a groundwork on what environmental justice really is. In his book, Walker (2012) describes justice as representing what things ought to be, in a normative sense, with respect to a particular issue and place. In contrast, evidence refers to how things are at this particular place, in a descriptive sense. In relation to just decarbonisation, justice would generally refer to supporting workers and understanding their needs, whereas evidence would look at statistics and information of workers' situations.

Figure 1: The environmental justice framework in a just decarbonisation



In order to clarify what the word 'justice' further means in particular cases, the term is divided into three types of justice. Firstly, distributive justice is associated with understanding who are the recipients of this justice, what is to be distributed and by which principle the distribution occurs. In the context of this paper, coal workers should be supported through policies in consideration of their current needs and vulnerability. It would then be substantial to comprehend what kind of support policies are attributed, how it is distributed, and who is receiving it.

Secondly, procedural justice regards who is involved in the decision-making processes and policymaking. For a project or policy to be considered 'just', the processes to implement it should include every affected actor's voice. In the case of decarbonisation in the coal industry, coal workers should then be participating in the decision-making processes to share their thoughts and feelings on the delivery of the project. Having affected people directly involved in a project will certainly increase the likelihood for this project to respect communities' rights and secure livelihoods.

Lastly, justice as recognition focuses on the vulnerable actors that are not granted enough recognition, and therefore, not considered within the policy processes. With respect to just decarbonisation, the aspect of justice as recognition is essential and most particularly relevant. Indeed, justice as recognition designates which issues are currently recognised and puts a framework on determining why a certain issue is invisible and absent from policy making. If an actual policy gap exists, it is essential to understand how this gap is produced, intentionally or not, and why injustice occurs in this particular framework. Among coal workers, it is essential to identify areas of misrecognition within demographic groups, such as age, gender, or disabilities. Individuals belonging to these groups may require further support and their needs should be valued and recognised.

Human rights-based approach

To help critically engage with the issue, a human rights-based approach was utilised as a measure of justice. The table below (Table 1) indicates all rights from the Universal Declaration of Human Rights or International Labour Organisation involved with each type of environmental justice and the specific ones this paper concentrates on. Several rights such as right to social security, life, decent work, adequate standards of living and freedom from discrimination are involved within distributional justice as it aims to determine the just and appropriate distribution of policy support among actors. As laid-off coal workers are entitled to the right to decent work, adequate policy support should be fairly allocated to each of them. By that, this paper focuses on the right to decent work and the right to security in the case of unemployment. Secondly, procedural justice involves rights such as the right to participation, the right to assembly and the right to information while determining who is involved in the policy processes. This paper, thus, concentrates on the rights to participation and access to information which should display whether coal workers have access to information and resources needed for participation and if their voices are being considered in the policy making. Lastly, justice as recognition focuses on the social aspect of distributive justice's just allocation by determining whether misrecognized actors' issues are valued. In similar way than distributional justice, justice as recognition involves the right to life, to adequate standards of living and freedom from discrimination. However, in this paper, the justice as recognition type focuses on the freedom from discrimination to examine misrecognised actors and if their issues are being undervalued due to belonging to a certain demographics such as gender or age.

Table 1: Association between environmental justice and the human rights-based approach

Type of Environment Justice	Rights involved	Rights that this paper focuses on
Distributional Justice	Right to social security Right to decent work Right to life Freedom from discrimination Right to adequate standards of living	Right to decent work Right to adequate standards of living (security in the case of unemployment)
Procedural Justice	Right to participation Right to assembly Right to access information	Right to participation Right to access information
Justice as Recognition	Right to life Right to adequate standards of living Freedom from discrimination	Freedom from discrimination

METHODOLOGY

To answer the research questions, this paper employed qualitative methods of research through a combination of document analysis as well as semi-structured interviews analysed through a content analysis. Through the conceptual frame of environmental justice, the content was analysed with a human rights-based approach, with respect to workers' rights. The qualitative expectations of this paper, with respect to the degree of justice displayed in policies regarding the coal phase-out, are that China recognises the right to decent work and unemployment issues on a distributional justice and justice as recognition level. However, the degree to which procedural justice is respected is expected to be relatively low in consideration to China's power relations and political economy.

Content Analysis: Document Analysis

Firstly, a content analysis was conducted by analysing relevant documents concerning Shanxi's decarbonisation plans and current situation regarding its coal industry. Through

concept triangulation, documents were analysed through the conceptual frame of environmental justice to comprehend how such documents can be perceived in consideration of China's power relations and political economy. This content analysis used for document analysis is retrieved from the 'directed content analysis' approach, utilised to validate or confirm a conceptual frame, described in Hsieh and Shannon's 'Three Approaches to Qualitative Content Analysis (2005)'. Through a deductive process, predetermined key-terms, based on the research questions and conceptual framework, were chosen to extract information relevant to this paper from sixteen policy documents or action plans referring to Shanxi's progressive coal industry phase-out.

Semi-Structured Interviews: Interviews with experts

Secondly, in-depth semi-structured interviews were conducted with experts of China's energy and carbon reduction policies. The interviewees were selected, firstly, through a purposive sampling approach based on their expertise on the subject and relevant papers they have published and then a snowball approach. A total of nine interviews from research institutes and lending organisations were conducted for this research. Semi-structured interviews were chosen to follow a clear interview guide and cover specific topics but still allow the interviewer and interviewee to look upon additional trajectories if needed or adequate to the research's objectives, based on Schmidt's description (2004). These interviews were used to collect information on relevant aspects of this paper, such as Shanxi's current situation, views on proposed policies with respect to environmental justice and different actors, or potential scenarios of China's future coal industry. In consideration of the COVID-19 pandemic, the interviews were held via Zoom and Webex.

Content Analysis: Semi-Structured Interviews

Through an inductive process, a content analysis was employed to analyse the previously conducted semi-structured interviews. In a similar way to the document analysis, the interviews were analysed while taking the concept of environmental justice and human-rights based approach as lenses to analyse China's state-society relations in reference to each of the interviewees and their statements. All interviews were transcribed in English word-for-word by the author manually or through transcription software such as *Otter.ai*. This content analysis used for semi-structured interview analysis is retrieved from the 'conventional content analysis' approach, utilised to describe a phenomenon while allowing new insights without the use of predetermined terms, described in Hsieh and Shannon's 'Three Approaches to Qualitative Content Analysis (2005)'. Dominant codes and categories were extracted from the interviews and analysed based on the concepts of

environment justice and just decarbonisation. While analysing the answers provided in the interviews, it was necessary to take into account the position of each of the interviewees to cite the interviews in their proper context and not take it as an objective truth.

FINDINGS

The findings show that the three types of environmental justice are respected to different extent among the support policies available to laid-off coal workers. As demonstrated in Table 2, distributional justice is the category with the most retrieved codes, especially through the codes of ‘social integration’ and ‘unemployment security’ that are largely represented in the documents. Certain codes such as ‘social protection for families’, ‘age’ and ‘equality of opportunity’ could be associated with the ‘employment difficulties’ code which included such terms in its definition.

The analysis gives a clear understanding that the formulation of Shanxi’s policies supports a just decarbonisation. In regard to distributive justice, the right to decent work helped understanding that numerous policies are available to workers seeking re-employment. Indeed, opportunities of training, entrepreneurship promotion, training subsidies, diversification of employment are available and promoted in the province. The right to adequate standards of living and the unemployment security code helped determine the policy subsidies available to different types of laid-off coal workers. It was concluded that multiple different options are available to workers seeking unemployment security such as insurances and subsidies. Nevertheless, the interviews revealed that workers from private enterprises were not supported, and all policy support analysed accounted for workers from SOEs. Such information is relevant to the understanding of what a just decarbonisation means. In the particular context of Shanxi, other interviewees shared that private coal enterprises do not exist anymore in the province as they have merged with bigger SOEs in recent years. Regarding other disparities, the ‘equality of opportunity’ code revealed that rural workers’ needs and issues were recognised, and additional support was distributed to them in understanding of their low mobility.

Procedural justice was the category with the least codes retrieved as expected. Such differentiation can be understood as this category does not require an extensible description in comparison with other categories that require clear enunciations of the policies offered. Despite being limited, aspects of procedural justice are not inexistant and

levels of recognition are presented. Certain documents and interviewees expressed the importance of labour unions and platforms for participation and information accessibility regarding the coal phase-out.

While it focused on different demographics, justice as recognition aimed to determine if misrecognized actors were valued. In this category, the codes used focused on age, gender and employment difficulties which symbolised actors most vulnerable to finding re-employment. Likewise distributive justice, policies supporting such actors were extensively described, apart from the gender perspective in consideration of the male-dominance in the coal industry. A strong attention was given to supporting elderly as a significant part of the coal workforce is older. By this standpoint, the term ‘employment difficulty’ is largely recognised in policy documents and was defined as regrouping all individuals with difficulty of re-employment such as elders, people with disability or work-related injuries or zero-employment family members. As stated, such recognitions are necessary to expect a just decarbonisation that respects and understands workers’ needs and addresses them through adequate and sustainable policy support packages.

Table 2: Predetermined Codes and Categories in Policy Analysis

Categories	Codes
Distributive Justice (174)	Right to decent work Fair wage (7) Social Protection for Families (9) Social integration/Re-employment Opportunities (81) Equality of opportunity (18) Right to adequate standards of living Unemployment Security (64)
Procedural Justice (11)	Right to participation (4) Right to information (9)
Justice as Recognition (57)	Freedom from discrimination Age (25) Gender (2) Employment difficulties (30)

DISCUSSION

The study's findings were relatively expected when considering China's continuous efforts regarding carbon reduction policies and socio-economic growth over the past decades. Clearly, the country is aware of the importance of decarbonising in an appropriate way. This paper allowed the questioning of China's desirable 'just decarbonisation'. Indeed, through the environmental justice framework and the human rights-based approach, this essay found that all aspects of justice selected for this study were, to different extent, formulated and recognised in the policy documents. As stated in the Research Methods section, the qualitative expectations of this study were that areas of distributive justice, such as right to decent work and right to adequate standards of living, and justice as recognition would be more respected than areas of procedural justice. Such a claim was made on the idea that China's power relations are relatively strong and do not allow for considerable bottom-up actions involving participatory approaches. The results found that, indeed, procedural justice was the least mentioned category in comparison with distributional justice and justice as recognition whose codes such as unemployment security, re-employment opportunities, and persons with employment difficulties were the most retrieved. Such a differentiation was explained due to the fact that aspects of procedural justice, such as right to participation and right to access information, do not require such an extensive interpretation in comparison with the other categories describing full policy processes. Essentially, procedural justice codes were most often retrieved in the last sections of policy documents while emphasising policy publicity and labour unions promotion. To confirm this interpretation, several interviewees supported the points that labour unions were commonly promoted to report claims and concerns to policy makers, despite not being very much involved in community-organised actions.

Findings from this paper relate to a certain extent to the literature frame. With reference to the conceptual framework of environmental justice, the literature emphasised that vulnerable communities are very likely to be unrepresented and excluded from policies (Jenkins, K., et al., 2018). While Sovacool et al (2019) argued that the energy justice framework further concentrates onto low-carbon technologies introduction rather than fossil fuels phase-outs, the findings of this paper found that the Chinese government and Shanxi province have introduced thorough and meticulous policies supporting a large range of individuals in the coal sector with different vulnerabilities. The interviewees supported such intentions claiming that coal workers from state-owned enterprises, indeed, are receiving support throughout unemployment and re-employment. In a research

conducted by He, Lin, Zhang et. al. (2020), it is highlighted that China has formulated policies to promote re-employment of coal workers and financially support them throughout unemployment such as subsidies, employment guidance, job transfers, skills training, entrepreneurship promotion and consultations. Nevertheless, the literature review emphasised that green employment is supposedly available to a greater extent, supported by a study led by the UK's Energy Research Centre (UKERC). This research claimed that more job opportunities are available in the renewable sectors than the fossil fuel sector. The paper's findings were inconsistent with this statement as interviewees argued that green employment is generally temporary and may only require few workers after instalments for maintenance.

Apart from certain points, the findings were consistent with the existing literature and brought new areas of discussions with respect to the environmental justice concept within the frame of Shanxi's decarbonisation.

CONCLUSION

By contributing to the body of knowledge, this paper introduced the concept of 'just decarbonisation' in the context of Shanxi's coal phase-out. The findings helped understand the levels of justice existing for the coal workforce faced with unemployment. As the study determined that laid-off coal workers are supported throughout unemployment and re-employment, such results are considerably relevant in the context of today's urgent climate concerns.

As one of the largest coal producing provinces in the world's largest coal producing country, Shanxi's decarbonisation will certainly have effects on global pollution levels. As a matter of fact, if Shanxi were a country, it would be the world's second largest producer of coal (BP Statistical Review of World Energy, 2019; Shanxi Statistical Yearbook, 2018). Considering the level of importance, it is crucial for the province to reduce coal use in a way that will minimize socio-economic costs. The findings, then, bring relevance in considering a just decarbonisation in such a part of the world. To the extent to what is being formulated in policy documents, a just decarbonisation in Shanxi allows for a great consideration to what could be imitated in other parts of the world. As climate change has become a worldwide recognised issue to urgently address, the question of *'how to address it'* becomes relevant. This paper offers one instance of policy processes regarding reducing coal use while considering affected actors. By focusing on laid-off coal workers,

the study found that reducing carbon emissions and recognising socio-economic impacts is possible on a policy level. It is necessary to comprehend that considering social ramifications on an energy transition is essential to the proper achievement of carbon neutrality pledges. Such claims are not only valid in China but also in other countries of the world aiming for similar goals. Indeed, as countries aim to develop a new kind of economy relying on a cleaner and more sustainable energy mix, threats to energy accessibility and affordability, or employment are very likely to occur if they are not closely monitored. The road to achieve carbon neutrality and considerably reduce coal use is still significantly long for China but continuous efforts, innovation and international cooperation will certainly contribute to substantial advances in balancing environmental protection, economic growth, and social equity.

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LABOR MIGRANTS STRANDED IN METRO MANILA DURING THE COVID-19 PANDEMIC: UNDERLYING CASES⁵¹

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ABSTRACT

Historically, migrant labor had always been seen as the answer of Filipinos looking to improve their lives. In fact, remittances generated from Philippine labor export have been propping up the economy since the 1970's. However, the perils of this narrative became front and center when many migrant workers found themselves stranded in Metro Manila at the on-set of the increases in COVID-19 cases in the country. While many Filipinos dream of working abroad, a sizable number of rural dwellers rather settled to find opportunities in the bustling and crowded urban centers of the country.

This paper weaves through narratives of Filipinos to expose the ordeal of labor migrants who found themselves trapped in inhospitable circumstances in the country's densely packed capital in the middle of the COVID-19 pandemic. It is argued that, while the Philippine government was grossly unprepared to manage the sheer volume of stranded Filipinos across the country, the problem is much larger than the pandemic itself. The production of thousands of locally stranded individuals is a reflection of the culture of emigration from the country and underdevelopment in its rural areas.

Keywords: Locally Stranded Individuals, Overseas Filipino Workers, Culture of Migration, Rural-Urban Disparity.

⁵¹ An early version of this paper appeared as a blog entry in the COVID-19 and Southeast Asia Series of LSE Southeast Asia and can be accessed here: <https://blogs.lse.ac.uk/seac/2020/09/16/longing-for-home/>

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INTRODUCTION

Labor migration has long been part of Philippine history. It dates back to the Spanish conquest when local men were commissioned to work in the Manila-Acapulco trade, which began in 1565 (Mercene 2007; Peterson 2011). Since then, international labor export has become an enduring feature in the country's economic development plan (Orbeta & Abrigo 2009). Over the years, the Philippines is consistently placed among the top 10 migrant sending countries (IOM 2020:26). Today, overseas employment is extensively integrated into the country's agenda to address wide-scale unemployment (OECD/Scalabrini Migration Center 2017: 124; Ambito & Banzon 2011) It has also become a strategy taken by impoverished and lower-middle income households to alleviate from their dire economic situations (Semyonov and Gorodzeisky, 2008: 634).

Michelle Silvertino was among those hoping to join the millions of Filipinos working abroad to support their families in the provinces. She left behind four children aged between 4 to 11 in her hometown, which is eight hours by bus, away from Manila (Agoncillo, 2020). Unfortunately, she failed to pass COVID-19 health check and was unable to work abroad, leaving her with little choice but to work as house help in the city in order to support her family. This is where she found herself, when the entire island of Luzon was placed under strict lockdown in mid-March 2020 (Senate of the Philippines, 2020). Longing to go back to her family in the province, Silvertino decided to head home when quarantine measures finally eased in June. Her employers brought her to the bus station only to find there were no buses plying that day. She decided to walk to a bus station in another city hoping to catch a ride from there. It was on the footbridge near that station where she was found unconscious five days later. She was still brought to the hospital but was pronounced dead on arrival. Michelle's death certificate declared her as a probable COVID-19 case (Agoncillo, Aurelio and Florida, 2020).

Michelle is one among thousands of Filipinos trapped in the Philippine capital when the government-imposed restrictions to contain the spread of COVID-19 infections. The first case was recorded in January 20 and the first death outside China was also recorded in one of the hospitals in Manila on the 1st of February (WHO 2020). The first 2 cases of local transmission, a husband and wife from a town 10 kilometers east of Metro Manila, were detected on the 6th of March (Santos 2020) and 10 days later, the entire northern island of the country, Luzon, was placed on "enhanced community quarantine" or ECQ. By then, the Philippines had already 140 infections and 12 deaths due to COVID-19. The ECQ

mandated strict home quarantine measures, “suspension of transportation lines, regulation of provision for food and essential health services, and heightened presence of uniformed personnel to enforce isolation procedures” (Merez, 2020).

Using news stories during the early months of the pandemic in the Philippines, the paper seeks to highlight challenges faced by Filipino labor migrants, as well as trace the production of locally stranded individuals amid the backdrop of a culture of labor migration and underdevelopment in the countryside.

THE CULTURE OF MIGRATION

Remittances are cash transfers and in-kind shipments (popularly known as balikbayan boxes) made by migrants directly to their families or communities in their home countries. Since 2005, the Philippines has been a fixture in the top 10 countries receiving cash remittances with figures reaching more than USD 10 Billion each year (IOM 2020: 36). Cash remittances from overseas workers account for 9% of the country’s gross domestic product (GDP), and has emerged as an important funding source and investment in housing, education and health of Filipinos (Llanto, Navarro & Ortiz 2015: 5). This earned them the title “modern day heroes” (Fernandez et al. 2020).

However, COVID-19 brought peril to the steady stream of remittances and exposed the vulnerability of the Philippine economy, particularly its heavy reliance on Overseas Filipino Workers (OFWs). The Central Bank of the Philippines (BSP 2020:19) reported that there was a steep decline in overseas remittances within the first five months of 2020.

Institutionalization of international labor export into the economic policies of the country began as provisional measure of then President Ferdinand Marcos to address high domestic unemployment in the 1970’s (Ortiga, 2018: 7). However, it was ultimately part of his regime’s development plan and economic reforms that was free from the complex safeguards of democratic institutions (Maca, 2018). The culture of migration became firmly rooted in Philippine society and the notion of “going abroad” became the most logical strategy for many Filipinos to improve their lives and of their families (Asis, 2008: 78; 2017). Occupational choices and education decisions of Filipinos have been documented to lean towards career aspirations abroad. Higher education agenda and regulatory policies in the country have been conditioned to serve international labor market demands (Eder 2015; Ortiga 2018: 9). By 2019, 2.2 million Filipinos were working

abroad (Mapa 2020c) and sent home USD 33.5 Billion. These contributions made Philippines the recipient of the fourth largest number of international remittances that year. Then the COVID-19 pandemic hit the following year, which result to “economic recessions across the world, affecting the employment of migrant Filipino workers” (BSP 2020: 91).

Locked out of their jobs, many overseas Filipinos were forced to return home. While the Philippines was able to repatriate 323,436 by the end of 2020 (Rocamora, 2021), many still found themselves stranded in their own country upon arrival as state agencies struggled to cope with the sheer volume of people that needed to be ferried home in the middle of the pandemic. The sad ordeal of these so-called modern-day heroes were seen in the images of returning overseas workers/Filipinos (ROFs) and locally stranded individuals (LSIs) sleeping on the bare grounds of Manila’s international airport (CNN Philippines, 2020a). There were also stranded individuals who took refuge, putting up tents, on the sidewalks of the Libangan ng mga Bayani (Heroes’ Cemetery), all of them waiting for any means of transport that would take them to their hometowns in the provinces (Bergonia, 2020).

AN OVERCROWDED CAPITAL

In May 2020, the national government rolled out the Balik Probinsya, Bagong Pag-asa (Back to the Province with New Hopes), a program that sought to decongest the capital region of residents during the pandemic by “encouraging people, especially informal settlers to return to their home provinces” (Balik Probinsya, 2020). At the same time, the program was meant as a long-term solution to achieving balanced urban and rural development that would eventually stem the flow of migrants by empowering local industries, ensuring food security and agricultural productivity, social welfare, health and employment and development of infrastructure (UPPI & DRDF 2020). Additionally, the Government launched the Hatid Tulong (Bring Help) Program, a more short-term initiative that would assist the migrant workers stranded in Metro Manila due to the travel restrictions. On the first week of July, the program already sent home more than 10,000 LSIs to the countryside (CNN Philippines, 2020c).

A polling body in the Philippines reported that in May 2020, up to 4.1 million working-age Filipinos were stranded across the country when lockdowns were imposed (SWS, 2020a). A month later in July, the number of stranded Filipinos declined, but was still high at 3.5

million (SWS, 2020b). City lockdowns and the varying levels of quarantine restrictions across the country made it difficult for travelers to cross borders because travel and quarantine requirements differed from place to place (CNN Philippines, 2020b). As was the case of Roel Navidad who, after being laid off from work, made his way home by walking to Eastern Samar, more than 900 kilometers southeast of Manila. He left Manila in late August and walked about 500 kilometers to Sorsogon where, upon arrival in early September, he was required to complete 14 days of quarantine. He was released in mid-September and continued his way home, still 400 kilometers away. He arrived at the border of his hometown in September 29, where he was again required to go on 14-day quarantine (Meniano 2020; Amazona 2020).

Stories of stranded workers like Michelle and Roel are not uncommon. Many who found themselves homeless during the pandemic left their provincial hometowns to seek better economic opportunities either in urban areas or overseas. A study commissioned by Plan International found that, just like Michelle Silvertino, many arrivals in Metro Manila come with the intent of landing a job overseas. Their plans consist of gaining work experiences, saving money to pay for placement fees and transport costs, and processing their visa applications (Anderson et al., 2017: 6).

The 2018 National Migration Survey of the Philippines revealed that 49% of Filipinos aged 15 and older have changed residence inside the country (Mapa 2020a) with most of them heading to Metro Manila (PSA & UPPI, 2019: 48), the top migrant destination in the country. Metro Manila itself is home to almost 13 million people, and is the most densely populated region in the country with 21,000 persons for every square kilometre (PSA 2016). It is one of the most populous urban centers in the world (Anderson et al., 2017: 6), and continues to grow at a very high rate through internal growth and from domestic migrants. Income levels, productivity, and development is highest in the capital region compared to 200 other urban centers in the country and accounts for 50% of the country's GDP (Baker 2017: 59). It is highly integrated to the global economy and plays host to global service producers like business process outsourcing (BPO) firms, regional operating headquarters and global corporations that, in turn, employ high-income managers and professionals (Lambino 2010). Catering to the lifestyle of its high-income residents, are migrants like Michelle and Roel, who were enticed to move to Manila to work in lower-income jobs such as household service, construction and sales.

In 2018, the highest incidence of poverty was recorded among farmers, fisher folks and individuals in the rural provinces (Mapa 2020b). The National Economic and Development Authority (NEDA) admitted that there was a wide regional disparity in terms of income per capita across regions between 2009 to 2018. Despite national initiatives directed towards creating balanced regional growth across the country, there are little indications of improvement and the agricultural sector continued to underperform over the years (Andriesse 2017). The combined pull factors in urban centers, underdevelopment in the countryside and lack of economic prospects push the working-age population from rural regions and less developed cities in the peripheries, to the densely packed megacities of the Philippines.

With its high-rise corporate buildings, attractive employment prospects and fast-paced urban lifestyle, Metro Manila may seem shiny and vibrant to many Filipinos living in the provinces who find economic prospects uninspiring compared to what the capital city can offer. Then COVID-19 entered Philippine borders in the first month of 2020.

The Pandemic highlights how, inevitably, capital cities of countries become “national epicenters of the pandemic, amplifying the spread and transmission of infection, with their dense population and transport networks” (WHO/Europe 2020). This is even more problematic for cities in the developing countries, where a significant number of people live in informal settlements (Mitlin 2020). The Philippines had about 2.2 million people living in informal settlements in 2012 and in Metro Manila, 1.3 million people lived in slums where they have no access to decent housing and more frequently vulnerable to natural disasters like flooding and violent storms (Baker 2020: 47). Housing units in these places are more likely small with family members cramped in co-sleeping spaces with poor ventilation (Manderson, 2020: 368). Urban slum communities are also likely to be sharing the same water source and toilet facilities, making quarantine and physical distancing impossible. These, along with their strained healthcare system, make urban centers in the global south more vulnerable to COVID-19. This is where millions of Filipinos ended up stranded in their own country in the middle of a global health crisis that turned them homeless and helpless in the harsh conditions of the country’s capital.

CONCLUSIONS

Marlon Dalipe (Mercado, 2020) was just two weeks into his work as construction worker in Manila when the city was placed on lockdown. With just P500 (\$10.18) in his pocket

and no means of transportation available, Marlon decided to make the journey to his province on foot. It took him five days of walking to reach his hometown almost 300 kilometres south of Metro Manila. When asked of his plans, Marlon says he intends to return to work in Manila once restrictions are lifted. How dire and difficult is it in his hometown, for him to want to return to the place that turned him homeless and cold in a pandemic? Marlon's story and that of many others paint the miserable conditions in their provinces and the hope that Metro Manila represents for them.

Like Marlon, labour migrants flocking to urban economic centers of the country like Metro Manila, tend to perform jobs that expose them to the risks of getting COVID-19 (World Bank 2020). While the money they send to their families back home is the economic lifeline of poor households in the countryside, they are also forced into urban living conditions that contribute to the spread of COVID-19 (de Haan 2020). The production of millions of stranded Filipinos at the height of the lockdowns, and the overwhelmed government systems that sought to manage the return of migrant workers back to their provinces looms larger than COVID-19.

The core-periphery dynamics (Tusalem, 2019) wherein public and private sector spending and investments are largely funneled to Manila (Mendoza and Ocampo, 2017) creates the unequal socio-economic relationship between the capital and other regions in the country. This left many provinces underdeveloped and with limited economic prospects for its residents. This in turn pushes residents to the highly developed and densely congested urban centers, in most cases to Metro Manila.

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SYMBOLIC VIOLENCE AGAINST INDONESIAN WOMEN'S ORGANIZATION GERWANI IN THE 1960s: AN ANALYSIS DRAWING FROM BOURDIEU AND COHEN

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ABSTRACT

Gerwani is an Indonesian women's organization caught in the tension of Cold War ideology in the 1960s in Southeast Asia. It served as a foundation for the first sexual revolution political movement in Indonesia as a manifestation of colonial consciousness against women domestication by a patriarchal system deeply rooted in Indonesian society's culture. However, the organization's close relationship to the Indonesian Communist Party, which brutally killed the Indonesian Army Generals in the Gestapu incident (September the Thirtieth Movement), led to its demise permanently. The State suppressed Gerwani's existence, while historical artifacts about Gerwani only come from media information under the New Order regime's hegemony in the 20th century. This article assesses the historical discourse of Gerwani to open the black box of the politicization of history based on an academic, social perspective. Pierre Bourdieu's Field Theory is employed to enhance a profound perspective in analyzing media stigmatization on Gerwani tailored with Cohen's Moral Panic in media discourse. It was found that media construction of discourse against Gerwani led to moral panic. It also reflected a core issue from the 20th century of state-gender nexus for power contestation based on patriarchy, with the intent to paralyze women's activism.

Keywords: Women Activism, Social Constructivism, Moral Panic, Field Theory, Indonesia.

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INTRODUCTION

Gerwani stands for *Gerakan Wanita Indonesia* (the Indonesian Women's Movement Organization), the first Indonesian women's massive organization to be actively involved in social, political, cultural, and economic affairs. From the 1950s to 1960's, Gerwani shared its political will and power with the Indonesian Communist Party, one of the largest parliament parties in the Old Order regime. It was commonly perceived that Gerwani was an integrated part of the communist ideology, which fully supported the communist party committing the state's *coup d'etat* in the Gestapu incident, *Gerakan September Tiga Puluh* (September the Thirtieth Movement), which meant to relive the sadism of Gestapo Nazi (*Geheime Staatspolizei*). On the night of 30 September to 1 October 1965, six senior generals of the Indonesian Army were kidnapped and taken to a place on the Indonesian Air Force base's perimeter, Halim Perdanakusuma. On 1 October 1965, a Jakarta-based radio station broadcasted the attack as part of a move led by the Indonesian Communist Party to take over the government from the authorized President. Based on this historical setting, the article aims to analyze the critical role of the media to construct moral panic in the society. A Bourdieusian concept of the media in Field Theory is integrated into the moral panic concept by Cohen to demonstrate how moral panic created by the media can remain a sophisticated tool to alter socio-political mechanisms of state control and regulation through symbolic dimension of violence to eventually eliminate women's movement and establish a hegemonic patriarchal regime in Indonesia.

Field Theory has been used to analyze a field as a social space in which interactions, cultural and social knowledge productions occur, and social change is controlled by actors in pursuit of monopolizing power resources. The theory understands the cultural power of media, which actively shape different capital endowments (positions) and practices (positions-takings) (Winzler, 2014). Bourdieu (1996) asserts that the media is a powerful vehicle towards the construction of popular support for stringent law-and-order measures. This is done by reproducing dominant ideologies of the people and positioning vulnerable groups through conservative messages. Moreover, the media can create a coverage and intensify narrative identities contributing to a multi-mediated moral panic (Koumouris and Blaustein, 2021). In his classic study, Stanley Cohen (1972: 9) stated that moral panic requires a scapegoat or folk devil projected through social fears and anxieties. Folk devils are personified as an evil to acquire instant recognition as unambiguously unfavorable symbols, which are stripped of all positive characteristics and endowed with pejorative

evaluations. The construction of moral panic requires urban imaginaries and meaning making of broader social spheres that are pertinent to common beliefs and people's ideology (Yoon, 2016). A common way for cultural gatekeepers to protect the nation to a new ideology is by creating moral concern and anxiety (De Keere et al., 2021). According to Cohen (1972), moral barricades are usually thrown around new social and cultural practices to protect existing norms and values. Furthermore, moral panic becomes a social reaction from the labelling of the deviant reproduced, which is aggravated by the media.

METHODOLOGY

The article is devoted to the social constructivism analysis on the socio- historical discourse of Gerwani in the 21st century. Based on the theoretical understanding of Bourdieu's field implements, a social space does not exist in abstract per se, but it must be comprehended from the relations between spaces in light of capital and positions among existing agents. Therefore, this article emphasizes on the interconnectedness of the field of cultural production within the field of power in Social Science. Data for this article were based on post-New Order regime literature on women's organizations in Indonesia. This selection is important because under the New Order regime in the 20th century, historical discourse about Gerwani as a women's organization was treated as a black box, an object whose internal system and structure are virtually unknown., social constructivism in history perspective was applied in order to identify a black box in a historical discourse and enable relational mechanism to understand the world. The concept model of Cohen's Moral Panic Paradigm (1972) was tailored in this article to provide key stages of historical events (identification of a problem, identification of a subversive minority, stigmatization of those involved, stirring of public indignation, state respond). This is to identify the missing points on some historical discourses of Gerwani based on intertwined of state-media relations. Aside from academic literature, several local mainstream printed media sources during 1965 were also examined for this study.

FINDINGS

During the campaign against Communism during the Cold War era, the media served as an intensive to spread out propaganda against Gerwani. This women's movement had afterward became a target by the religious and state. Adopted from the Moral Panic Paradigm concept by Stanley Cohen (1972), it can be argued that the media played a pivotal role in enforcing moral panic to justify the elimination of Gerwani, which is

executed through several phases: identification of a problem, identification of a subversive minority, simplification of the cause, stigmatization of those involved, stirring of public indignation, state respond (Figure 1). Moral panic usually occurs when a society sees itself threatened by deviant and threatening values and activities (Cohen, 1972). Moreover, these panics are primarily fueled by exaggerated and often distorted media coverage of social issues.

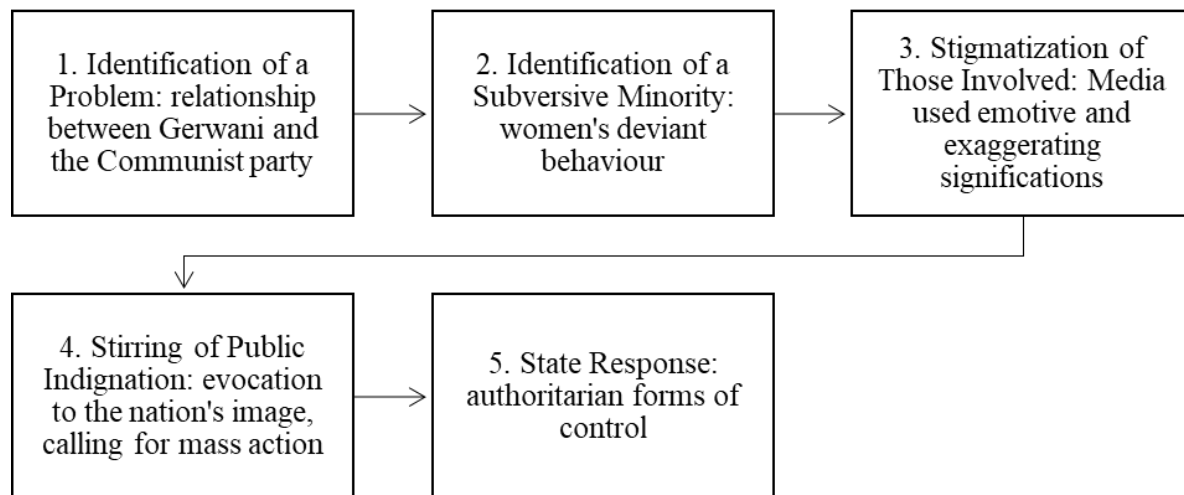


Figure 1. Key Stages of Events. Adopted from Cohen's Moral Panic Paradigm (1972)

The Social Construction of Moral Panic

(1) Identification of a Problem

The media had shaped concepts concerning the relationship between Gerwani and Communism. According to Wieringa (1992), the relationship between Gerwani and the Indonesian Communist Party is problematic at the on-set. To an extent, the women's organization supported Communist Party policies, particularly in the international field. The relationship between Gerwani and the Communist Party was founded on an ideology relating to labor rights. As the Communists' party struggled for factory workers, Gerwani took the same stance for women's labor. The Communist Party seemed to support the movement to help spread their ideology. Interestingly, many members of the Communist Party were actually married to Gerwani members (Wieringa, 2010).

(2) Identification of a Subversive Minority

Along with its movement in politics and parliament, Gerwani was keen to connect women's domestic and labor issues. In this respect, Gerwani fought against the wrong interpretation of traditional religious teaching, particularly in Islam, whereby women are subjected to patriarchy and are discouraged from dealing with public affairs. The

organization also rejected polygamy, domestic violence, and also arranged-forceful marriage. At the core, Gerwani provoked that religious interpretation was characterized by hegemonic masculinity, and that it must be questioned and re-interpreted so that both men and women, socially, politically, culturally, and economically, could achieve a fair life (Wieringa, 1992: 106-108). The struggle of *Gerwani* to challenge patriarchal ideology in the country is similar to the doctrine of anti-hegemonic masculinity *vis a vis* the fundamental stance religious organizations in Indonesia at that time.

(3) Stigmatization of Those Involved

After the Gestapu incident in 1965, mass media created moral panic by amplifying fear and exaggerating statements to attack Gerwani (some information was underlined in Table 1).

Table 1. printed media circa 1965

<p>Angkatan Bersenjata</p>	<p>in edition 6, 8 October in edition 11 October in edition 3 November</p>	<p>introduced news headlines that Gerwani was suspected to spy for the Communist Party to kill the 6 Army Generals affirmed the story of Lieutenant T, the guard of General N who escaped from the tragic night as follows: <i>"This story proves the outrage of Gestapu. After being arrested, he was severely tortured because the kidnappers thought he was General N. Then, he was handed over to Gerwani volunteers. Then T, with his feet and hands tied, was used as a lewd game of the female demons of Gerwani, this act demeaned Indonesian women.</i> affirmed a story of Gerwani in which it portrayed: <i>"Thirty Gerwani members screamed, injured and played with [sexually] General Y, who was already in a state of unconsciousness."</i></p>
<p>Antara</p>	<p>in edition 11 November</p>	<p>depicted Gerwani as a murderer and castor of officers, a <i>femme fatale</i> (beautiful but dangerous woman), a witch and a sexual deviant.</p>

API	in edition 12 October	mentioned the news that Aisyiah (a women's organization of Muhammadiyah) had called all Indonesian to end Gerwani as a women's Communist movement in Indonesia since they would only destroy the image of Indonesian women.
Berita Yudha	in edition 4 November	<i>Documents have proven the existence of a gang of 'black cats' who were tasked with burning the houses of non-communist people and forests and destroying vital installations. In collaboration with them was the 'Black Button' gang of pretty-looking Gerwani members who prostituted themselves. By approaching other party leaders and persuading them to support the Communist Party program.</i>
Duta Masyarakat	in edition 12 October	posted the headline "Gerwani Tidak Bermoral" (Gerwani is immoral), which stated: <i>"The Gerwani volunteers have been tricking the Generals by pulling their genitals and they are rubbing them into their own cunts."</i>
Sinar Harapan	in edition 2 November	revealed the strong correlation between Gerwani and the Communist Party by posting: <i>"In his explanation to the People of Karang Asem, the Communist Party terrorists assisted by Pemuda Rakyat and Gerwani shouted the sacred religious word while throwing dust into the eyes of the villagers. Nevertheless, this cunning and primitive method was finally recognized because the Communist Party mob used a very easily identifiable code - they were not wearing any clothes"</i>
Suara M newsletter	in edition 11 November	stressed that crushing the Gestapu was not merely <i>sunnah</i> (recommended), but <i>wajib</i> (obligatory) for Muslims

(4) Stirring of Public Indignation

Australian historian Robert Cribb (1990) mentioned that during the post-Cold War period, the killing of hundreds of thousands of people who were suspected as members of the communist party after the 1965 *coup d'etat* (coup) in the country, known as *amuk massa/amok* (Moedikdo, 2000: 13), was ranked as one of the twentieth century's more

extensive mass murders. *Amok* pertained to the purging of those considered as public enemies. Based on the media, Gerwani's members were stigmatized as sinful and immoral, and their suppression was deemed obligatory. As a result, hundreds and thousands of women said to be members of Gerwani were tortured, raped, and killed through an orchestrated attack by the state-supported anti-communist youth.

(5) State Response

As per the Indonesian State at that time, Gerwani, fueled by Communist influence, was an active organization seeking to spread the concept of free sex, since there was no such thing to distinguish men and women. Furthermore, they were labelled as atheists and evil followers. Thus, *Gerwani* members were punished based on religious justification, committed by religious bands (Wieringa, 2010: p. 456). It was asserted that women with good morality would never commit such vicious acts. Obviously, such contorted information was intentionally made to harm the image of Gerwani and its members. Furthermore, religious groups sought to support the state diminish the Communist agenda throughout the country.

DISCUSSION

Bourdieu writes in *Masculine Domination* (2001: 53) that the proliferation of sex binaries of masculine domination and female subordination, subsume those social structures are unchanged. Bourdieu's insight can potentially deepen and develop critical social constructivism by focusing on the power relations in a socially constructed patriarchal culture of the state-gendered norms. The New Order regime restructured a fundamental ideology of womanhood, which dictated and promoted Indonesian women's traditional roles. These pertain to the idea of a good woman, who is domesticated and subject to the whims of a dominant male figure. Interestingly, the local term for women is *Wanita*, which is derived from *wani ditata* (able to be managed). The New Order regime had dominantly used this term to promote a much weaker social status for women.

Under the regime, a women's organization was expected to support the conventional idea of male being the household leader. Patriarchy is necessary to maintain social order by forcing the subordination of women in Indonesia (Wieringa, 2015). Moreover, the head of the family is subordinate to the government, while family members are subjected to the head of the family. Authoritarian governments favor this patriarchal system because the atmosphere of a fascist state and dictatorship is highly dependent on the patriarchal

character of society (Benstead, 2020; Chan, 2020; Boesten, 2012). Such attitude about morality is a distressing concern for women's movements seeking to dismantle systemic gender oppression (Henderson, 1990).

Bourdieu (2001) stated that symbolic violence against women is both naturalized and normalized. Coined by Mies (1982), the term "housewifization" is defined as a process in which women are socialized as dependent, non-productive, and heavily reliant on their husbands' income. The concept of natural destiny accepted by the state projects men as primary income earners and women as child-bearers and homemakers. Therefore, as argued by Suryakusuma (2012), a woman under the concept of the New Order's state womanhood is constructed to fit a particular hierarchical and patriarchal order in a mobilizing force for programmatic intervention and social control. At the same time, taming the potential women activism has been rooted deep among state's society.

In the context of the Cold War period in Indonesia, the radio and printed media were the society's central source information throughout the country. It also played a pivotal role to generate the public's anger and sentiment mobilization during the anti-Communist movement. According to a French sociologist, Pierre Bourdieu (1958), the media has the power to trigger symbolical dimensions of violence by generating and sustaining the common-sense discourse by referencing to divisions within the dominated fraction of the dominant class. Moreover, mass media has the ability to normalize the social structures and ideologies as one of the most pervasive forms of power and articulated its impact on subordinate groups. Bourdieu drew attention to the structured nature of making symbolic entities and the way that the social making-up the rules surrounding the activities to be hidden or misrecognized. Such "invisible" violence promoted by the media includes the production of dehumanization, frustration, disruption, anguish, revolt, humiliation, disgust, alienation, apathy, fatalist resignation, and aggressiveness. The local anxiety is amplified from initial misperception to a demand supported by newspaper editorials for the rule enforcement (Jones, 1997; Cohen, 1972).

CONCLUSION

Gerwani faced its tragic end when its members were annihilated during the 1965-66 massacre in Indonesia. Distorted information disseminated by the media at that time had greatly contributed to this catastrophe. This article, through the Bourdieusian concept of the media in Field Theory can be integrated into moral panic concept by Cohen,

demonstrated that the concept of moral panic created by the media can remain a sophisticated tool to illuminate social problems and changing mechanisms of control and regulation. State-media had been a critical medium for the state regime to construct and sustain patriarchal and conservative concepts of womanhood in Indonesian society.

RECOMMENDATION

The article recommends future studies to incorporate Bourdieu's cultural capital and habitus to further analyze issues of asymmetric distribution of social power that validate symbolic violence against women in the Global South.

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THE BANGLADESH GOVERNMENT'S BEHAVIOR OF NON-COMPLIANCE WITH PROTECTIONS FOR ROHINGYA REFUGEES

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ABSTRACT

According to UNHCR (2020) around 1% of the world population is displaced from their home countries. Among them, 85% are hosted by developing countries. Where Bangladesh is also a south Asian country with a low state capacity. Since Bangladesh has been hosting the highest number of Rohingya refugees. But GoB (Government of Bangladesh) did not give them legal identity as a refugee, rather they have been mentioned as FDMN (Forcibly Displaced Myanmar Nationals) and treated as Myanmar nationals. Although international organizations UNHCR, IMO have been working to protect refugees, but still, GoB has been showing non-compliance behavior to protect refugees. According to UNHCR 80% of the world's displaced people are in a food crisis, on the other hand, they are ill-treated to get their human rights (ex. right to life, freedom of movement, right to education, right to health, access to justice, etc). The present article has tried to give an answer to why GoB has been showing so much reluctance to follow protection standards. That's why the main unit of analysis is the non-compliance behavior of the state. That's why the present article will identify the area of non-compliance behavior and reasons for behaving like that. To explain present article will depend on the secondary data source and it is a 'Desk Research', especially external desk research which will find out the causes behind being reluctant to comply with protection standards. Where different reliable secondary sources already had mentioned 'what the state has offered the Rohingya refugee inside of its territory. In different papers has mentioned refugee protection standards too. This paper will compare those data, to explain the gaps of getting protection standards by using the language of human rights.

Keywords: Non-compliance Behavior, Protection, International Standard, Refugee, FDMN, Bangladesh.

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INTRODUCTION

Globally, Bangladesh is acknowledged for the world's most complex refugee condition (Chowdhury 2019 and UNHCR 2019). By the legal status of Rohingya, they have become limbo between two states Myanmar and Bangladesh, struggling for being a part of a state. Both states have been denying their legal identity as citizenship and refugee status. Where Bangladesh is not a signatory party of the UN refugee convention 1951 (Al Imran & Mian 2014) and it is a concern for the international community. Where Rohingyas have witnessed genocide in Rakhine. On the other hand, they are living in Bangladesh without a better opportunity of getting legal rights (Al Imran & Mian 2014). That means they are treated as undocumented migrants or Myanmar nationals rather than refugees. The government of Bangladesh (GoB) gives importance to one of the durable solutions as repatriation, where 'right-based' protection is found less important. But legal identity is necessary to get access to rights by the law. Here, the government has been showing non-compliance behavior to protect refugees according to the standard of human rights. Even different international non-governmental organizations have been working there to protect this group of people. Rohingya refugees are living in camps under restrictions on movement and recently they have been sifted to a remote Iceland without freedom of the moment. In this present situation, the present paper will try to give the answer 'why GoB has been showing so much reluctant to follow protection standards?'

METHODS

This is a 'Desk Research' because here this research will find out the causes behind being reluctant to comply with international standards. Where different reliable secondary sources already had mentioned 'what the state has offered the Rohingya refugee inside of its territory. In different papers has mentioned international standards too. This paper will compare those data, to explain the gaps of not getting international standards by using the language of human rights. Later in this stage, research will identify the real cause of being reluctant. For this, this paper will be the source of knowledge on the causal explanation of state behavior to Rohingya refugees.

DISCUSSION

Rohingya Crisis and the approach of acceptance into Bangladesh

Rohingya Muslims were the ethnic minority group (35.6% of the total Rakhine population) of Rakhine state, Myanmar (Mohajan 2018). In Myanmar, there has been a lot of debate about the origin of the Rohingya community. This debate is about Rohingya is a real native or not. Such as Francis Buchanan found them as a stranger and James Minahan mentioned them as migrated people from Arab (Washaly, 2019). But this debate is a process of making their others or throwing them outside of the state border. That's why GoM (Government of Myanmar) has identified them as migrated communities or illegal Bangalis foreigners. Here national security of Myanmar couldn't add them as a human under the state border. Because GoM thinks, Rohingya will affect the balance of national power and it will be the cause of hampering national security. Because throughout history Rohingya people are identified as against of national thoughts of Burma. Because of historical evidence, the Rohingya community in Myanmar is treated as against of National ideology of Burma or Myanmar. That's why Bangladesh had been experienced the mass inflow of Rohingya refugees at different times. It was an example of Burmese army ill-treatment with the Rohingya, they have become a victim of forced labor, political alienation, rape, murder, and religious conflict. In 2012, After 9/11 Islamophobia is another reason for oppressing Rohingya in Myanmar (Haque, 2017). That's why after the free fare election in 2015, under a democratic government Rohingya couldn't improve their situation. Rather they have been identified as an Islamic terrorist and these people become a risk for National Security. In 2017 there was a fear of ARSA (Arakan Rohingya Salvation Army) militants among the Hindus and other ethnic minorities in Rakhine state (Amnesty International, 2018). On 25 August 2017 militant's attack pushed pressure on Rohingya to flee into neighbor country Bangladesh. That's why in 2017 the world has seen a huge refugee influx into Bangladesh.

(1) Rohingya Crisis in Bangladesh

The state hosting around 884,041 Rohingya individuals in the territory of Bangladesh (Joint Govt. of Bangladesh – UNHCR Population Factsheet March 31, 2021). The Rohingya crisis is not new for Bangladesh or for this region. The history of the Rohingya crisis is long before the history of independence of Bangladesh (Ahmed 2019). It is a history of classification between 'us' and 'them', discrimination, denial of rights and genocidal massacres in the Rakhine state of Myanmar (Niti 2020). In a Report of MoDMR (Ministry of Disaster Management and Relief) have mentioned around 830,938 Rohingyas individual

(96% of total Rohingya Population) has entered into Bangladesh during 2017's influx where 35,519 Rohingyas have settled in two registered camp for refugee at Cox's Bazar, Bangladesh (MoDMR 2021). GoB mentions those newcomers of 2017 as FDMN (Forcibly Displaced Myanmar Nationals). FDMN took shelter in 32 newly built FDMN camps in Bangladesh. This is the strategically denying process of the government to access them in their rights. During this dilemma of identity, GoB has tried to skip the responsibility to protect. Rather they have been treated as illegal foreigners and it has kept a negative impact on the human rights situation. Now their life has been trapped inside the barbed wire camp.

(2) GoB Approach of accepting Rohingya:

The Constitution of Bangladesh is not against protecting the world's peace. Because the constitution of Bangladesh and its fundamental principles of state policy clearly stated to promote international peace, security and solidarity (art. 25/1972) (Sejan 2020). Even Bangladesh people had previous experience of being refugees in India during the liberation war of 1971 and the Universal Declaration of Human Rights (1948) has created moral responsibility of this nation to accept into Bangladesh. Moreover, in South Asia, especially Bangladesh people are known for their hospitable custom and against any level of oppression (Sejan 2020). Media coverage on mass atrocities at the Northern Rakhine state of Myanmar helped to gather the sympathy of the mass people of Bangladesh (Bharttcharjee 2017). Those are the basis of getting acceptance to entry into Bangladesh. Basically, general custom of hospitality transforms into 'mercy-based approach', which protect Rohingya refugee to enter into Bangladesh (Sejan 2020). But the state can't ignore the pressure of the religious community, political left-wing and common people on the Government of Bangladesh. It had created political pressure on the government. Before the national election of 2018, the government had no alternative choice without accepting Rohingya influx into Bangladesh (Bharttcharjee 2017).

Meanwhile, throughout the history of Bangladesh, there has been a significant transformation of state policy towards Rohingya refugees. It was a transition of liberal policy to restricted policy toward the Rohingyas refugee (Yesmin 2016). Because GoB has been becoming concerned to protect its own state, national security had become an area of concern for the state. In 2017 GoB again accepted Rohingya on the basis of 'mercy based' approach rather than 'right based' approach, that's why every policy is near-term repatriation dependent (Khan & Stensrud 2020) and the government does not show

interest in local integration and resettlement (UNHCR 2019). It is also a result of non-refoulement principle of international law.

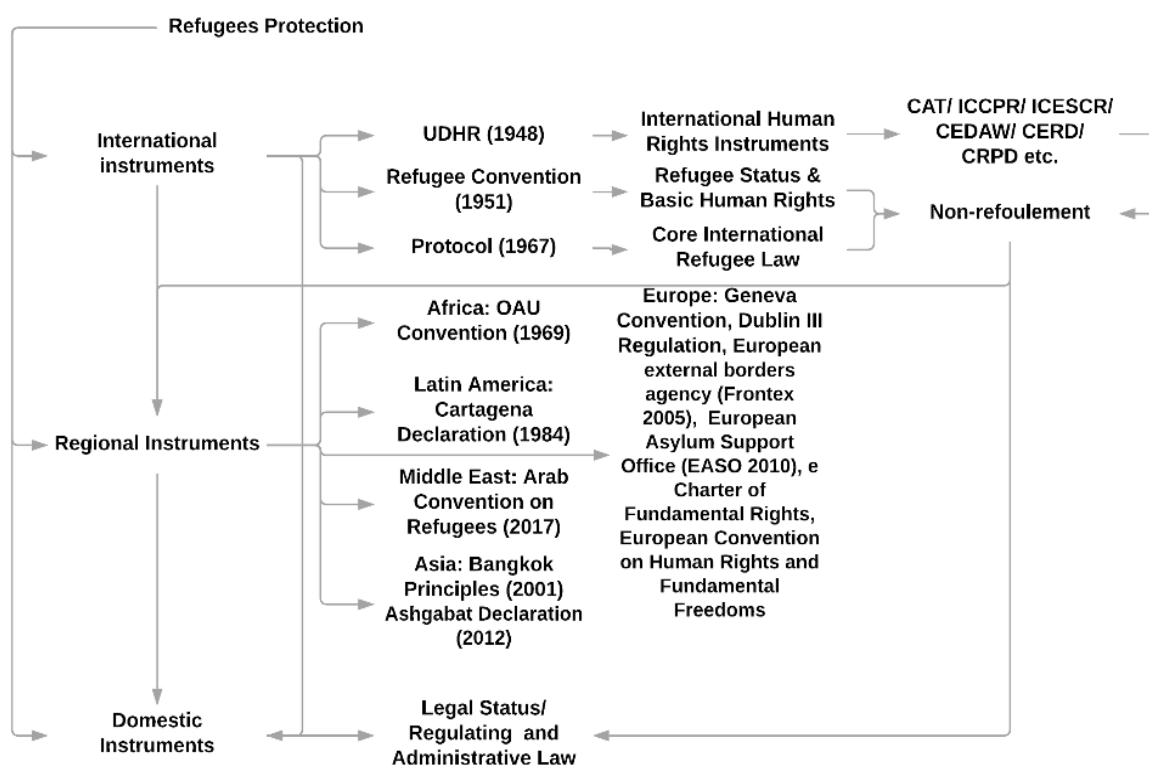
Protection mechanism for refugees

UNOCHA (United Nations Office for the Coordination of Humanitarian Affairs) has given a message on protection, it mainly emphasizes all the activities related with the giving respect to fulfill all human rights of an individual according to the human rights law, international humanitarian law and refugee law (OCHA 2012). Here the state is the primary duty-bearers under its jurisdictions, if states are unwilling or unable to provide those obligations then humanitarian organizations (ex. International Committee of the Red Cross and the United Nations High Commissioner for Refugees (UNHCR)) will provide assistance with the consent of the state. Humanitarian protection is about improving safety, well-being and dignity for crisis-affected populations (Pacific Humanitarian Protection Cluster, 2012). Where the Responsibility to Protect (R2P) also has become an international norm to stop crimes against humanity. According to this norm will create powerful nexus between public and private authority to protect. But this protection mechanism is a nexus among international, regional and domestic protection mechanisms.

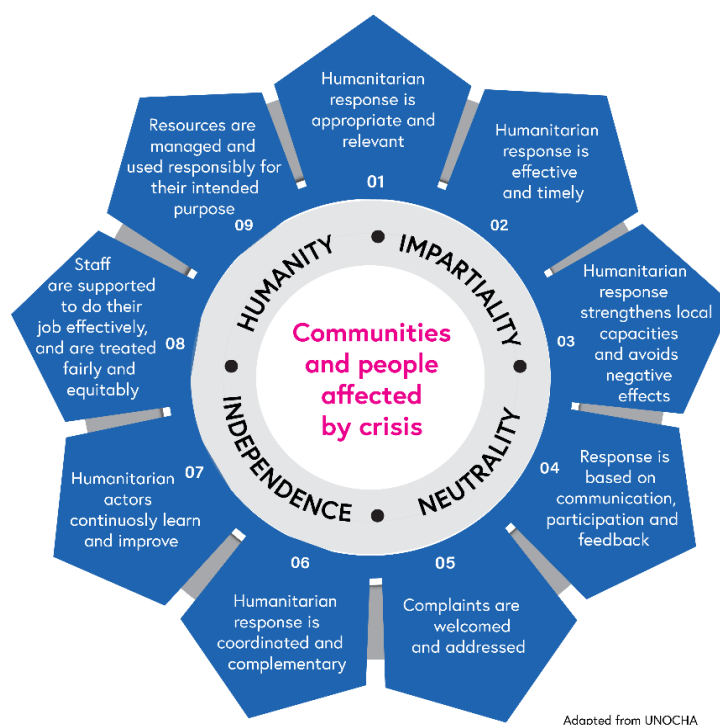
(1) What are the standards for refugee's protection?

According to the international protection mechanism, the signatory state is bound to fulfill and respect the basic rights of refugees. But under the non-refoulement ground of international laws is the basic ground of refugees' protection for all nation-states. Where 1948 UDHR (Universal Declaration of Human Rights) and the 1951 Convention relating to the status of refugees and its 1967 protocol are the main sources of obligations to the refugees. Where UNHCR is the legitimized authority by the UN General Assembly to ensure the international protection of refugees. If we see the given flow chart (1) on the Sources of refugee protection standards, here we will find three-stage of sources as international regional and domestic. On the international stage, human rights instruments, refugee status convention 1951 and protocol 1967 and non-refoulement ground of international laws is the main source for refugee protection standard. regional stage 1969's OAU (Organisation of African Unity) convention in Africa, 1984's Cartagena Declaration in Latin America, 2017's Arab Convention on refugees in the Middle East, 2001's Bangkok principles and 2012's Ashgabat Declaration in Asia and in Europe Geneva Convention, Dublin III Regulation, European External Support Office (Frontex, 2005), European Asylum Support Office (EASO), Charter of Fundamental Rights, European

Convention on Human Rights and European Convention on Human Rights and Fundamental Freedoms are the different regional sources of protection standards for the refugees. It is all about solving crises on the basis of regional ground, but those are extended versions of international standards accordingly to regional perspectives. In the Domestic stage depending on international and regional standard, the state has formulated own legal perspectives on refugees and provided protection. Elsewhere, UN Security Council and General Assembly resolutions are another source of standards for refugees.



Flow Chart 01: Sources of Refugees Protection Standards



Picture 01: Core Humanitarian Standard of Response

On the other hand, international humanitarian law (IHL) is another source of refugee protection standards. Core Humanitarian Standard (CHS) basically depends on four principles as Humanity, Impartiality, Neutrality, and Independence (Picture 01⁵⁵). Depending on these four principles there have nine CHS for the better humanitarian response.

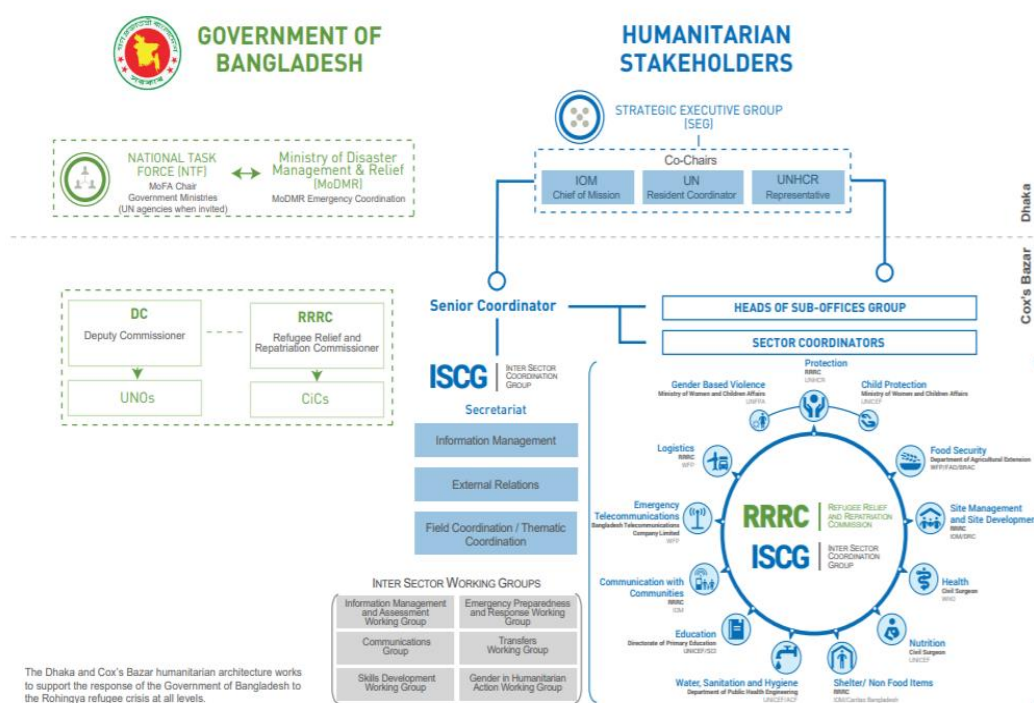
So, it can be stated as refugee protection standards are connected with the International Human Rights Standards and International Humanitarian Standards. Further, International Refugee Protection Laws had been formulated on the basis of non-refoulement ground of international laws. That means no nation-state can't violate one's rights. Even can't send back into the source's country during a humanitarian crisis. Moreover, human rights standards have been the source of refugee protection standards.

(2) Existing Refugees Protection in Bangladesh:

In specific refugee issues, the 1951 refugee convention and 1967 protocol are the sources of international standards to protect this group of people. But Bangladesh is not the

⁵⁵ Source Picture 01: <https://www.futurelearn.com/info/courses/humanitarian-action-response-relief/0/steps/61001>

signatory state of these agreements. Which is the reason for not having any obligation to protects. Further, in Bangladesh, there have no laws, which regulate refugee affairs. That's why here protection has been provided by the state from the ground of 'mercy-based approach rather than 'right-based' approach. Due to the limitation of having the domestic legal structure of refugee affairs, the Foreigners Act of 1946 has become the main legal regulating option for this common group of population. Also, government policies are also near-term repatriation-related. That's why government mentions their status as FDMN (Forcibly Displaced Myanmar Nationals). Due to concentrate on 'mercy based' approach, GoB (Government of Bangladesh) deals with this situation under the 'Ministry of Disaster Management and Relief'. Where RRRC (Refugee Relief and Repatriation Commissioner) has been providing primary assistance to the aim of repatriation. Where CiC (Camp in Charge) has been working under RRRC. This is the regulating structure of the government (Picture 02)⁵⁶.

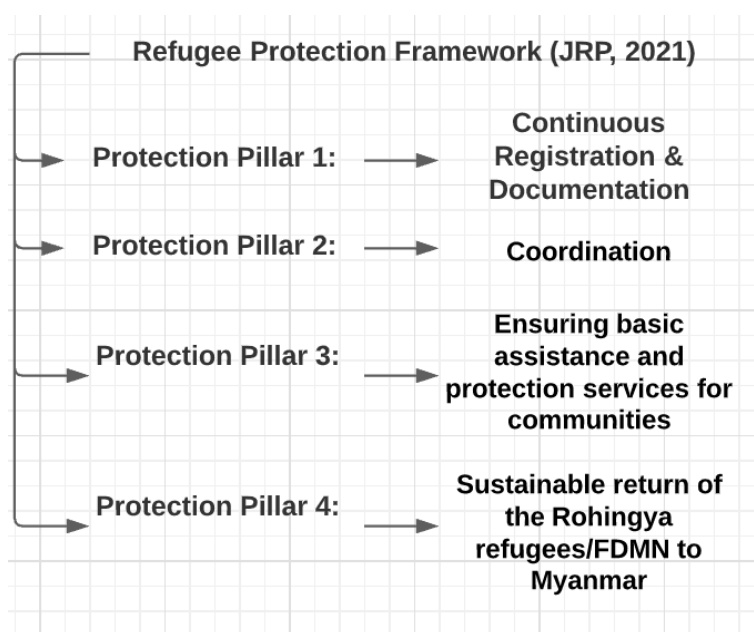


Picture 02: Humanitarian Response Coordination Map

Since 1993, due to the MoU (Memoranda of Understanding) between UNHCR and GoB, international humanitarian organizations have engaged to provide support. But not being a signatory and not having national administrative regulation on refugee affairs, UNHCR

⁵⁶ GoB-UNHCR Joint Response Plan 2021

can't create any pressure on GoB. Outside of UN humanitarian organizations, other national and international organizations work under the regulation of NGO Affairs Bureau (NGOAB) for the approval of fund use. So NGOAB is another source of regulation that is working for the government. Through this mechanism, state works for regulating the refugee/FDMN in Bangladesh.



Flow Chart 02: Refugee Protection Framework (JRP, 2021)

In Bangladesh, refugee response is a joint response of GoB and Humanitarian Stakeholders. Through RRRC and ISCG (Inter Sector Coordination Group) as the regulating and coordinating authority works to support all humanitarian sectors to this response.

In GoB-UNHCR Joint Response Plan (JRP) has mentioned Refugee Protection Framework (JRP, 2021) (Flow Chart 02). This protection framework stands on four-pillar, such as pp1: continuous registration and documentation to ensure Rohingyas refugees can exercise their basic rights, pp2: Coordination with the Government to ensure a safe and protective environment for Rohingya refugees/FDMN, pp3: encouraged by ensuring basic assistance and protection services for both FDMN and Refugee and mainstreaming DRR strategies in all 13 sectors. Here humanitarian response sector is Food Security, Health, Shelter and Non-food Items, Water, Sanitation and Hygiene, Site Management and Site Development, Protection, Education, Nutrition, Communication with Communities, Emergency Telecommunications, Logistics, Coordination and Healthcare for Humanitarian personnel

and other Front-line workers, pp4: Working towards and preparing for sustainable return of the Rohingya refugees/FDMN to Myanmar by promoting capacity-building of the Rohingya. Although the sustainable return is the main focus of GoB, the protection framework for the humanitarian response includes a community-led, needs-based and participatory approach to assistance; the “do no harm” principle; the humanitarian community’s accountability to stakeholders, including the host communities and Rohingya refugees, and measuring the adequacy of its humanitarian interventions, taking into account the communities’ views; and the availability of information and feedback mechanisms.

State concern and the examples of non-compliance behavior:

Bangladesh is a densely populated and economically developing country, have no enough resources. But this country took the responsibility of a million Rohingya refugees. So, it is not hard to understand concern of Bangladesh (Azad, 2017). This situation already has played a negative impact on the host community and their resources. The local private property was occupied by Rohingya people, which made changes in the way of livelihood. Because local people starting to perceive that Rohingya refugees are a relatively privileged group. Without having permission to go out from camp, these refugees have played a great impact on the local labor market and create unemployment for the locals. These are the reasons for tension arise between these two groups. On the other hand, Cox’s Bazar is known as a tourist place for its world's largest sea beach and for its natural beauty. But this refugee crisis has severely impacted tourism. So, it is not only an impact on the local economy but also the national economy (Bhattacharjee, 2017). This Rohingya crisis also has destroyed local natural resources. Because GoB already has allocated its 2000 acres of forest land to build the camp. The camp was built in the roots of elements flows, in the future, it may be because of conflict between humans and animals. Destroying nature causes another concern for GoB (Bhattacharjee, 2017). Internal conflict in the Rohingya community is also a matter of concern for GoB. Hindu-Muslim conflict in camp is one of the issues of internal conflict. In the Refugee camp, there also found examples of Muslim-Cristian conflict (Haque & Chaijaroenwatanna 2020). Furthermore, an internal dispute among the Rohingya community is another cause of internal conflict among Rohingya refugees. In 2017, 19 refugees were killed by their community members (Cited in Dhaka Tribune 2018). So internal conflict among the refugee community made GoB concern.

Moreover, most of the Rohingya people in Bangladesh are youth and they are not educated. They did not get the opportunity for formal education. They are also jobless.

There has the opportunity to engage them in drug smuggling, crime or any terrorist group. These are the major concern of Bangladesh to secure host communities and it will be a threat to national security (Azad, 2017). Because of living Rohingya refugees without having any life opportunity. They easily take the opportunity of illegal movement into different countries. GoB also have assumed that members of the Arakan Rohingya Salvation Army (ARSA) entered Bangladesh through the influx of Rohingya refugees. It is another cause of facing threat by GoB to its national security.

(1) Camp condition in brief:

Refugees are living in an overcrowded camp with limited facilities (Islam & Inan 2020). According to UDHR (1948) as a human, they have right to a standard of living adequate for the health and well-being. But this right is violated. On the other hand, as a human Rohingya have the right to life, liberty and security. This was recent news at Dhaka Tribune (10th January, 2021) of a Rohingya refugee who was killed. Another news published on Aljazeera (9th October 2020) about 'Several killed in gang war at Rohingya's camp in Bangladesh'. That means their right to life is violated and Rohingyas are not secure inside of their camp. Amnesty International stated from August 2017 to July 2020 total number of extrajudicial killings is around 100. Where BBC published (16th September 2017) news on limiting movement rights of Rohingya. Their right on freedom of movement is also under the restriction of the state. They have restrictions on their freedom of movement outside of camp. Even Dhaka Tribune reported (15th February 2020), Home minister of the state assumed 'Surveillance on Rohingyas is not weak at all' and he announced to 'prevent the refugees from leaving their shelter', that's why fences are under construction. BBC reported it as (16th September 2017) to make Rohingya visible to repatriate. Which is the main goal of the state policy also.

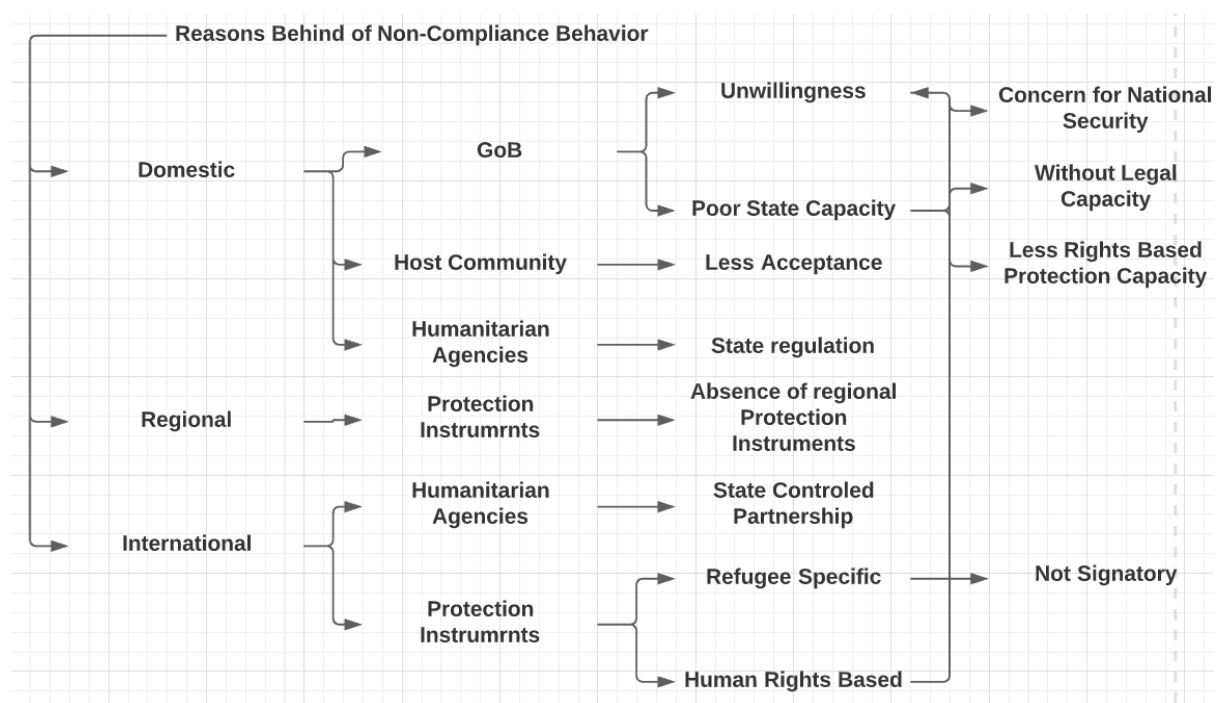
(2) From the ground of non-discrimination:

Marriage of Bangladeshi citizens and Rohingya refugees is a prohibiting act for marriage register. If Bangladesh Government allows marriage registration, repatriation will be impossible. But government all policies are to repatriate the Rohingya refugee. Where UDHR stated anyone can marriage at their full age and it is a human right. State also has tried to impose restrictions on communication and freedom of their movement. It is a process of making isolation among them. That's why BTRC ordered telephone operators to restrict their network on camp and also slowing down the internet facility. The government restricts their movement to come out from camp or others entry into camp (HRW 2019). On August 25, 2019 Rohingya showed their massive demonstration in camp, for its government suspended it, three officials, for their failure to stop the massive

demonstration in camp (HRW 2019). But it is against their right to freedom of peaceful assembly and association. Because of state policy goals towards Rohingya refugees, like repatriation is the cause of violating their human rights, such as Deprived of equality in dignity and rights, Deprived of minimum standard of living, right to life, access to justice, right to freedom of movement, communication right, right to marriage, right to freedom of peaceful assembly and association.

Reasons of being reluctant to follow protection standards

In this final discussion, paper will give the answer ‘why GoB has been showing so much reluctant to follow protection standards?’. Basically, these reasons can be divided into three aspects as domestic causes, regional causes and international causes. In domestic causes, GoB is unwilling to follow protection standards because of the state concern for national security. As GoB protection strategy is always repatriation focused. Besides without having legal capacity and fewer rights-based protection capacity, GoB does not want to follow the international standard. On the other hand, this community has been creating extra pressure on local host communities besides of state, this is another reason for being reluctant. Further domestic humanitarian agencies basically NGOs are under Government regulation by the NGOAB. By this government has controlled their activities by government funding regulation.



Flow Chart 03: Reasons Behind of Non-Compliance Behavior

In the regional aspect, there has no regional protection instrument. The absence of regional mechanisms is another cause of being reluctant. Because regionally, the government does not face any obligation or pressure to follow the protection standard. Finally, Bangladesh is not a signatory party of the 1951 refugee convention and its 1967 protocol. The government also does not face any international pressure to follow the standard. But the government is unwilling to provide human rights-based protection because of poor state capacity and unwillingness to take the burden of this huge population for a long time. That's why the government has been paling strong controlling strategies on international humanitarian agencies by the controlled partnership of protection.

CONCLUSION

It is the failure of international instruments to deal with this Rohingya crisis in Bangladesh. Due to the specific reasons of domestic, regional and international, the government shows denying nature of rights-based protection. So, this article wants to recommend, here have a need for strong monitoring of international communities to establish the rights-based approach to deal with this crisis. Besides, a South Asian regional protection instrument is also needed. Finally, need facilitation for government to create the willingness for refugee protection. Which can establish a better protective atmosphere for the refugees in Bangladesh.

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THE THAI GOVERNMENT'S SCHOOL LUNCH PROGRAM AND CHILDREN'S FOOD SECURITY: CASE STUDY OF A SMALL PRIMARY SCHOOL IN BANGKOK URBAN POOR AREA

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ABSTRACT

Food security is still a pressing issue in several parts of the world, especially in many developing countries. People suffer from acute hunger, particularly poor people who lack access to an essential amount of food, despite massive improvements in food production. Nevertheless, there has been growing number of malnutrition, particularly children, in the country. A significant segment of society still struggles to make ends meet. Such is an indicator that contradicts greatly to human rights standards. Thailand has been attempting to be the "Kitchen of the World". The Government established the School Lunch Program to tackle malnutrition in children, which has been negatively affective their cognitive abilities. A number of problems surround this programme such as corruption, dubious budget allocation, on top of structural problems such as poverty and inequality. There are several unlawful factors embedded throughout the Thai education system. This is constructed concerning the rights of the child to access adequate nutrition and their development in mind. In this light, this paper shall examine the contribution of the School Lunch Program (SLP) towards the achievement of securing sufficient, nutritious food for students, , and to investigate the main factors behind challenges it faces. Schools located in poor urban areas were selected for this study. They mainly accommodate children who come from low-income families, which were disproportionately impacted by the COVID-19 pandemic. This affected their ability to provide their children with adequate nutrition. This paper, therefore, found that food insecurity is correlated with poverty, which impedes the children's right to food with adequate nutrition. It aims to increase knowledge on food security particularly in the realm of children's right to food.

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Keywords: Food Security, Rights to Food, Children's Right to development, School Lunch Program, Thailand.

RATIONALE OF THE STUDY

Thailand Nutrition Profile

According to The Economist Intelligence Unit's Global Food Security Index, Thailand is placed 51 out of 113 nations in 2020. It finds itself behind a food-importing country like China (Ranked 39). While the Food and Agriculture Organization (FAO) emphasizes on domestic consumption, its latest data reveal that 5.4 million Thais are malnourished, which is about 7.8% of the total population (Pimasri, 2019). Moreover, around 600,000 Thai children are malnourished, putting their physical development at risk (Report on food security situation of Thailand, 2017). Rising hunger and poverty have challenged the fulfillment of the rights to quality of life for all. Furthermore, the inequality gap in Thailand, according to the latest annual Global Wealth Databook by Credit Suisse (CS), the is found to be the worst in the world. One percent (1%) of the country's richest controls Thailand's economic assets (Lindsay, 2019). The COVID-19 pandemic exposed and exacerbated existing inequalities in Thailand, which impacted low-income households. In light of food insecurity, the government had to guarantee policies in order to increase food affordability and availability, particularly for the most vulnerable. It must also be mindful of food nutrition and sufficiency.

SCHOOL LUNCH PROGRAM (SLP) FOR PRIMARY SCHOOL STUDENTS

Every child should be able to access safe, healthy food, regardless of the area they live in or the school they attend. However, the Thai National Statistics Office (NSO) and UNICEF, through the 6th Multiple Indicator Cluster Survey (MICS6) in 2019, revealed a severe concern about children as they are increasingly suffering from malnutrition, putting their physical and cognitive development at great risk. The survey highlighted existing inequalities in Thailand's education system. this,

The Thai school lunch program (SLP) was introduced in the 1950s to address widescale malnutrition in children, which is detrimental to their cognitive development. With the goal of "nutritional well-being for all Thai people", the Thai government decided to promote nourishment methods as a means to alleviate nutritional issues. These goals include food

security, healthy eating habits, and child development (Jumpatong, 2005). The government emphasized the need to enhance nutritional characteristics of preschool and primary pupils. The School Lunch Program aims to attain food security in four dimensions: availability, accessibility, stability, and utilization.

It is interesting to note that the Thai Ministry of Education from the 368,660,000,000 Baht budget of the current fiscal year, 40 billion was allocated to the SLP in 1,200 primary schools (parliamentary budget report, p.20, 2020).

Systemic misconduct still exists in the programme, and students are maltreated. This problem has persisted for years with no sign of competent state or departmental administration. It is a disgraceful demonstration of how deeply embedded structural problems are in the Thai education systems. Hence, the study aims to investigate the current challenges and circumstances in the quest to attain children's rights and food security.

METHODOLOGY

The study explores the association between the role of stakeholders and the advancement of the school lunch program. Moreover, **qualitative methods** were used to study the topic. This was done through in-depth interviews, open-ended questions, and participant observation. The study also explored secondary sources. The primary sources include legal documents, in-depth interviews, while the secondary source comprises books, research, reports, and academic journals. The study concluded with an examination of responses to food insecurity amongst students and on inquiries as to whether right-based programmes such as the SLP could solve child malnutrition.

In-depth open-ended interviews with experts including

1. Government: Policy and strategic level,
 - Office of the National Economic and Social Development council
 - Social Development Strategy and Planning Office (SSPO)
2. Government: Administrative level
 - Ministry of Education (MOE) - Office of Basic Education Commission
 - Ministry of Interior (MOI) - The Department of Local Administration
 - Ministry of Public Health (MOPH) - Department of Health

3. Selected schools are located in urban poor locations in Bangkok and the Metropolitan Area (case study)

- School director
- Teacher (Head of school lunch program)

LITERATURE REVIEW

International human rights standards on children and food security

This section covers several international standards to scrutinize the role of states. Since 1948, the UN and its member-states have been pursuing a number of human rights standards and mechanisms. They highlight state obligations to respect, protect, and fulfill human rights. With respect to the right to food, a Special Assembly on Man's Right to Food Freedom in 1963, reaffirmed such commitment at the international level. A declaration recognizing "the right to adequate food and the fundamental right of everyone to be free from hunger" was publicized at the World Food Summit in November 1996. (FAO,1996). Despite such a milestone, nothing was mentioned about what it entailed when it comes to nutrition and food security. A distinct aspect of the 1996 Summit was that its closing Plan of Action, Objective 7.4, which encouraged "the UN High Commissioner for Human Rights, in consultation with relevant treaty bodies, to further define the rights related to food in Article 11 of the (FAO,1996). In May 1999, the UN Committee on Economic, Social, and Cultural Rights published General Comment 12 on the Right to Adequate Food. (ECOSOC 1999). It provided most accurate definition of the human right to sufficient nutrition, which is "the right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement" (General Comment No.12, 1999). Furthermore, children's right to food has been greatly covered by the Universal Declaration on Human Rights (UDHR), International Convention on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC.)

Sustainable development goals and children's right to food

The Sustainable Development Goals (SDGs) aim to foster "partnership collaboration between all countries and stakeholders" to "eradicate hunger and poverty in all its forms and dimensions", as they remain to be "the greatest global challenge, and an indispensable requirement for sustainable development." (United Nations, 2015). By prioritizing these two goals, governments admit the need to prioritize food security. Moreover, this can be achieved by working closely with relevant stakeholders.

According to the United Nations, poverty is defined as the lack of material goods or money. It covers as people who are hungry, malnourished, or have restricted access to essential services such as education, healthcare, and government-provided assistance. People living in extreme or absolute poverty are quantitatively defined as individuals who earn less than the poverty threshold of 1.90 dollars per day (World Bank, 2015). By all means, poverty is not only about material affluence, but also is also about one's well-being. Moreover, one must consider and address living conditions, social-economic context as well as the rights of citizens especially vulnerable group. Hunger, which is often included in the definition of poverty, encompasses all issues relating to food: food security and better nutrition (International Food Policy Research Institute, 2016). These consequences do not impede only the ability of individuals per se, but also magnifies the responsibility of duty bearers and those responsible for the well-being of individuals and groups.

Food Security, Poverty and Malnutrition

The idea of Food Security was formally adopted at the 1996 World Food Summit. It is defined to be "when all people, at all times, have physical and economic access to sufficient safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life." The world has since witnessed improvements in food production and consumption. However, much progress is still be seen in terms of combating the impacts of poverty on access to nutritious food in developing countries. (Gardner, 2013). FAO revealed that food insecurity can occur when there is a cyclical pattern of poverty, because Food Security, Poverty and Malnutrition are deeply interrelated phenomena. Malnutrition leads to poor physical and cognitive development, which in turn leads to low productivity. Low productivity then cyclically leads to poverty (Food Security Organization, 2008). To overcome these challenges, the state must ensure everyone that, under the proper jurisdiction and obligation, it could fully access sufficient, safe nutrition in their daily diets.

FINDINGS AND ANALYSIS

The Obstacles in Effective School Lunch Provision

Several academic studies and international reports indicate that Thailand seems to be likely supportive of children's right to adequate nutrition. Many legal and policy frameworks were implemented to reflect standards exhibited in the UDHR, ICESCR, and CRC. However, in reality, state-directed actions or appalling law enforcement still undermine children's rights to food, with organization-governed laws and activities directly

impacting children's health and school operations. Although these laws and policies are intended to protect and fulfill children's rights, they hinder the overall process, as officers have to follow complicated and unnecessary procedures and responsibilities, depriving many children of benefits supposed to be delivered to them. Furthermore, a handful of misguided plans, expose the government's failure in managing and meeting the international standards. The national plan, in particular, lacks essential detail and specific solutions to address diverse problems related to food insecurity and malnutrition in children. To make matters worse, many food security policies and strategies were executed from by the central government. This contributed to difficulties in solving localized issues and concerns.

Equal budget allocation doesn't mean "equity"

Thailand recently spent 4% of its GDP on education, or 20% of overall government spending, yet it is still places amongst the lowest in terms of educational quality, according to the OECD's "Education at a Glance 2017". Despite spending a great number of funds annually, Thailand's education system has failed to achieve excellence and overcome inequality due to the per capita subsidy budget, complicated administrative structure, and dispersed centralization. This fiscal year, the Ministry of Education received 37 million baht to execute the free lunch program in schools. Insufficient school lunch budget causes inequity when it comes to accessing proper nutritious food. As a result, the Ministry of Education recommended the Cabinet to increase the budget for school meals to 36 Thai Baht (THB) for small schools, 30 THB for medium schools, and 24 THB for big schools. To keep up with per capita distribution, the Thai Cabinet raised the budget for school meals from 20 to 21 THB in 2022. An in-depth discussion with a school director and a teacher in charge of school meals revealed that increasing the price by only one THB is incompatible with the current economic situation, which is ridden by substantial inflation and high ingredient costs. Aside from delayed budget allocation, schools have no extra funds for food preparation materials and equipment. However, there are few initiatives to promote and support the lunch program. Budget inconsistency and delays have been a chronic problem for school lunches. Interestingly, the SLP Fund Bureau found that money distribution was delayed and that useful information was not disseminated efficiently.

CONCLUSION AND RECOMMENDATIONS

Role of Stakeholder in Promoting Children's Food Security

Policies and actions of the Thai Government, either positive or negative, substantially affect several dimensions of food security, particularly through its School Lunch Program. As per the findings, a majority of challenges arise from the structure itself. This implicates that the structural framework is not correlative with the practices, which are impeded by inefficient management. Certainly, it implies that the current system is not dependable in relation to the fulfillment of children's food security and their right to adequately nutritious food. It is recommended to alter the program's direction, starting with those who are impacted by the program. In this case, the first and most affected are the children and their parents. The importance of these stakeholders must be recognized, and one approach is to conduct public hearings to gather feedback for developing or improving policies. The school administration is directly responsible for the program and should be involved in all stages. Political rights such as the freedom to express oneself should be respected, as well as the right to food, development, and education. Although government agencies are directly responsible for protecting citizens' rights, stakeholders are still not included in regular discussion, let alone annual government stakeholder meetings. Consequently, people-centered frameworks should be used to identify issues from localities to government and its policies. This would enhance problem-solving while also helping those affected by policy implementation.

Children's Food Security and School Lunch Program

It is key to structurally conduct the education on rights to ensure accountability, transparency and protection of one's rights and freedoms. One of many ways to educate about rights is through active involvement of relevant stakeholders. Students should be able to critically contribute to the improvement of rights protection. For instance, involving them in the improvement of the school lunch system may ensure the fulfillment of the right to nutritious food. Furthermore, if they believe that there is an imminent danger in food, then remedies should be available and accessible (Kent, 2004).

A particular school meal program should be a result of a collaboration between students, teachers, and administrators. Rights should be made understood and agreed upon before the program is implemented and enjoyed. Generally, people with good intentions have been providing school meals to those who take whatever is given, without inquiring or

asking questions. The purpose of a rights-based approach is to address such passive culture, and eventually empower children as rights-holders.

School Lunch Program should be a foundation, on which the greatest aspect of human rights should be built upon. The right to food should be applied to educate human rights in an environment that students and instructors seek new purpose and transformational management. Student involvement in their school meal programs may prove to be an educational benefit, an excellent learning opportunity for students and teachers, about nutrition, several specific regulations, and international standards. Furthermore, students are able to voice out their concerns at all times. They would learn about certain rights and their contribution towards the improvement of achieving their rights and freedoms.

It is critical for children to be provided healthy meals, particularly those from low-income households who rely on free school lunches for nutrition. The chronic problems would be subdued if school meals are distributed with a focus on human rights. These rights shall be stated and made clear from the beginning to guarantee that the effective rights-based system is intact before being delegated upon the school authority and delivered to locals and stakeholders. Moreover, a set of measurable accountability indicators is needed to ensure that the system is genuinely rights-based. To successfully create a transparent system with every stakeholder involved, a group of parents and teachers must stand as overseer, which is responsible for receiving complaints. Moreover, each school should establish a way to issue warnings, as well as share milestone to the community. Students may assist in formulating norms and procedure that can be consistently refined over time. They should be able to co-design a right-based program and its implications outside of the classroom, provided they are actively engaged in the process, and receive support from relevant stakeholders.

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WHAT INHIBITS THE CONSOLIDATION OF DEMOCRACY IN POST-ARAB SPRING EGYPT?

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ABSTRACT

Several changes in the ruling elites of Egypt have not brought Egypt closer to democracy. On the contrary, today's Egypt continues distancing itself from the path to democracy. It is intriguing to see all the ruling elites attempting to use the rhetoric of rights, freedom and democracy in search of their legitimacy and abandoning this very rhetoric in protecting the positions of power that they gained. This incentive to maintain political power is especially true in the context of Egypt where once a regime falls, the people of the former regime are suppressed in order for the new regime to emerge and strengthen. This incentive runs counter to the principles of democracy which prevent monopoly of power and requires competing interests to participate in the system. Ruling elites in Egypt also suppress their own people who may offer a challenge to the regime's stability such as el-Sisi and the suppression of Sami Anan, Hisham Genena and Colonel Ahmed Konsowa. On the other hand, non-state actors in Egypt such as the Muslim Brotherhood, the April 6 Movement and NGOs used to be catalysts for change but were never truly able to bring about sustainable democratic consolidation. Their abilities to do so were hindered by ruling elites and by the divisive history of Egypt that caused reservations based on non-state actors' affiliations to Islam or affiliations to the West. This leads to the biggest question of how did the new authoritarian government emerge after another could maintain its power without falling to the challenges posed to its predecessors which led to their eventual collapse. This research examines Egypt's peculiarities and how the authoritarian government deals with their political elites to prevent them from challenging the incumbent and devises harsher means, including narratives, to keep people and the society under its control.

Keywords: Democratization, Egypt, Military, Revolutions, April 6 Movement, Rhetoric.

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INTRODUCTION

Democracy is a system that permits multiple political forces to compete under established institutional frameworks and rules whereby participants, maybe the voters, political parties and politicians organise with unequal economic, organisational and ideological resources (Przeworski, 2003). For democracy to consolidate in a country that is transitioning from an undemocratic to democratic system, the democratic institutions must create a situation that is better for the losers to continue to participate and subject their interests and agendas to the uncertain democratic outcomes (election result) in the future (Przeworski, 2003). Obviously, in this process, the political elites must be willing to participate. In order for elites to participate, it is necessary to know what is possible but not what is likely and nothing is predictable, Przeworski argues that “uncertainty” is inherent in vibrant democracy (Przeworski, 2003). People are able to realise many outcomes and what entails in each outcome but they do not know which outcome will materialise. Since democracy enables everyone to compete and advance their interests, uncertainty is conducive to participation within the system. Had the outcomes been predetermined or completely incomprehensible, peoples would have acted to enforce and impose their values and version of “democracy” or “system” which might not necessarily be as peaceful or as reasonable for cohabitation of different competing groups. This is why elites are willing to subject themselves to democracy rather than be in a system that they will be prone to overthrow or perpetually be controlled by another group. Thus, such a society would experience the culmination of an illiberal system, if not authoritarianism over and over.

The successive emergence of authoritarian rulers and the proliferation of many well-known movements makes Egypt one of the most dynamic examples for the study of democratization. It is not a surprise that by 2022, Egypt experienced six aborted democratization attempts resulting in 60 years of military rules making Egypt well known as a republic of retired generals (Abul-Magd, 2012). In 2016, Associate Professor Khalil al-Anani, from the Doha Institute for Graduate Studies, best described the situation of democratization in Egypt from history up until the present, stating that “democracy, rights and freedoms are just rhetoric” and “they have not been materialised to show that Egypt is on the right track to democracy” (Hashem, 2016). This claim is strengthened by both the histories of previous leaders and today’s situation. Democracy seems to be what leaders promise when they ascend to power and when maintaining their power is at stake; they immediately turn back on democracy knowing that democracy poses uncertainty to

their authority. As a result, it is inevitable that Egypt is characterized by leaders who actually try to maintain political power more than to genuinely achieve a democratic nation.

The past has proven that democracy is just a game of rhetoric. President Anwar Sadat, Hosni Mubarak, Mohammad Morsi and Abdel Fattah El-Sisi had both used democratic rhetoric to depose the then incumbent governments before they themselves turned back on the rhetoric and started to preserve their political power. In Sadat's regime, his democratic promises were based on (i) rule by law, (ii) government by institutions and (iii) political freedom (Hamdy, 2010). However, he found himself opposed by the Nasserist officers who did not necessarily share Sadat's ambitions for Egypt's new political scene. For Mubarak's regime, he had promised to transform Egypt to become more modern and democratic and to reduce political tensions between state and politically upset groups such as the Muslim Brotherhood. Mubarak made a bold statement upon entering his second term reaffirming his commitment to democracy (Hamdy, 2010). His statements echoed his reforms during his first term and continued in his second term as the president. His promises, to mention a few, included the liberation of many political prisoners, granting press freedom to criticise the state, granting freedom to political oppositions and activists, and reintroduction of the student union (Zahid, 2014). Hosni Mubarak nominated a few politicians from opposition parties, Waf, Muslim Brotherhood and Labour Party, that did not reach the 8% threshold to a seat in parliament. Mohamed Morsi, the first democratically elected president, was entrusted with the hope of democratic restoration by the Egyptians including police, anti-Mubarak protesters and Muslim Brotherhood supporters (David, 2012). However, his presidential path was complicated by the dissolution of the parliament by the SCAF order causing him to be deprived of institutional authority and legitimacy as a president. He reacted by issuing a presidential decree in the hope of reconvening the parliament to have access to democratic power entrusted to the president to wield through the parliament just to be politicized by this very act as intending to amass power and abuse presidential authority. Abdel Fattah El-Sisi rose to become the next president after the public felt that Morsi abused presidential power and strongly supported Islamic law on the society. Upon el-Sisi's entry to office, the military swiftly made use of social rhetoric that the January revolution that deposed Morsi should not be seen as a military coup but a democratic mandate expressed by millions of protesters (Winter, 2015). This rhetoric was important to both the new President el-Sisi that played a leading role during the overthrow of Morsi and the military institution. It successfully distracted the public from developing concern

with the undemocratic coup and allowed the public to accept the new president and his commitment to democratic Egypt.

In these transitions, they displayed various ways in which the rhetoric for democracy was used by different leaders. They often spoke about rules of law, political rights and freedom, institutional power and checks and balances. Although different presidents prioritized different parts of the democratic aspects for Egypt, what was common among them was that they never truly governed democratically. When faced with opposition and challenges, they resorted to undemocratic means to manage conflicts as opposed to engaging with them democratically. They prioritized getting rid of their opponents over trying to coexist with them. President Sadat used Law Number 47 to dismiss many top-level officers deemed loyal to the old Nasserist visions, including the dismissal of his Vice President Ali Sabri (Abul-Magd, 2012). Moreover, Sadat made use of the 1971 constitution that gave the president unchecked power over many state institutions, such as issuing decrees, presiding over ministerial councils and reshuffling the cabinets (Hamdy, 2010). This was his response to the growing opposition and competing views in politics that were the results of his liberalization. These undemocratic powers amassed to Sadat were not found in democracies as they are regarded undemocratic and instrumental to the establishment of authoritarianism. Meanwhile, Mubarak's democratic practices were criticized as symbolic as the political freedom and participation given to the opposition political groups was too small to be meaningful. Mubarak's regime maintained strong supervision over media in elections. Despite the growing political presence of the opposition in the parliament they were not able to advance. Mubarak won four re-elections with voting restrictions and voters' intimidation (From plebiscite to CONTEST? Egypt's presidential election). Growing challenges and oppositions to Mubarak's rule resulted in the erosion of all liberalizations returning Egypt to where it used to be in regards to lack of press freedom, absence of student union, suppression of political opposition and detention of political dissidents (Zahid, 2014). The pattern of amassing too much political power also occurred with the democratically elected President, Morsi, where within five months, he issued a decree to amass unprecedented presidential power to himself to address the political standstill of Mubarak's trial and SCAF political power which was seen to go against the power of the military and the courts as well as reforming state institutions that were dominated by the military. The accumulation of presidential power made the situation worse as it was reminiscent of the first step to authoritarian rule where power is concentrated in one person's hand. The opposition to Morsi gained quick appeal, it was not just a result of Morsi amassing too much political power but also the existing anti-

Islam sentiment among the Egyptian population. This enabled the military to swiftly justify a coup against Morsi. To Morsi, based on what he encountered during the presidential election and upon entering office, the military and judiciary were institutions of Mubarak's regime that opposed him governing democratically. He could not become a president and wield power without reforming these institutions. Although it is plausible to argue that these institutions are prejudiced against certain groups of population and needed to be reformed, but amassing unwavering power to the president is also contrary to democratic consolidation and similarly it undermined the separation of power in the same fashion.

Thereafter, El-Sisi finally became the president. He has a special concern with the Muslim Brotherhood which had backed Morsi. He began with demonising the Muslim Brotherhood as a threat to security and stability, let alone to democracy. He organized a military parade to commemorate the anniversary of the overthrow of Morsi in 2016 and took the opportunity to strengthen narrative that the Muslim Brotherhood is a "terrorist organization" and to remind everyone that he will deal with anyone who attempts to destroy and undermine Egyptian hopes and dreams (Al Jazeera, 2016). To deal with the Muslim Brotherhood, el-Sisi also targeted mosques, the core strength of the Muslim Brotherhood, which he believed preach values and beliefs that allowing the Muslim Brotherhood to exist for over 90 years. Throughout its existence, it has been in a struggle for political power with the military regime. Besides managing religiously motivated groups from interfering with politics, el-Sisi has been criticized for controlling freedom of speech and information on civilian platforms. He outlawed protests, disbanded thousands of NGOs and imprisoned several individuals who are critical of the state. Based on the outlook, these policies have been branded to curb extremism and terrorism however it is clear from observers that all of these policies are aimed towards targeting political dissidents. Since the passing of a strong censorship law, many journalists and citizens who are identified as anti-Sisi have been arrested on accounts of inciting protests and unauthorised gatherings. In 2018, 19 journalists were imprisoned in Egypt, which is five times more than other repressive countries such as China, Cameroon or Rwanda (Funke, 2018). The controls expand into the virtual world where the introduction of a new law eliminating and restricting online information promoting extremism and terrorism, inciting violence and causing potential threats toward national security has gone to the extent that includes identifying personal social media accounts with over 5,000 followers under the need for state surveillance. Individuals found guilty of this law can be fined up to \$10,000 or a two-year jail term (Feingold, 2018). The latest law on cybercrime resulted in more than 400 websites being closed, including services that would allow the circumvention of

the censorship, such as VPN (Funke, 2018). Aside from ensuring control over the public, El-Sisi has managed controls within the military institution. Similar to Sadat, El-Sisi has been facing similar challenges from within the military whereby many high-rank military officers indicated their intentions to run in elections against El-Sisi. As a result, El-Sisi did not hesitate to also systematically suppress them by making many significant arrests. Sami Anan, Hisham Genena and Colonel Ahmed Konsowa were important figures that were arrested due to their attempts to run for president in different elections (Piazza, 2018). Many of them used to play an important role in either ousting President Mubarak or during the revolution against President Morsi. Anan was targeted by El-Sisi in a particularly harsh way because he is the former second rank in the military with portions of military backing him to run for the presidency, he stated that “he wished to save Egypt from wrong policies” all of which proved Anan to be an interesting challenger to El-Sisi’s regime (Michaelson, 2018).

Beyond examining state actors and how they have exploited democratic rhetoric to gain positions of power and seek its preservation through undemocratic means, it is also equally important to understand whether non-state actors play any roles in strengthening or deteriorating democratic consolidation in the context of Egypt. In Egypt, non-state actors emerged from some shared values or bonds, most notably religious doctrines, personal cults and political ideologies. They are independent of the state when it comes to making a stand and taking action. These include Muslims, Coptic Christians, Secularists and non-governmental organizations. Although authoritarian governments tried to put in place a system to legitimize, supervise and monitor them, such as licenses for NGOs or to form political groups, it does not constitute a barrier to certain groups from being defined as non-state actors. The nature of non-state actors that are founded upon religious or political identities that have always put them in conflict with one another for power, rights and freedoms which have profound impacts on democracy and the stability of Egypt. Past authoritarian governments have systematically attacked and curtailed certain non-state actors that were deemed threatening to their political power and regime stability. Hatred has been built from history and systematically used to justify political stances by all actors against one another.

To begin with, many non-governmental organizations in Egypt have been supported by Arab NGOs Networks for Development (ANND) that oversee a variety of issues such as human rights, justice, health and media freedom (An Arab NGO view on Egypt and the region). Supporting networks for NGOs is vital to the creation of an independent space

between the state and individuals to foster democratic practices since this independent space allows groups and organizations to represent diverse interests and organize activities (Zahid, 2014). However, the ANND are seen as western-based, and their approaches are viewed as secular or non-religious, hence, they are accused of having anti-Islamist views and introducing western propaganda to the public (Armstrong, 2015). This indirectly creates competition and politics between religious-based NGOs and non-religious based NGOs in campaigning and lobbying for a higher political power structure. The politicization of NGOs undercuts the effectiveness of NGOs to access the people and raise democratic awareness, notwithstanding the already difficult situation imposed by the authoritarian government upon all types of NGOs working in Egypt. As a result of this law, over 10 foreign NGOs have been closed, which include International Centre for Journalists, Freedom House and National Democratic Institute (Christy & Cohen, 2013).

The Muslim Brotherhood (MB) is the most popular but controversial institution associated very strongly with Islam. What is interesting to note is that the MB's power was able to be diminished by authoritarian governments despite its dominant position. This is because Egypt has been divided by too many deep-rooted conflicts. While Muslims view the MB as the promoter of democracy, others have several reservations against them and their Islamic nature that, according to non-Muslims, is inherently undemocratic (Moghadam, 2013). Islam has not been seen to treat people equally particularly women and has not been seen to practice democracy at the institutional level such as in decision making. In addition, many of the MB's aspirations for Egypt are unwelcome by other Egyptians, such as making Sharia the law of the land (Bergman, 2017). Therefore, it is conceivable why non-Muslims would have several reservations against the MB's dominance. This was evident with two presidents, Sedat and Morsi, who collapsed very quickly after associating themselves with part, if not all, of the MB's aspirations. Since the MB is the only well-organised non-state actor, they are often the primary target of the political elites in their quest to preserve or establish their power; hence thousands of the MB's members were jailed after the military coup. (Egypt's Sisi vows Muslim brotherhood 'will not exist' 2014).

Besides foreign NGOs and religious-based institutions such as the Muslim Brotherhood, Egypt has witnessed another social movement known as the April 6 Movement. The April 6 Youth Movement began as a simple Facebook page, rallying support for workers and calling for a strike to demand reforms. The Egyptian government typically held a virtual monopoly on the control of information; however, this time technology and the proliferation of social media weakened the ability of the government to control narratives

and disseminate propaganda (Hafez, 2013). People from every economic class who had the internet were now able to access news, information and participate in political discussion at an unprecedented level. The Facebook page started with around 300 followers, but within a day, it grew to 3,000, and within a few weeks, it exploded to 70,000 (Revolution in Cairo). The topics of discussion on the page encapsulated the spectrum of issues facing the middle and lower classes of Egypt, who had felt disenfranchised by the ruling elites. Among the main topics were the recent Israeli airstrikes upon the Palestinian city of Gaza, a source of great anger among the populace. The government's lack of action, retaliation, or any concrete sanction against Israel despite horrendous attacks was seen as treasonous by many of the followers of the April 6 Youth movement. This led to a protest of over 2,000 people in the streets of downtown Cairo, where protestors marched with Palestinian flags (Revolution in Cairo). The main presence at these protests was the Muslim Brotherhood, leading it to eventually become a target by the government as it was one of the few credible opposition parties able to oust it from power. This new online grassroots movement that was able to consolidate the grievances of workers, farmers, and the youth shocked the Egyptian government. Bloggers and protest organizers were able to plan, organize, and promote protests in many cities throughout Egypt at a rapid pace. The movement broke provincial barriers and had supporters from Egyptians outside of Egypt, transcending the geographical limitations of traditional protest movements. When the government began to arrest activists and demonize protestors, the Youth Movement's own media and legal team was able to put forward a strong media campaign in both conventional and non-conventional media outlets to counter the government's narrative and pressure the judiciary and law enforcement to release activists.

CONCLUSION

It is very clear from the study that no rulers in Egypt have a genuine commitment towards democracy as all of them are too concerned with their own interests and their power relative to one another. It remains unclear how, in this situation, democratic settings could have been adjusted to make it more favourable for every stakeholder to be willing to subject themselves to the rules and continue to participate under democratic frameworks even if they do not succeed for a period of time. It can be concluded that different political elites in Egypt seek to prioritize the enforcement of an outcome that is most favourable to them over the system, which ensures no one would have a monopoly over power hence higher uncertainty in the period of time they may hold on to the power. In fact, when it is comprehensible in a democracy that regimes or power will have to change, they would act

to enforce durability and longevity of the regime, hence undermining the very process of democratic consolidation. The regime changes in Egypt came with a lot of suppression of the people from the former regime or political opponents. This provides a clear incentive for political elites to hold on to power as long as possible to avoid being suppressed. Despite the ability of non-state actors to offer platforms for democratic consolidation, they were affected by complications over their affiliations, Islam or Western, and by state laws. Therefore, regardless of whether the outcome is comprehensible or incomprehensible, if the political elites feel that they are powerful enough to withstand criticism and subjugate other stakeholders under their dominance, they would choose to act in the preservation of their interests over another. Other stakeholders who have not had control of institutions or politics would be fighting for the establishment of democratic ideals as argued by Adam Przeworski or causing political uprisings to overturn the situation. This pattern is unlikely to change in a deeply divided Egypt.

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THAILAND AS PERFORMATIVE STATE: 21ST CENTURY CULTURAL DIPLOMACY TOWARDS CHINA

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ABSTRACT

Thailand in the 21st Century finds itself in a difficult situation amidst the intense competition of two global superpowers, the United States and China. As the oldest American ally in South East Asia, the country upholds its historic friendship with the US, a superpower that once stood beside Siam in fighting communism during the fiery Cold War. Sino-Thai relations, on the other hand, may not have the historical comradeship like its American counterpart, but Beijing has been really playing to Thailand's national interest in recent years. The benefit that Thailand gets from the US does not really compare to what Thailand is getting from the PRC. In the balance of power, Thailand can be seen to be tilting towards the Chinese camp, through policies allowing Chinese investments, regional corporations, and many more. Thai diplomatic stance has been subtly moving towards China, and cultural connections are now being seen as tools to "perform" to Beijing for deepening and strengthening Bangkok-Beijing economic cooperation. This paper will look at the cultural dimensions of Thailand's diplomacy towards China and why Chineseness is used in Thai cultural diplomacy.

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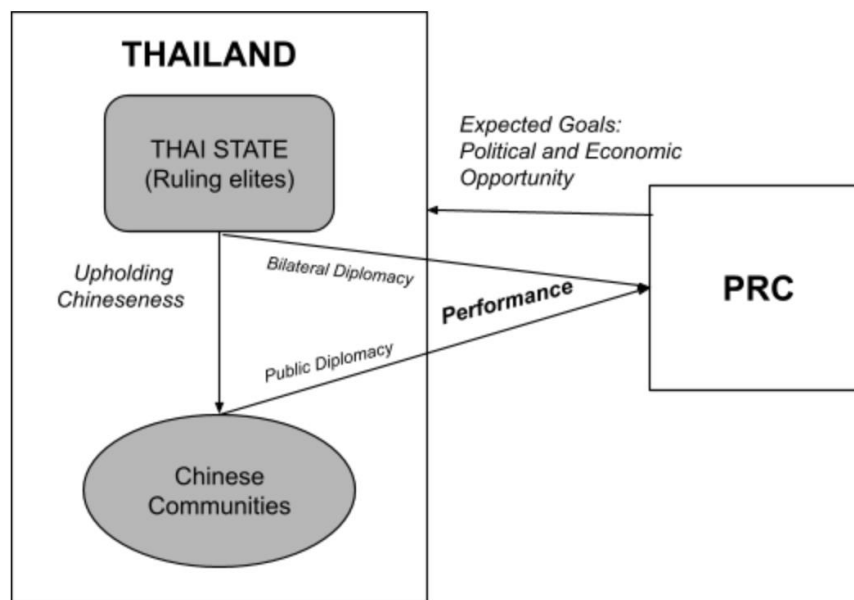
CONCEPTUAL FRAMEWORK: PERFORMATIVE STATE

Thailand acting as a Performative State to the People's Republic of China in the 21st Century is an analysis of the Thai State's use of Chineseness as part of its cultural diplomacy towards the People's Republic of China (PRC). "Performative State" is a concept first coined by Peter Jackson, who used it to analyze Siam's cultural diplomacy as a tool for surviving colonialism and asserting power. The "regime of images" that was created was in accordance with Western demands of being "civilized" (the phrase "sivilai" was coined in the Thai language back then), through a top-down approach in governance, "mandated" by the government and the monarchy, which felt that it was Thailand's chance to survive colonialism. "Sivilai" became the era's notion of Thainess that places at its core value the maintenance of public shows of harmony or orderliness (khwam-riap-roi), thus, the tyranny of images.⁶⁰ Jackson concludes that Siam's usage of cultural performance rather than military response was outstanding as the influential factor in attaining the outcome that Siam wanted -- to stay as a sovereign nation and uphold national interests. Thus, the paper aims to explain that Thailand is a Performative State once again, but this time towards the PRC, as the Thai State upholds Chineseness in its cultural diplomacy, both through the Thai public and also through bilateral diplomacy with China, all with the goal of gaining economic opportunities.

Chineseness, according to Allen Chun, refers to "Chinese culture and society."⁶¹ Thus, this paper aims to look at how Thai cultural diplomacy, through the scope of public and bilateral diplomacy, upholds Chinese culture and identity, both consciously and unconsciously. The diagram below illustrates the outline of how Thailand uses Chineseness in both public policies, through the identity of the Chinese community, and bilateral diplomacy, directly with China, as a "performance" to gather political and economic opportunities in the 21st century.

⁶⁰ Jackson, 2004

⁶¹ Chun, 1996



The logical explanation for the necessity of analyzing Chineseness in Thai cultural diplomacy is that Thai cultural diplomacy should be centered around promoting “Thainess.” According to the Ministry of Culture’s publication “เกียรติภูมิและภาพลักษณ์ไทยในเวทีโลก” (The Prestige and Image of Thailand in the World Stage), cultural diplomacy is used to promote friendship, trust, mutual understanding, and good image of Thailand in the eyes of other countries. Cultural diplomacy can be used as a media strategy to portray the friendliness of Thailand in order to strengthen international relations. The investment in cultural diplomacy translates to “unmeasurable benefits.”⁶² Creating a good image for Thailand translates to benefits for many, and would refer to Thai cultural promotion.

Thainess as part of Thai cultural diplomacy, however, is not the focus here. This research aims to look at Thai cultural diplomacy from another angle and point out that Thailand is a Performative State in using Chineseness for its cultural diplomacy.

FINDINGS: WHY IS CHINESENESS USED IN THAI CULTURAL DIPLOMACY?

The dilemma that was laid out in the introduction shows the trend of Chineseness being used by Thailand as part of its cultural diplomacy and evidence of Thailand being a Performative State to China. The research regarding this question is derived from interviews with Thai State sectors, namely, officers from the Ministry of Culture, Ministry of Foreign Affairs, and the Tourism Authority of Thailand (TAT). Using the deductive

⁶² Ministry of Culture, 2019

approach of qualitative coding, the research collects the interview findings and categorizes them into the following reasons that answers why Chineseness is used in Thai cultural diplomacy.

The Representation of Chinese Community and Thais of Chinese Descent

Thai State officials argue that the significance of Chinese diasporas and the assimilated Chinese culture in Thailand throughout history is one of the most important reasons why Chineseness has been utilized as part of cultural diplomacy, especially catering to the Thai public. For instance, a diplomat from the Ministry of Foreign Affairs shared the agency's ideas on the cultural policy of using Chineseness as a way of representing Chineseness that has been assimilated into Thainess. The official stated that in many ways the Thai State is indirectly upholding Chinese culture through Thai culture, because Chinese culture is an integral part of Thai culture.

In representing Chineseness in ways that cater to the Chinese diaspora and the culture of Thais of Chinese descent, however, the idea behind this can be categorized as either Thai State initiatives or initiatives of private sectors that represent the Chinese diasporas in Thailand, such as the Thai-Chinese associations. An anonymous diplomat from the Ministry of Foreign Affairs explains how the different Thai-Chinese associations are the main driving force behind the Thai State's association with the cultural promotion of Chineseness:

“In my view, the use of Chinese culture as a way to strengthen relations with China is mostly present in non-state actors like the Thai-China Chamber of Commerce, Hainan Association of Thailand, Teochiu Association of Thailand, etc., as they represent the Chinese diaspora in Thailand, which mostly came from the Sampheng wave of migration. These associations support people-to-people relations between Thailand and China. Projects like giving scholarships to students to go and study in Xiamen, in which students who come back will have absorbed certain elements of Chinese culture and positive sentiments towards China as a whole. are all initiatives that they push to promote people-to-people exchanges.”

An interview with Krittiga Chumyawong, senior marketing officer at the Asia 1 Section, TAT, also shows that Thai-Chinese associations are initiators of Chinese cultural promotion. She stated that she has cooperated with associations of Thais of Chinese descent like the Lim Clansmen Association of Thailand, which sponsored bringing the

“Mazu” Goddess Statue to Bangkok for the Thai people, but mostly Thais of Chinese descent, to worship.

Apart from initiatives from the Thai-Chinese associations, many Thai State sectors also have represented Chineseness in cultural diplomacy with the goal of pleasing, or being inclusive of, Thailand’s assimilated Chinese community. Worawut Chawengkiat from the Ministry of Foreign Affairs stated that some events that showcase Chineseness are held because the Sampheng “Thais of Chinese descent” are a huge section of the Thai population, and sometimes the State issues domestic policies to “make the domestic Chinese population happy.” Another interview from the Foreign Affairs Division of the Ministry of Culture adds to these explanations, stating that the ministry proposed to the cabinet, earlier this year, to recognize Chinese New Year as a national holiday. This would reflect the Thai State’s respect for all cultures in its territory, and also the importance of Chinese culture in Thailand.

Lastly, the Ministry of Culture also stated that Chineseness is not only being used to represent the history of Chinese diasporas in Thailand, but also to showcase Thailand’s multiculturalism. For instance, making the Chinese New Year a national holiday is representing and positively reinforcing pre-existing Chinese culture by showing to other cultures that the Chinese New Year is very much a Thai holiday, and all Thais, regardless of ethnicity, are given a holiday to celebrate this joyous occasion.

The Negotiation Power of “Sino-Thai One Family”

One very important analysis of Thailand’s upholding of Chineseness in the 21st century is through the Thai State’s family theorization of Sino-Thai cultural relations. The term “Sino-Thai One Family” (中泰一家亲) was the analytical concept that was used by Thai leaders and politicians to show that Chineseness and Thainess belong to a similar “family,” for advancing economic, political, and other agenda.⁶³ According to Pongphisoot Busbarat’s article, “Family-making in Sino-Thai Relations,” these relations have been branded to show a family. The “family” discourse requires that both parties become consensual, but as the focus is on the Thai State’s role, the research will focus more on the Thai State’s contribution to this “Sino-Thai One Family” (中泰一家亲). Busbarat states that the “association” of the State with Chineseness is “purposely” strategic for economic

⁶³ Busbarat, 2016

and political reasons. This usage of the phrase came from the Thai Royal Family, which was at the time both the Head of Government and the State.⁶⁴

The phrase emerged during King Rama VII's era. At the time, Chinese migrants who settled down in the Sampheng area grew in huge numbers. This caused various problems. Firstly, there was clear evidence of ethnic segregation between Thais and Chinese, and conflicts and violence were often the result. Secondly, the economy was at a low point, and the Chinese community was making money but the money was turned into remittances which flowed back to their Chinese motherland. Thus, King Rama VII initiated the phrase “ไทยจีน ใช้อื่นไกล เป็นพี่น้องกัน” (Thais and Chinese are like brothers), to inject a sense of Thai nationalism into the Chinese community, and also inject acceptance of the Chinese into local Thais.⁶⁵ The term was then translated to Chinese as “中泰一家亲” (Sino-Thai One Family), and became a huge part of the diplomacy between the two countries. Thus, with the historical and constant use of the phrase, the researcher was able to ask Thai State Officials from the Ministry of Foreign Affairs, Ministry of Culture, and the TAT, why the phrase is used, and how it is significant to Thailand's cultural diplomacy towards China. The phrase, it appears from the foregoing discussion, represents a reiteration of the successful assimilation of Thais of Chinese descent into the country.

In contemporary politics, the phrase is often used in bilateral settings with China. It is analyzed as cultural diplomacy because, even though the phrase is used quite often in bilateral events by both the Thai and Chinese sides, the explanation of how the term came into use are very similar -- citing the Chinese migration to Sampheng community, the chaos and conflict that the Thai State faced with racial segregation, and the eventual usage of the term for the normalization of peaceful coexistence that led to the emergence and recognition of Thais of Chinese descent, who have spread all over Thailand. Thus, the usage of this term is aimed at reminding both Thailand and China that they are in fact a family bound by blood, and that Chinese ancestry among the current Thai population is significant. The interviewees unanimously agreed on this point. The way the phrase is being used, however, did not elicit agreement among the various Thai State actors interviewed. Three analyses are extracted from the interviews that show how the phrase can be used as a negotiation tool for Thailand as a Performative State.

⁶⁴ Busbarat, 2016

⁶⁵ Busbarat, 2016

The most positive use of the phrase comes from the Ministry of Culture. The term is said to enhance mutual benefit or dispel conflicts, because it invokes the belief that a family will always be a family. According to Treechada Aunruen, director of Bilateral Cooperation Group of the Ministry of Culture, the phrase is used for positive engagement:

“Since the restoration of the relationship between Thailand and China, the expression "Sino-Thai One Family" has been used continually by both public and private sectors, and of both States. Whether it is to seek mutual benefit or to dispel grievances with one another, the term is used to showcase this historical root of how the Chinese in Thailand overcame chaos and conflict to integrate into Thai society, just like a family. The concept of “Sino-Thai One Family” is deeply rooted in the hearts of the people of both countries. This can be seen from the number of Chinese tourists who visited Thailand, which was over 11 million in 2018, and the number of Thai tourists visiting China, which has increased accordingly. It is a dimension that helps support the Thai economy. It is an important part of building closer ties and understanding between the peoples of the two countries.”

Another positive, yet this time cautious, stance on the term comes from Wisit Bunyaratthipong, a counsellor at the Ministry of Foreign Affairs, who shared his experience on how the phrase “Sino-Thai One Family” is used in opening remarks of diplomatic talks.

“From my experience, this term “Sino-Thai One Family” is mostly used during bilateral meetings, press conferences, etc. It is mostly used as an initiative to carry out discussions under a productive environment. Moreover, it looks natural to cite the undeniable fact that we do share the same blood. I used to be a notetaker during Thai-Chinese bilateral discussions, and I did indeed see both leaders start with the term “Sino-Thai One Family.” Imagine starting out a negotiation that is intense. Thailand would prefer to be seen in that negotiation as a sibling, rather than a stranger. Therefore, cultural diplomacy in this sense is very important to shape the environment of the room during bilateral discussions in order to carry out negotiations that will maximize the national interests of the two states.”

The counsellor, however, remains cautious in using the phrase, citing anti-Chinese sentiments among the people because of the fear of excessive Chinese influence over Thai domestic policies. Thus, the counsellor states that Thailand cannot just randomly use the phrase, as it needs to balance the influence that China is allowed to exercise. By

stating that the two countries are family, both sides need to re-examine how each side treats the other side to make the relations actually equal, familial relations.

The final stance of using the phrase as a negotiation tool is to be cautious. An officer from the TAT states that the phrase is used in ways that allow China to get away with unequal relations. “It does not entirely seem like an equal family relationship, but rather that of siblings, and in this sibling relationship, Thailand is the younger brother, catering to the needs of China,” she stated. The Marketing Officer from the TAT goes on to give examples of how Thailand is more of a younger brother than an equal family member in this relationship. She states that, in terms of the two states working together, Thailand allows China to take the lead in almost all occasions. For instance, during the Chinese New Year event in Bangkok, Thailand financially supported the event in every way, including the flight and accommodation of the Chinese guests. When the Thai Ministry goes to China, however, China does not reciprocate. Natrudée Intatip, junior marketing officer at the East Asia Market Division of the TAT, stated:

“There are many events that make us (TAT) feel like we are inferior in this relationship. In congratulatory events, for example, we always try to make them feel very congratulated through elaborate videos and letters. Moreover, when we have meetings with them, the Chinese side often just shows up in our place without much notice. When we go to their place, however, we must send letters of requests and so on. We give them the upper hand because of national interests/benefits. We must cater to their needs because China is a state-led authoritarian system, and if the central government does not support tourism to Thailand, the Chinese people would likely listen.”

Apart from Intatip, another anonymous diplomat from the MFA also gave more reasons as to why Thailand should be cautious of using the term “Sino-Thai One Family.”

“From my experience in working with Sino-Thai relations for over six years, using the term too often gives China more power considering that the current Sino-Thai relations is not really that of a family. At the end of the day, China does not see Thailand as an equal. Thailand has not been an important country in the eyes of China. I do not think it is very friendly that China has not sent an ambassador to Thailand for almost a year now. China did not invite Thailand for the latest Boao Forum for Asia. Xi Jinping has never even visited Thailand.”

The phrase can definitely be used as a powerful negotiation tool for both countries as it represents the historical integration of Chinese culture in Thailand. The Thai State, however, should also remain cautious in saying “family” as it can be proven that it can enable China to get away with unequal diplomacy. The notion of family may not mean equality, but rather the “younger” catering to the “bigger,” where the bigger approves of the good treatment but does not reciprocate.

Catering to China’s “Tourism Approval”

Before the pandemic, 39.9 million foreign tourists arrived in Thailand.⁶⁶ Approximately 10 million of those were Chinese tourists. The significance of Chinese tourists in Thailand plays a role in Thailand’s choice of cultural diplomacy. The three people interviewed from the TAT unanimously said that Chineseness is used as a means for the end goal of attracting Chinese tourists. Thamrongsak Lampangpipa, the deputy director of the Shanghai office of the TAT referred to using Chineseness as a way of catering to China’s authoritarian nature and as leverage for Chinese tourists, especially in tour groups:

“Another point that I would like to bring up is the political structure of China, authoritarianism. The Chinese State has the power to control the behavior of its citizens, including tourism behavior. If the Communist Party of China is displeased with Thailand in any way, there is a tendency for the State to announce not to travel to Thailand, and our economy could go downhill. This is why representing Chineseness in Thailand could provide a positive relationship with the PRC.”

On the level of the people, presenting Chineseness as a tourism strategy shows that Chinese people can travel to Thailand, a place that welcomes their culture and way of life. Knowing that the Chinese people can celebrate Chinese culture overseas as well, they would choose to come to Thailand in their main holiday periods like the Chinese New Year and National Day (国庆节). The deputy director also explains how presenting Chineseness is also vital on a governmental level. Stating that China is authoritarian, he states that the Chinese government is responsible for Chinese people’s behavior in tourism. Interviews with other officers at the TAT also show similar findings. These officers say phrases like “It is inevitable that we cannot reject the projects that the Chinese embassy approaches us with.” The officers are implying that some of the events are not only initiated by the TAT, but were encouraged by Chinese State sectors like the China Cultural Center in Bangkok and the Chinese Embassy. The reason that the TAT must oblige to requests for

⁶⁶ Ministry of Tourism and Sports, 2021

Chineseness in Thai tourism events was maintaining good relations with China for its massive tourist economic benefits to the Thai economy. In fact, the TAT officers felt that several events were more suited to be in the responsibility of the Thai Ministry of Culture, but cannot refuse the interest shown by the Chinese State.

This point is proven by many researches including that from the East Asia Forum, which states that “The Chinese government has a degree of leverage over its tourists that other governments do not enjoy. Many Chinese tourists are new to international tourism and have limited international language abilities. There is still a strong desire for comfort-zone or group tourism.”⁶⁷ Additional research conducted by the World Tourism Cities Federation also shows that 38 per cent of outbound Chinese tourists are on group tours.⁶⁸ Furthermore, research also shows that China’s three largest licensed tourist agencies by revenue are all state-owned and that only 8 per cent of the 25,000 Chinese licensed travel agencies are permitted to offer international travel.⁶⁹ What all the interviewees from the TAT are referring to is the Chinese policy called Approved Destination Status (ADS) that allows travel for overseas pleasure by its citizens in tightly-controlled groups and only to countries and territories approved by the government.⁷⁰ Many countries who are dependent on Chinese tourists are heavily dependent on the Chinese State’s tourism policy as well. Thus, presenting Chineseness in events and speeches pleases the Chinese government, and would only have a positive impact on how the government will persuade Chinese tourists to travel to Thailand.

CONCLUSION

Defined by the Ministry of Culture, cultural diplomacy is the creation of a good image for Thailand, one that translates to unmeasurable benefits. Which culture to portray in this good imagery can be selected by the Thai State. Thus, the selection of Chineseness as part of Thai cultural diplomacy supports the idea that Thailand is a Performative State to China in the 21st century. It uses Chineseness to maximize its benefits and national interests by gaining economic opportunities presented by China.

The research lays out the reasons why Chineseness is selected as part of Thai cultural diplomacy. The representation of the Chinese community in Thailand is the most obvious

⁶⁷ Anwar, 2020

⁶⁸ WTFCF, 2014

⁶⁹ Anwar, 2020

⁷⁰ Mak, 2020

reason, as the population and the significance of the said community in Thai society are vital. Majority of the interviewees from the Thai State sectors involved with cultural diplomacy cite the Chinese community as to why the State upholds Chineseness through both policies -- as seen in declaring Chinese New Year as national holiday -- and support given to initiatives of Thai-Chinese associations.

The second reason is the negotiation power of the phrase “Sino-Thai One Family.” In the analysis of the interviewees, the usage of the phrase is Thailand’s ticket to benefits offered by China. The phrase is a reiteration of history, which shows how Chinese migrants settled down and eventually integrated into Thai society, making the two countries a family. On the other hand, some interviewees remained cautious about using the phrase at the negotiation table, citing an imbalance of influence with China. Lastly, Chinese tourism remains a major source of Thailand’s Gross Domestic Product, and upholding Chineseness was viewed as one of the ways to attract tourists that are largely state-controlled.

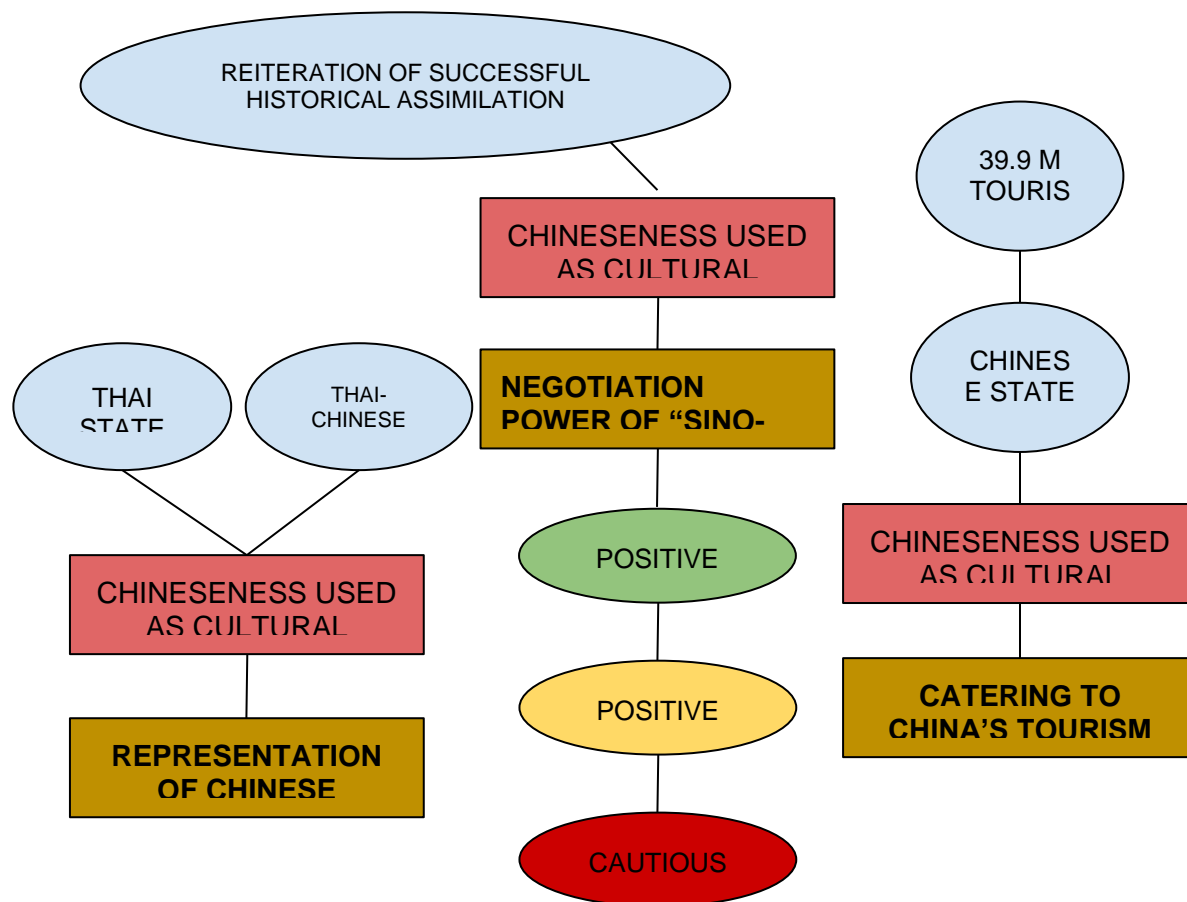


Figure 1: Flowchart explaining “Why Chineseness is used in Thai cultural diplomacy?”

APPENDIX 1: INTERVIEW LIST

The Ministry of Foreign Affairs (MFA)

1. Worwaut Chawengkiat
 - a. Counsellor, Department of Information
 - b. Former diplomat at the Royal Thai Consulate in Nanning, China,
2. Wisit Bunyaratthipong
 - a. Counsellor, the Royal Thai Embassy in Nairobi, Kenya
 - b. Has experiences with working in Cultural diplomacy
3. Anonymous, Ministry of Foreign Affairs

The Ministry of Culture (MOC)

1. Miss Treechada Aunruen
 - a. Director of Bilateral Cooperation Group, Foreign Affairs Division
2. Mr. Chinnapong Chullanandana
 - a. Cultural Officer at Bilateral Cooperation Group

The Tourism Authority of Thailand (TAT)

1. Thamrongsak Lampangpipa
 - a. Deputy Director, Tourism Authority of Thailand (Shanghai Office)
2. Krittiga Chumyawong
 - a. Senior Marketing Officer, Asia 1 Section, East Asia Market Division
3. Natruddee Intatip
 - a. Junior Marketing Officer, Asia 1 Section, East Asia Market Division

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DISABILITY LAW IN CONTEMPORARY INDONESIA: BETWEEN A PARADIGM SHIFT AND PERSISTENT CHALLENGES⁷¹

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ABSTRACT

In contemporary Indonesia, disability legal frameworks have gone through a paradigmatic evolution. In the authoritarian era of New Order, the legal framework was dominated by the medical and charity-based model in which disabilities were seen as a personal misfortune and abnormality and a person with disabilities was considered needing rehabilitation and assistances from the government and the public to meet their challenging conditions. However, following the fall of the authoritarian regime and the paradigm shift on disability at the international level, the disability legal framework has been changed significantly to adopt a human rights-based approach, marked by the ratification of the UN CRPD and the enactment of Persons with Disabilities Law. However, such shift does not significantly transform the conditions of persons with disabilities in the country. They have been continuously facing challenges in enjoying their right contributed by the persistent of the charity-based and medical model within bureaucracy and society as well as the complex legal and institutional constellations, which have created uncertainty for an effective implementation of the law. This presentation aims to discuss the evolution of disabilities law in contemporary Indonesia. In doing so, it employs an empirical legal research method in which besides documentary studies it uses interviews with key persons on the issues of persons with disabilities.

Keywords: Disability Law, Indonesia, Paradigm Shift, Challenges.

⁷¹ This article is a part of thesis for the APMA Program, Mahidol University. Please do not cite without Author's permission.

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INTRODUCTION

Two important political regimes mark contemporary Indonesia. They are the authoritarian regime under the leadership of General Suharto, known as the New Order regime (1967-1998) and the post-authoritarian regime (1998-present). Both regimes are considerably different regarding the legal-institutional arrangements and the political-economic structure of the country. Under the authoritarian regime, the state structure was centralized under the control of the central government, and the state-society relationship was built on a paternalistic value in which the government, namely the President, was seen as the father of the nation (Irawanto, 2011; Wardana and Dewi, 2015). Meanwhile, the fall of the authoritarian regime has brought a new era of the Reformation Era (Era Reformasi). The state structure has been changed dramatically into decentralization. In this regard, the central government's authorities have been transferred to the district and provincial governments, expecting that decision-making processes become closer to those are affected by the decision (Wardana, 2019). Public participation, democracy, and human rights have become new mantras in development in the post-authoritarian era (Schulte-Nordholt and van Klinken, 2007; Nordin, Aripurnami, Muchtar, 2007; Hadiz, 2010; Wardana 2019). In this light, this chapter aims to discuss how legal frameworks dealing with disability have been formulated in contemporary Indonesia and to find out the extent to which disability rights have evolved under the two regimes.

DISABILITY LAW UNDER THE AUTHORITARIAN REGIME

General Suharto took power from the first and leftist President of Indonesia, Sukarno, in 1967 through mass massacres. Within a short period (1965-1966), it is estimated that 1,5 million people who were associated as members of the Indonesian Communist Party, women and peasant activists, leftist intellectuals, and Sukarno supporters were killed by militias as well as military forces (Roosa, 2006, p. 25). The regime gave economic development the highest priority. In this regard, social policies were highly informed by the extent to which they contributed to economic development and political stability. An ideal citizen was seen from his/her position to the labour market as human capital or resource (Nursyamsi et al., 2015). With regards to disability issues, as argued by many authors (Nursyamsi et al., 2015; Wardana and Dewi, 2017), the authoritarian regime was influenced by the charity-based paradigm and the medical model. The charity-based paradigm fitted easily with the paternalistic political culture of the Indonesian state in

which the central government as the parent of the nation was in the change in deciding what was the best for its society as the children (Wardana and Dewi, 2017).

This bias perspective toward disability was clearly expressed in several relevant laws and policies, especially Law No. 4 of 1997 on Handicapped Persons (after the 1997 Handicapped Law), the first legislation concerning disability. The preamble of the law affirms that there was a trend of an increase in the numbers of handicapped persons and accordingly there was necessary to undertake attempts in increasing social welfare for handicapped persons. Article 16 stipulates efforts that should be undertaken by the government and/or public to address disability issues, which are: to conduct rehabilitation, provide social fund, and maintain the social welfare of handicapped persons. Those efforts were also echoed in Government Regulation No. 43 of 1998 concerning Attempts to Increase the Social Welfare of Handicapped Persons to provide social services to persons with disabilities. From such provisions, disability issues were seen from the charity and medical model. Here, persons with disabilities were seen as physically and mentally 'abnormal' person and rehabilitation was required to re-function and re-develop their physical, mental, and social impairments to undertake their social functions normally.

The problematic perspective toward disability in the 1997 Handicapped Law had contributed to barriers for persons with disabilities, especially women with disabilities, to enjoy their rights as citizens. For instance, in the context of education, persons with disabilities were refused to enroll in public schools considering their physical impairment. The lack of access to education had contributed to persons with disabilities access to work in which employers very often rejected them due to low level of education and a common assumption that they were not capable of working due to their impairment (Hardi, 2018). Limited access to education and work had led to challenging economic conditions of persons with disabilities in general and made them dependent upon their parents and family members to survive (Hastuti et al., 2020).

Despite the authoritarian structural condition, persons with disabilities were organized themselves to find spaces to exercise their rights and raise their voices. Their movement tended to insular that they did not attempt to build a broader coalition with other civil society organizations. This was also because other organizations tended to be sectoral like their movement. This was also occurred in the context of the women's rights

movement, for instance, which aimed at fighting against all forms of discrimination against women (Iriyati and Asriani, 2012).

DISABILITY LAW IN THE POST-AUTHORITARIAN REGIME

In the late 1990s, Indonesia was hit by a monetary crisis leading to the political instability of the authoritarian regime. Triggered by massive protests of students and the general public, President Suharto finally stepped down from his power and it was marked as an essential process to the democratization of the country. In responding to demands from regional governments, the state structure was changed from centralism to decentralism, where decision-making processes were transferred to the regional level. Expectedly, decentralization might bring about more accountable and participatory decision-making processes because communities that will be affected by government's development policies may take the opportunity to participate in the decision-making processes and to scrutiny the implementation of such policies on the ground (Schulte-Nordholt and van Klinken, 2007; Nordin, Aripurnami, Muchtar, 2007; Hadiz, 2010; Wardana, 2019).

The discourse on human rights considered taboo during the authoritarian regime has been brought to the front of the post-authoritarian political agendas. As a result, for the first time in the modern history of Indonesia, in 1998, the People's Consultative Assembly of the Republic of Indonesia (Majelis Permusyawaratan Rakyat/MPR) enacted decree No. XVII concerning Human Rights or known as the Indonesian Declaration of Human Rights. Such declaration has then been instrumental for serving as the legal basis for undertaking an amendment of the 1945 Indonesian Constitution to incorporate human rights provisions and the enactment of Law No. 39 of 1999 on Human Rights, including the Ratification of the ICCPR and the ICESCR.

However, despite such significant progress in human rights and democratization, persons with disabilities remain struggling to find how they would fit into this progression and utilize it for pursuing empowerment. Human rights issues given considerable attention in the early Reformation Era were the civil and political rights as those rights were very often violated during the New Order regime. Meanwhile, the economic, social and cultural rights were considered secondary. Group and collective rights, especially the rights of persons with disabilities and the rights of indigenous peoples, have been at the edge of development policies (Rukmini et al., 2006; Triyana, 2015). This was because the dominant view of disability inherited from the authoritarian era, namely the charity-based and

medical model, had been persistent not only within bureaucracy but also with civil society organizations before 2007 because alternative perspectives to a disability, the social model or the rights-based approach were not popular as a public discourse.

A paradigm shift has started to occur following the UN Convention on the Rights of Persons with Disabilities (UN CRPD) in 2007. To show its international commitment, the Government of Indonesia has ratified the Convention through Law No. 19 of 2011 concerning Ratification of the Convention on the Rights of Persons with Disabilities. The UN CRPD itself aims to promote, protect, and guarantee equal rights and fundamental freedoms for all persons with disabilities and respect for the dignity of persons with disabilities as an integral part. In order to carry out the mandate of the Convention, the Indonesian government subsequently issued Law Number 8 of 2016 concerning Persons with Disabilities (from now on Persons with Disabilities Law). The law adopts a different paradigm from Handicapped Persons Law. If the medical model and the charity-based paradigm were very dominant in Handicapped Persons Law, Persons with Disabilities Law employs the rights-based paradigm predominantly in which the rights of persons with disabilities as citizens who have the same position and rights to other non-disabled citizens are given emphasize⁷³.

The typology of rights covered in Persons with Disabilities Law can be categorized into 2 (two) types: general rights and special rights. General rights of persons with disabilities are rights that apply to all persons with disabilities regardless of their type and degree of disability, sex and age. These rights include the right to life; the right to be free from stigma; the right to privacy; the right to justice and legal protection; the right to education; the right to work, entrepreneurship, and cooperatives; the right to health; the rights in the spheres of politics, religion, sports, culture and tourism rights; the right to social welfare; the right to accessibility; the right to public services; the right to the protection from disasters; habilitation and rehabilitation rights; concession rights; the right to live independently and be involved in society; the right to freedom of expression, communicate and obtain information; the rights to change place and nationality; and the right to be free from acts of discrimination, neglect, torture and exploitation.⁷⁴

Moreover, the specific rights for persons with disabilities can be further classified into 2 (two) types: specific rights for women with disabilities and the specific rights for children

⁷³ See Article 2 and 3 of the Persons with Disabilities Law (Law No. 8/2016).

⁷⁴ See Article 5(1) Persons with Disabilities Law No. 8/2016

with disabilities. For women with disabilities, Persons with Disabilities Law recognizes their specific rights as follows: the right to reproductive health; the right to accept or reject the use of contraceptives; the right to receive protection from multiple forms of discrimination; and the right to get protection from acts of violence, including violence and sexual exploitation.⁷⁵ Meanwhile, children with disabilities are recognized by the law of having rights to receive: special protection from discrimination, neglect, harassment, exploitation, and sexual violence and crimes; personal and family care for optimal growth and development; protection of their interests in decision making; humane treatment following the dignity and the rights of children; the fulfilment of special needs; an equal treatment with other children to achieve social integration and individual development; and social assistance.

In order to carry out the mandate of Persons with Disabilities, the central government has issued at least three government regulations as implementing regulations for the law. The first one is Government Regulation Number 39 of 2020 concerning Adequate Accommodation for Persons with Disabilities in the Judicial Process (Government Regulation No. 39 of 2020). This regulation stipulates, more specifically, the guidelines for providing adequate accommodation and services for persons with disabilities who participate in the judicial process. Article 5 of Government Regulation No. 39 of 2020 explains that adequate accommodation consists of services and infrastructure, which are then provided to persons with disabilities in every judicial process. Provision of companions with disabilities and/or translators. The second one is Government Regulation No. 70 of 2019 concerning the Fulfillment of the Rights of Persons with Disabilities. This regulation is the implementing provision of Article 27 paragraph (3) of Persons with Disabilities law on planning, implementation and evaluation of the respect, protection and fulfilment of the rights of persons with disabilities. The third one is Government Regulation No, 52 of 2019 concerning the Implementation of Social Welfare for Persons with Disabilities aimed at meeting the basic needs of persons with disabilities, ensuring the implementation of social functions, improving social welfare with the dignity for persons with disabilities, and creating an inclusive society.

LEGAL AND INSTITUTIONAL COMPLEXITIES

Decentralism in the post-authoritarian regime has widened opportunities for public participation, including the women's rights movement (Noerdin, Aripurnami, Muchtar,

⁷⁵ See Article 5(2) Law No. 8/2016

2007) and the disability's rights movement in the country. However, it has also brought legal and institutional complexities to the movements. In this regard, the state structure has been divided into three tiers of governments: national, provincial, and district governments, in which each of them may claim (or even deny) authorities for several governmental affairs, including governing natural resources and public service obligations. They tend to claim to have authorities related to natural resources, which may directly contribute to the increase in financial revenues (Wardana 2019). Hence, in the decentralized era of Indonesia, issues related to disability rights are scattered across different tiers of government which in turn hinders comprehensive implementations of the Persons with Disabilities law on the ground.

Besides the legal and institutional complexity between different tiers of government, it has also been persistent within the national government itself. For instance, apart from the Persons with Disabilities Law which sets the rights of persons with disabilities comprehensively, there are also sectoral laws in which issues related to their rights are overlapped. They include Law no. 20 of 2003 concerning the National Education System, Law No. 13 of 2003 concerning Manpower, Law Number 22 of 2009 concerning Road Traffic and Transportation, Law No. 11 of 2009 concerning Social Welfare, and so forth. However, they do not necessarily adopt the human rights-based approach in their provisions on disability (Irwanto et al., 2010; Wardana and Dewi 2017). The National Education System Law, for example, aims to realize education in the principles of democracy, equity, and non-discrimination by upholding human rights, religious and cultural values and national diversity. Furthermore, in Social Welfare Law, persons with disabilities are included in people who experience social dysfunction and are equated with prostitutes, ex-convicts, ex-addicts, or homeless people⁷⁶.

With such a legal construction, Article 7 paragraph (2) of the Social Welfare Law also applies to persons with disabilities. This article states that: "social rehabilitation as referred to in paragraph (1) can be carried out in a persuasive, motivational, coercive manner, both within the family, community and in social institutions." In the elucidation of the article, coercive rehabilitation is intended as an act of coercion in the social

⁷⁶ Article 7(1) Indonesian Social Welfare Law: "[p]eople who experience social dysfunction include people with physical disabilities, mental disabilities, physical and mental disabilities, prostitutes, homeless people, beggars, former chronic disease sufferers, ex-convicts, ex-narcotics addicts, addiction syndrome psychotropic users, people with HIV / AIDS (PLWHA), victims of violence, victims of disasters, victims of trafficking in persons, neglected children, and children with special needs."

rehabilitation process. This means that persons with disabilities can become objects of social rehabilitation employing coercion without requiring the consent of those concerned or their families. In-Law Number 13 of 2003 concerning Manpower (Labor Law), there are already articles that state explicitly that there is equal opportunity for workers to get a job. The Manpower Law also discusses guidance and supervision in which the supervisory mandate is given explicitly to Labor Inspection Employees. However, the supervision and guidance scheme also did not work properly, so that the rights of persons with disabilities to work were still marginalized.

The institutional arrangements dealing with disability issues are no less complex and overlapping. The rights of persons with disabilities as stipulated by Persons with Disabilities Law are cut across different government departments and ministries, from the Ministry of Social Welfare, the Ministry of Manpower, the Ministry of Women Empowerment and Child Protection, the Ministry of Education and Culture, the Ministry of Health, the Ministry of Public Works and Housing, and the Ministry of Transportation. The duty of this Ministry Social Welfare, for instance, is stipulated in Article 17 of Persons with Disabilities Law which states that persons with disabilities' rights to social welfare included rights to social rehabilitation, social security, social empowerment and social protection. The Ministry of Manpower and Transmigration will be related to the rights to work for persons with disabilities as stated in Article 11 of the law⁷⁷ and Article 27 of CRPD⁷⁸. The rights to education of course are under the domain of the Ministry of Education and Culture, while the specific rights of women with disabilities and children with disabilities are clearly under the domain of the Ministry of Women Empowerment and Child Protection.

Persons with Disabilities Law designates the Ministry of Social Welfare as the focal point to undertake cross-sectors and cross-ministries coordination to ensure the effective implementation of the law. However, given that from administrative law viewpoints, the positions of those ministries are equal, meaning that none of them is above the others, the Ministry of Social Welfare has not been able to undertake its function correctly as expected. Several experiences have demonstrated that if there is a complaint to a ministry on the implementation of Persons with Disabilities Law, the ministry is concerned will direct such complaint to the Ministry of Social Welfare on a reason that issues related to disability are under the domain of the Ministry of Social Welfare (Rosa, 2021). A common

⁷⁷ See Article 11 of the Indonesia Law No. 8/2016.

⁷⁸ See Article 27 of the UN CRPD.

opinion among disabled person organizations (DPOs) focusing on the rights of persons with disabilities advocacy has emerged on the failure of the Ministry of Social Welfare to play its role (Hastuti et al., 2020, p. 30). The rejection to designate the ministry to be the focal point was expressed by DPOs and persons with disabilities representatives during the Persons with Disabilities Law. They proposed that the focal point of the law should be under President or at least a Coordinating Ministry because they were concerned with the persistence of the charity-based paradigm that the Ministry of Social Welfare has long practised since the New Order era (Rosa, 2021). In fact, after five years since the law was enacted, their concerns appear to be manifested. DPOs have also attributed this institutional problem to the slow progress of implementing the law on the ground.

One institutional arrangement that is expected to play an important role in the enjoyment of persons with disabilities in Indonesia has been the National Commission on Disability⁷⁹. The authorities of the national commission include, among others: to carry out monitoring, evaluation and advocacy for the implementation of respect, protection and fulfilment of the rights of persons with disabilities. However, disappointment has been expressed by DPOs because the commission is put under the auspices of the Ministry of Social Welfare.

CONCLUSION

Disability legal frameworks have gone through a paradigm shift in contemporary Indonesia. In the authoritarian era of the New Order regime, the legal framework was dominated by the medical and charity-based model. In this context, disabilities were seen as a personal misfortune and abnormality, and a person with disabilities was considered to need rehabilitation and assistance from the government and the public to meet their challenging conditions. However, following the fall of the authoritarian regime and the paradigm shift on disability at the international level, the disability legal framework is changed significantly to adopt the human rights-based approach. The ratification of the UN CRPD and the enactment of the Persons with Disabilities Law have been marked as the shift in Indonesian disability policies. However, the changing into a human-rights based approach does not automatically transform persons with disabilities in the country. They have been persistently facing challenges in enjoying their rights. The persistent challenges of disability have been contributed by the persistence of the charity-based and medical model within bureaucracy and society and the complex legal and institutional

⁷⁹ Mandated in Article 131 Indonesian Disability Law: “[d] To respect, protect and fulfil the rights of persons with disabilities, the National Commission on Disability is formed as an independent, non-structural institution.”

constellations dealing with disability issues that have created uncertainty in implementing the law.

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SOCIAL AND ECONOMIC NETWORKING IN A KACHIN VILLAGE IN NORTHERN THAILAND

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ABSTRACT

This paper examines the process and phenomenon of the migration of ethnic Kachin people from Myanmar to Chiang Dao District, Chiang Mai province, northern Thailand under the Thai nation-state policy, and the production of social space among the Kachin migrant community, including traditional ethnic and social-spatial relations. This research found that Kachin kinship and social networks enhance socialization and collaboration between the Kachin community in Thailand as well as Myanmar and that the Kachin community in Thailand sustains its local power and is still constructing a traditional Kachin cultural identity in Thailand as well as Myanmar. The research also found that ethnic expression in the Kachin community in Thailand resembles a worldwide celebration of Kachin culture and heritage and its economic importance.

Keywords: Kachin Kinship System, Kachin Cultural Identity, Kachin Ethnic Traditions, Kachin Migrant Community in Thailand, Kachin Traditional Manau Celebration, Social Networks.

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INTRODUCTION

The paper presents the production of the Kachin social community space and social networks under the nation-state of Thailand. The Kachin ethnic community in Northern Thailand settled under the Nong Khiew Royal Project Development Center in a village called Ban Mai Samakki (Kachin village) under Thailand's state development policy. Within this community are ethnic people including Akha, Lisu, Lahu, and Chinese.

Ban Mai Samakki (Kachin village) was established in 1982. The Kachin migrant community in Thailand constructed their traditional ethnic identity by exercising social-spatial relations and practices in this village. The researcher visited Ban Mai Samakki on 6th July 2020 and discussed how the migrant community makes space as a single entity "third space" community (Soja, 1998:12) under the nation-state agenda policy of Thailand. This initial visit inspired the researcher to conduct further exploration into the Kachin migrant movement linked to social-spatial relations, including social-economic networks within the traditional Kachin culture identity in Thailand.

The Kachin migration movement in Thailand began when members of the Kachin Independence Army arrived in 1965. The Kachin community in Thailand formed a single entity of community under Thailand's nation-state policy agenda. This research found that the Kachin migrant community represents social space and expresses group identity, as well as community networks beyond the village level. They preserve traditional Kachin culture identity. Additionally, issues of majority and minority, ethnic and hill people, power, and domination exist within this community.

THEORETICAL DEBATES ON SOCIAL SPACE

It is examined that the process and phenomenon of migration, crossing state borders, and global transnational movement occurs due to the modernist project that transformed the socio-political economy of the internal state as well as a social construction as nation-states (Paasi, 1996:4-10). However, Donnan and Wilson (1999) argue that borders are not just symbols and locations of these changes, but they are also their agents. Moreover, Newman and Paasi (1998) argue that the meanings and boundaries are always changing in the production as well as the institutionalization of territories. In addition, Kolossov and Scott (2013:3-4) studied that the migrant people are being used as the tool for political maps as well as producing the space within the uncertainty, imagination. Thus, it can be

implied that theoretical analysis on the space for the migrant community is being socially constructed under the agenda of the modern nation-state.

According to Cohen (1985:11), the concept of community involves culture, myth, ritual, symbols that perform into a dual function of symbols in terms of meaning and power. Firstly, the social space can be varied within a specific time, place, group of people, and activities at the symbolically constructed communities. Secondly, the attitudes and behavior of individuals forward a group (Vergunst, 2006:2). However, Cohen argued that the community is a symbol rather than the specific form or function to the characteristics of the boundaries, categorizing the people from others. I agree with Cohen that the community is always constructed in the specific context, history, space, place, time. Similarly, Shields (1997) supports the statement of Cohen that social space is always created at different levels of social spatialization in the social imaginary as well as the interference in the landscape. Therefore, in terms of community embodies social integration, social cohesion, and cultural context.

A theorist of social space, Henri Lefebvre who divided three levels of social space between perceived spatial practices, conceived representation of space, and lived spaces of representation. He argued that this dialectical relationship is placed amongst three levels (Lefebvre, 1991:39). In the built space, human consciousness levels and activities are attached to the production of knowledge. Furthermore, Pierre Bourdieu explained the idea that knowledge can be produced and applied amongst human beings' thoughts and activities in which they are based on built space in their lives (Archer, 2005:431).

A theorist of social space, Henri Lefebvre argued that "as social beings are said to produce their own life, their consciousness, their world," (Lefebvre, 1991:68). According to my observation, the Kachin from Thailand are aware in their perceived space that the present space is not their homeland but they perceive that a sense of "belonging" while reflecting on their original homeland. They memorize in their perceived level including full of social memories, migrant history, and geopolitical situations and circumstances. However, at the level of conceived space, Kachin remarks that constellations of the domination and assimilation policy are being overwhelmed to them. Besides, it is hard to define for them which ones are the real "homeland" and a sense of "belonging" in complex situations for the new generation. Therefore, the representational level of the Kachin social space can be recognized on the Kachin community's consciousness level, construction level of the traditional Kachin culture identity, and understanding level.

Furthermore, Allen (1999:261) studied that lived space appears from the perspective of the conceived space and sites whereby the power operates as the production, denigration, exclusion, reproduction of the marginalized as well as the identified others. While analyzing the Kachin community and movement in Thailand, it is found that the social-spatial practices and spatial relations of the Kachin social kinship system, religion, culture institutions particularly provide the social space of the Kachin community in Thailand. To analyze the production of social space of the Kachin community, the above matters are sources for that. Due to the geopolitical situation, the Kachin Independence Organization (KIO) entered in 1965 through contact with Thai military intelligence to station the Kachin Independence Army (KIA) post at Tham Ngop in Thailand. Furthermore, The Ban Mai Samakki village was established in 1982 under the Patronage of His Majesty the King Bhumibol Adulyadej through the initiative of the Royal Project of Nong Khiew, incorporating the Kachin, Arhka, Lahu, and Lisu villages. Some parts of the Baan Mai Samaki areas have been under the supervision of the 93rd Corps after the Supreme Command to control the Chinese troops, Her Division 93 on Doi Tham Ngop in 1967 (Japao, 2018: 2). The Thai government considered that the Thai military should control the migrants instead of drugs and inquired about the address. After that, the Thai government began to support the careers of the Chinese military corps, then the Chinese military corps changed into civilians.

It was not stated as Kachin in the first record of Ban Mai Samakki, who arrived first in the village of the official document and census of the highland people of Thailand in 1977 (Hill Tribe Welfare Division, 1997:197, Cited in Lahpai, 2007:7). It was also used in the meaning of hills by the Thai government until the 1960s that they refer to as opium, cultivation and narcotics, traffic, communist guerrilla activities in the border areas, and forest destruction by shifting cultivators (Hayami,1976: 562-563). However, the meaning and formation space of ethnicity and Hill tribes (Chao Khao) transformed to the concept of indigeneity being in Thailand during the 1980s and 1990s, Morton & Baird (2019:9). At present, the Kachin community in Thailand participates as a member of the Network of Indigenous Peoples in Thailand (NIPT).

The Ban Mai Samakki village is categorized as H'tin (Mon-Khmer) community in this document and illustrated as an Akha village (Hill Tribe Welfare Division, 2002:103, Cited in Lahpai, 2007:7). Kachin was classified under Akha at those times. Before the establishment of the village, Kachin was not recognized as a hill tribes' people in Thailand. This village was initiated through the Royal Project of Nong Khiew in 1982. However, after

His Majesty the King Bhumibol Adulyadej and HRH Princess Sirindhom paid a visit to this village, the Ban Mai Samakki village was also recognized officially on February 13, 1984 (Chaikuna, 5 December 2005).

RESEARCH METHODOLOGY

The qualitative research methodology is applied in this research application. It is to understand the historical contextualization setting of the Kachin village and the formation of the social-economic networking in a Kachin village. Furthermore, the population of the Kachin household village has (108) and the total number of the Kachin population is (380), including the number of the Kachin who have not yet received Thai official cards are totally (140). The unit of the research attempts to focus on the Kachin local community in Ban Mai Samaki to analyze the Kachin social-economic network in a Kachin village.

The research methodology such as key informant interviews, participant observation, is to be applied in the fieldwork in Ban Mai Samakki. The (28) interviewees were selected both male and female from different ages and representative members from the Kachin community. For the participant observation, the writer participates in the social-economic activities of the Kachin community. For analysis, the formation of the social-economic networking parts is applied, and studied about the Kachin kinship system, and collect data, interview to conduct in this research relevant to the research questions, aim, and objectives.

KACHIN KINSHIP SYSTEM AND SOCIAL NETWORK

The Kachin primary social space is beyond an ethnic-cultural identity due to the characteristics of the kinship system. The most primary marker is a clan name such as Lahtaw, Maran, Lahpai, Nhkum, Marip. These lineages are called clans (htinghku mying/ family level identity). Every social category is a kinship category. In addition, the clan lineage system in the Kachin social structure is firmly connected to Kachin social-cultural practices. The clan lineage includes the mayu (the side of bride giver), dama (the side of bride taker), and kahpu kanau (the side of brothers). To explain the clan lineage system in Kachin cultural identity, all affinities of the lineages connect as the triangle system. The social category is a kinship category.

Furthermore, the Kachin kinship system is an underlying system of organization and structure. It links two specific kinship social spaces or positions. For example, when a man from da ma (the side of bride taker) introduces to (the side of bride giver) especially to the father the side of the bride, he used to call (Tsa ba). It shows the relationship between the bride-taker and the bride giver when it relates to practice in the kinship category. In the kinship relations: (a) hpunau (brothers); including a brother belongs to the same clan lineage as the speaker, (b) mayu; the clan of my mother, the clan from which my clan receives brides/women, and (c) dama; the clan to which my clan gives women or brides. One cannot marry from one's clan, a system called exogamy. For example;

- (a) Ka- For those within my clan
- (b) Kb- For mayu clan or those of the clan of my mother
- (c) Kc- For dama

In addition, the Kachin kinship system is a social space for the social interaction in the Kachin social structure. This kinship relation is a powerful system of Kachin culture to intermingle amongst Kachin society. Kachins are connected and an underlying social universe that creates identity terms or labels that bundle together (1) a person's clan membership and sibling position and gender making and (2) how he/ she is related to the next person in terms of kinship categories, hpu-nau, amy, or dama. By this nature, all Kachins are related. The first level of social space is the array of individual identities. These identities presume relationships based on (hpu-nau, amy, dama). Overall, Kachin social space is universal in terms of its fundamental kinship system, the bedrock, and applying the common Jinghpaw language in Kachin society including Kachin's traditional culture and practices. This kinship system is one of the making layers for the Kachin community to enlarge the social community and space.

KACHIN MIGRANT SOCIO-ECONOMIC NETWORKING IN THAILAND

The Kachin migrant community cooperates with the Royal Project Development partly entitle to social-economic networking amongst Kachin. The Ban Mai Samakki (Kachin village) cooperates with the RPD in agri-business programs by undertaking agricultural-based planning. The Baan Mai Samakki was established by His Majesty the Late King Bhumibol Adulyadej due to His paid visiting Ban Mai Samakki. The village is under the Nong Khiew Royal Project Development Center which was founded in 1980. After that, the Kachin village encompasses with the Royal Project Foundation (RPD) as soon as the

village was established. This area was applied to moderate crops and allocated to local farmers instead of replacing opium poppy. This region became the opium trade zone because of the closure of the borderlands between Myanmar and Thailand. Hence, RPD aims to enforce drug eradication policy and programs related to the migrant people from Myanmar. However, the drug eradication policy substituted into the agri-business policy for the migrated people from Myanmar to Thailand.

According to the consistent emphasis of His Majesty Bhumibol Adulyadej on the Royal Project Foundation, the Royal Project Foundation was established. Due to the RPD, the Kachin from Baan Mai Samakki is allowed to live safely and get land access so that they can do farming. The main products of the village produce, mango, avocado, black-boned chicken, black pig. To do agribusiness in Ban Mai Samakki, water is the main portion to do agribusiness. Sometimes, due to the shortage of water in the hot season, the villagers have many problems for survival. However, the five ethnics groups manage together to access water on mass water management. However, the Kachin villagers cooperate with the RPD approximately one-third of the household population because they stay under the RPD area. Therefore, the RPD and the agribusiness are connected to this Kachin village especially it is not only for survival but also for agribusiness networking.

Some women work as maid workers (may ban) in urban cities such as Chiang Mai province and Bangkok city. Some young men work as carpenters, construction workers, and staff at restaurants. Some families open store shops at Nong uk village. A lady who opens the store there saying that *"she earns income daily between 2000 Thai baht to 4000 Baht"*, (A Kachin lady, Interview, 20 February 2021). A man who works daily pay can earn 300 Baht for men and women get 250 Baht for a daily workout. Some people from Ban Mai sell things at the Chiang Mai night bazaar such as clothes, food, etc. People from Ban Mai village rely on agribusiness so that their livelihood seems like a normal standard of living because one-third of the people only get Thai identification cards. Most of them who are not born in Thailand are not allowed to get Thai identification cards. Therefore, without having an ID card for them, it is impossible to access the rights to do anything freely, unable to do legal jobs, unable to own properties, and so on. Above the daily lifestyle of the villagers from Ban Mai present how social-economic networking is connected to the Kachin community and daily lifestyle.

While researching the social phenomena and the component of social networking, the religious organization is also the main platform for the Kachin migrant community. There

are three churches in Ban Mai Samakki Kachin Baptist Church (KBC), Church of Christ (COC), Roman Catholics (RC). Nearly 99% of them can surely say that they all are Christians. A Kachin Pastor from Kachin Baptist Church saying, *"the number of baptized believers in Ban Mai Samakki (Kachin village) has (217) members both male (105) and female (112), and the total population of the church members is (287)"*, (Rev. Lashi Tu Nau, Interview, 9 February 2021). The Kachin Baptist Church in Ban Mai Samakki (Kachin village) is connected to the Kachin Baptist Convention in Kachin State, Myanmar. KBC was established in 1890. KBC is composed of (15) associations, over (300) churches including Overseas Kachin Baptist Community (OKBC). The OKBC includes the association of Asia, Oceania, North America, Europe. Amongst them, the KBC Ban Mai Samakki is a member of the Asia Association of KBC. The KBC is one of the largest religious organizations amongst Kachin throughout the world by networking. For the Kachin migrant community, the religious organization is a central networking platform for all even wherever they reach out around the world. In addition, at the outset of the 20th Century Christian relation became the dominant organizer among the layers of Kachin social space, adding another strength of the overall culture.

Moreover, the traditional Kachin Manau celebration enriches the distinctive characteristics of ethnos symbolic and heritage for Kachin. The Kachin traditional Dance "Manau" is a great nat-feast and religious dance, and a great traditional custom in the past. However, the Kachin traditional Manau becomes the ethnos national symbolics. The culture-economic commoditization is related to the Kachin traditional Manau Celebration worldwide. It is one of the largest social practices and culture identity perseverance. This celebration constructs not only social networks and platforms but also integrates socio-economic benefits both for the local and state government. Furthermore, Kachin celebrations such as X'mas, Thanksgiving feast, and shifting cultivation practice as social-spatial practices can be seen in the Kachin community. Before the Manau celebration in Ban Mai Samakki, the Kachin culture and tradition committee from Ban Mai Samakki officially consult the programs with the RPD. Due to the traditional Manau celebration, three benefits are received by celebrating Manau. One of the former local heads saying that (Mr. Lashi Gam, Interview, 7 January 2021) saying that *"the other ethnic people know that our culture and traditional due to the celebration of the Manau; it is accepted that the blessing is taken in the times of Manau celebration and thanksgiving to God, and we, Kachin can unite each other from different places and gathering this celebration at this time"*. By celebrating the Kachin traditional Manau, the State government gets also economic benefits under the entitlement of the tourism of the State government policy.

Moreover, the Kachin migrant community in Ban Mai Samakki also gets the mutual relationship, contact with the Kachins around worldwide. Overall, the Manau enhances not only traditional Kachin ethnic cultural identity but also integrates the socio-economic benefits.

According to the theory of Henri Lefebvre (1991:135), the human produces the social space by using the use-values as well as social spaces. The nature of social space such as physical borders and conceptual boundaries that socially produced and subscribe to the everyday life forms representational spaces. In the process of the Kachin migrant movement in Thailand, the socialization and economic networks, religion network, and cultural Manau celebrations played a vital role while exploring the social lifestyle of the Kachin migrant community. Traditional culture identity expresses the enhancement of community development and maintaining the local existence of the social community that supports the socio-economic development and livelihood of the Kachin migrant community in Thailand. Studying the social phenomenon and process of the Kachin migrant community in Thailand analyzes the representational space level between the local level and the State level of Thailand. The Kachin community is an ethnic community amongst Thailand seemingly progressing in socio-economic development and networking based on the Kachin kinship system and social-spatial practices. In addition, the level of representational space as ethnic expression and being sustained in the social community power and community collaboration.

CONCLUSION

The socialization process and phenomenon of the Kachin migrant community is still contested and dominated under the State government policy in Thailand. In addition, the Kachin migration and movement are connected to geopolitics under the becoming of social space. The Kachin ethnic traditional community maintains their community not only with the socio-economic networks but also represent Kachin traditional cultural identity beyond the boundary of migrant social lifestyle through social institutional networking and social-spatial practices. The socio-economic networks and benefits are linked to the inter-connection of the Kachin kinship system and social-spatial practices as well as cultural celebrations. However, sustainable development supporting programs are also required for the community such as holistic development. Therefore, the production of the social space and networks in a Kachin village in Northern Thailand sustains the entitlement of the migrant community through the perseverance of Kachin identity and symbolic of

culture networks. Therefore, the ethnic Kachin community is still in the socialization process, and being as ethnic Kachin community perseverance under the social-economic networking.

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REBRANDING NIGERIA: GOOD GOVERNANCE, PUBLIC DIPLOMACY AND FOREIGN DIRECT INVESTMENT

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ABSTRACT

The rising concern over Nigeria's negative image internationally has reached the most controversial headlines in the media even across Nigeria's national frontiers. This issue has become part of the public debate about the global perception on Nigerian people, and how Nigeria as a nation is depicted in the international arena. In this context, the paper does not seek to examine all the issues relating to Nigeria's image. It intends to focus on how to rebrand Nigeria's international image by exploring the relationship and possible links between good governance, public diplomacy, and foreign direct investment (FDI). The paper shall discuss nation branding from a theoretical perspective relying on existing studies in international relations, culture, and the media. The findings suggest a strong linkage between good governance, effective Public Diplomacy, Nigeria's image, and its ability to attract FDI into the country. It also pointed out that lack of good governance, transparency, uneven distribution of wealth, corruption, failed leadership, organized crime, and insecurity remain critical problems associated with Nigeria's current international image. The paper, therefore, recommends the strengthening of good governance and public diplomacy as a means of improving Nigeria's international reputation. These will eventually help attract FDI to the country so that it may develop economically and democratically.

Keywords: Good Governance, Public Diplomacy, Foreign Direct Investment, Rebranding, Nigeria.

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INTRODUCTION

A country's reputation is determined by how its people are perceived at home and in the diasporas. The world is becoming more advanced and competitive; its national image should be favorable to create a competitive advantage for itself (Abdullah, 2010; Astro, 2013). Over the years, corruption, terrorism, and organized crimes remain to be significant challenges in Nigeria. They directly impact national image and local development, which make Nigeria unfavorable in the international arena. The country has been associated with so many crime-related issues in the international arena. Foreign nationalities seem to feel unease around Nigerians. Recently, Nigerian Ramon Abbas, an Instagram influencer "Hushpuppi," defrauded more than \$1 million from a Qatar businessman, and many other cyber and business email schemes that amounted to more than \$24 million worth of losses, as claimed by the U.S. Justice Department (Nimi Princewill, July 29, 2021).

Nigerians have been seen as fraudsters and criminals because crimes committed by a few. KPMG (2017) rated Nigeria as a fraudulent country in Africa. During the first half of 2017, Nigerian fraudsters accumulated an estimated N525 billion (\$2.1 billion). Nigeria is in a mess, and many good law-abiding Nigerians are not comfortable with the notion that they dragged into a negative light at the global level. In order to change this, they need to ensure that they start noticing the generally accepted change.

In this regard, this article chooses to explore and examine the relationship between Good Governance (GG), Public Diplomacy (PD), and Foreign Direct Investment (FDI) in a nation's branding based on the Nigerian case. Furthermore, it shall explore ways on how Nigeria can redeem itself from negative perceptions in the international arena. This includes strategizing on the area of international relations; create the most sought investment destination and a resourceful place for study; achieve international recognition in sports; national gross income figure (financial brand value); and reduce the incidence of corruption among politicians.

The paper is structured in three parts. Firstly, discussions on the concept of nation branding are defined. Properties are examined from a theoretical perspective relying on existing studies in the fields of international relations, culture, and the media with a history of rebranding in Nigeria. Furthermore, the concept of GG, PD, and FDI and their application are explored. In the end, it analyses the significant relationship between GG, PD, and FDI in rebranding a nation. Data from interviews are integrated and analyzed. It shall conclude

with recommendations on ways forward. Participation in this study was voluntary based on informed consent. The selection the participants for this study participants met specific criteria. The study chose ten (10) governmental officials at the Nigerian Embassy in Bangkok, projects alongside ten (10) business people.

CONCEPTUALIZING NATION BRANDING

Nation branding has a significant effect on already developed, economically, and politically solid countries and less developed countries alike (Simon Anholt, 2013; Keith Dinnie, 2011; Melissa Aronczyk, 2013). It has been suggested that every country, city, or region can build and manage its brand or image. Furthermore, A nation as a brand refers to a particular idea, beliefs, and impressions based on the information one has about any given nation (Stock, 2009 p.118). Similarly, to others, these images are “descriptive, inferential, and informational beliefs” (Martin & Eroglu cited in Harrison-Walker 2011, p. 136). The identity of a nation can be linked to its image, which can stem from the collective understanding by the people of that nation that is presumed to be more central and relatively permanent. (Fan cited in Stock, 2009). The lack of a unified definition is one of the challenges in the literature of place and nation branding (Fan, 2006; Stock, 2009). VanHam (2008) highlighted that the concept of “brand state” or “nation brand” has some political implications. Moreover, state as a brand entangles an emotional response and the perceived idea of an outside audience concerning a country.

Whetten and Mackey (2002, p.400) asserted that image and reputation are interrelated in structure. Thus, a nation's image is the awareness created and presented by a nation's citizens to the world. Reputation is the feedback a country received from the outside world concerning the trustworthiness of its identity claims. What makes up a nation’s branding goes beyond tourism, as many have suggested. It also covers other areas of national economic concern, including the attraction of FDI, the export of products and services, and public diplomacy.

Nations experiencing or having experienced transitional change have to constantly examine their identity. If people of that nation believe that their identity needs evolve in substance, they will most likely make amends to their behavior (Dutton et al., 1994:256). The degree of self-identification and classification determines how a nation acts, which is manifested in both government and people. The aim of the campaigns would then be to teach citizens to “live the brand” – that is, to perform attitudes and behaviors that are

compatible with the brand strategy' (Aronczyk, 2013, p 76). This paper conceptualizes the process of national branding with respect to internal and external image. This covers identity engagements targeted at changing people's perception and behaviors towards the nation and its socio-economic and political systems.

WHY RE-BRAND NIGERIA'S IMAGE?

Rebranding Nigeria has attracted much attention recently because of its seemingly negative reputation in the international arena. The Nigerian government has made numerous efforts in repositioning the country's image. Akunyili (2009) shared that the Yar' Adua administration launched the " Rebrand Nigeria Campaign. " This was a reaction to the failure of Obasanjo's "Good people, Great nation'. Heart of Africa Project (HOA) to come up with an internal marketing mechanism and launch the project overseas (Nworah, 2007; Ujiagbedion, 2008). Fasure (2009) described the second rebranding project of Nigeria's image as a 'Good Salesman selling out a Bad Product.'

Across Asia, Europe and America, when one introduces as a Nigerian, they are mostly received negatively. This stereotyping has denied many Nigerians the honor, opportunity, and respect they deserve compared to their foreign counterparts. Notable to this stereotyping, few Nigerians are sentenced to prison or death in foreign nations for crime-related issues such as immigration crimes, robbery, fraud, smuggling, arms running, prostitution, and murder. As a result of crimes committed by a few, it gives the country a bad name and making the good one's victims of hate.

Despite these negative perceptions about Nigeria, it is nevertheless a country with countless opportunities. Akunyili (2009, p. 20) sees the need to overhaul Nigeria's sagging image. She stated, "our image, both home and at the international marketplace, is highly battered. Specifically, in the international arena, the perception of Nigeria and Nigerians is so unpleasant that every Nigerian is considered a fraudster and criminal. As a result of crime-rated offenses committed by few Nigerians, once you are a holder of a Nigerian international passport, you stand a chance to be discriminated against. The majority of the respondents believe that Nigeria is recognized globally as a potential market in Africa. Notwithstanding that Nigeria is enriched with natural resources and human capital, adverse trends but crimes attributed to few Nigerians have earned the nation a poor image that investing in rebranding Nigeria's image project becomes essential."

RELATIONSHIP BETWEEN NATION BRANDING AND GOOD GOVERNANCE

There is no specific definition of good governance. Hence, this study defines good governance as an institution that encourages the rule of law, access to education, transparency, full respect of human rights, active participation, and political empowerment of people regardless of their gender and ethnicity. Ikechukwu Jude, cited in Aghulor (2015), suggests that good governance is all about good leadership, having respect for the rule of law and protocols, accountability of political leadership to electorate transparency in the operations of the government.

Ogunnubi and Isike (2015, p. 166) have pointed out that there have been many investigations by academia on the intrinsic link between good governance and branding. Moreover, Nigeria is losing its international credibility and recognition, as well as its international reputation not minding the fact that it is being considered as an African 'economic giant.'

Corruption contributes greatly to a nation's reputation at the global level. It tarnishes our brand image and compromises our values and reputation. In Nigeria, the level of corruption is high, as it is being perpetrated by corrupt elected leaders who have made the country an instrument of capital accumulation rather than using it to protect the citizenry's interest (Belfut, 2014, p. 52). Olaniyan (2018) further explains that "corruption is normal and common practice at all levels of government, and this practice cripples the basic health, education services, and other social infrastructures (p.207)". It hinders good governance as it affects all walks of human lives. Majority of the respondents believe that the major problem in Nigeria, is bad governance despite the existence of democratic institutions in the country. To enable good governance, transparency and accountability are expected from public officials. Furthermore, the rule of law has to be obeyed, and that citizen participation in decision making is ensured. However, "in Nigeria, we lack all these (Focus group, Nigerian Embassy Bangkok, February 20, 2019)."

Proposition 1: *Effective Good Governance has a significant positive effect on a nation's branding*

RELATIONSHIP BETWEEN NATION BRANDING AND PUBLIC DIPLOMACY

A study by Njeru, G. Winnie (2016) defined public diplomacy as a way a state engages and communicates its identity and messages with foreign audiences. This is seen as a way to promote soft power and national interests. The tools to achieve public diplomacy include listening and advocacy, international broadcasting and exchange, cultural diplomacy, and other aspects of strategic communication such as media and psychological warfare. Nation branding is therefore a novel approach involving political entities within the dimension of public diplomacy, analyzing the relationship between brand management and public diplomacy when competing for a distinct identity.

Szondi (2008) pointed out five views regarding the relationship between public diplomacy and nation branding. The first concept stands that there is no relationship between nation branding and public diplomacy, stating that these two areas are unrelated. In this regard, both nation branding and diplomacy require different goals and strategies tools. Many countries approach public diplomacy and nation branding without coordination or synergy between the actors.

Most researchers and practitioners agree that public diplomacy is considered part of the nation's branding targeted to foreign audiences. Lewis (2003) described public diplomacy as 'the branding mechanism deployed by politicians.' In this regard, Such view assumed that foreign policy is what makes up branding. In contrast, the implementation of branding is called the "commercialization" of foreign policy and public diplomacy. A branding-oriented approach to public diplomacy presents some advantages in the direction of making public diplomacy more strategic, facilitating planning and coordination, integrating communication aimed at foreign audiences. It also builds a nation's competitiveness across the world, which is personified by its communication skills, competencies, and how improved and informed it public diplomats are.

There is a link between nation branding and public diplomacy. Peter Van Ham alongside some researchers investigated the relationship between branding and international relations comprehensively by determining an effective way to use branding (van Ham, 2008). In this regard, the government's role is essential in directing and influencing public perception and public diplomacy as it has become a critical function of protecting the country's reputation, correcting unfavorable images and stereotypes, and neutralizing negative attacks or international pressure.

The fourth approach suggests some common grounds shared by public diplomacy and nation branding. However, each has its unique characteristics. Melissen (2005) examined the relationship between nation branding and public diplomacy. He asserted that the two concepts are 'sisters under the skin.'

The fifth option supported the fact that nation branding and public diplomacy are the same concepts. Both agree that country promotion leads to the ultimate goal of creating a positive nation image. Melissen (2005) and Dinnie (2011) postulate that image promotion and country identity are the fundamental similarities between public diplomacy (PD) and nation branding (NB). Furthermore, Melissen proved that the difference between public diplomacy and nation branding concerns the nature of actors involved in promotions. According to his assumption, public diplomacy is initiated by practitioners. In contrast, states utilize nation branding to promote their image abroad.

One of the effective ways of establishing good nation-building is to focus on public diplomacy, emphasizing on the promotion of culture and arts. This hypothesis is based on the belief that public diplomacy is most likely to improve social cohesion, national and community identity, cultural standing, and the economy. These are becoming important sources of soft or coercive power which plays an important role in today's world (Nye, 2004).

Proposition 2: *Effective Public Diplomacy has a significant positive effect on a nation's branding.*

RELATIONSHIP BETWEEN NATION BRANDING AND FOREIGN DIRECT INVESTMENT

Van Ham (2008) argued that a country that neglects its image and reputation may struggle to attract economic and political attention. From this perspective, the concept of the nation as a brand has acquired increased popularity among policymakers, academics, and diplomats because of its perceived potential influence on tourism, foreign investment, and international politics.

A nation will have a decisive competitive advantage because of its positive and powerful brand (Anholt, 2009). They are many factors to be considered when selecting a country for foreign investment. In this light, FDI promotion sums up every marketing activity

designed to attract the building and operation of a business in a foreign nation. This comprises four areas: image-building, investment-servicing, policy recommendation, and investment-generating (Morisset & Johnson, 2003). Image-building activities seek to influence investor's perception of the market, public relations activities, and advertising strategies.

The primary objective of rebranding Nigeria in this context is to enable the country to attract businesses, tourists, and leisure visitors, which can lead to the stimulation of FDI and facilitation of export marketing (Dinnie, 2011). Bellosso (2010) further explained that the aims of nation branding include aiding in the recovery of a nation's international image and gain investor trust; stimulating international partnerships like attracting aid or FDI; helping in removing misconceptions, stereotypes of a nation; also helps in changing perceptions with a change in government, or after a conflict, and changing specific situations or problems as the result of the negative impact associated with the country's image and reputation against actual reality. Country branding is no longer viewed as a necessity rather a choice; it is "about making people want to pay attention to a country's achievements and believe in its qualities" (Anholt, 2007).

The Ease of Doing Business for 2020 report ranked Nigeria 14th among the 47 nations in the Sub-Saharan Africa region. Its overall score is relatively above regional average, but well below the world average. Nigeria's economic freedom and economic development have been battered by Nigeria's chronic and severe political instability, insecurity challenge, and interference in the economy by the central bank and government, and pervasive corruption.

A majority of research respondents believes that it will be difficult for Nigeria to attract foreign investors if it is unable to address issues such as the lack of steady electricity supply and good roads network, political instability, bad governance, and insecurity challenges. If all these are solved, Nigeria can become a huge business hub in Africa, and enriched with human and natural resources (Focus group, Nigerian Embassy Bangkok, February 20, 2019).

Proposition 3: *Effective FDI scheme has a significant positive effect on nation's branding.*

CONCLUSION

It is a complex project undertaking in rebranding a nation with a negative image. This article has assessed Nigeria's negative reputation, and how it spurred public debate about the international perception on Nigerian people and how the nation is depicted in the international arena. Organized crimes, lack of good governance, transparency, uneven distribution of wealth, corruption, failed leadership, and insecurity remain critical problems have contributed to Nigeria's negative image. The paper suggests that Nigeria needs to assess its competitive position at the international level. The State should formulate and implement strategies guided by principle of good governance. In this regard, accountability and transparency expected from elected leaders. It is also imperative to obey the rule of law, strengthen citizen participation in decision-making processes, and ensure the eradication of corruption in all levels of government. In this regard, good governance becomes a crucial factor in pursuit of inviting foreign direct investment (FDI) to Nigeria.

The relationship between good governance, public diplomacy and Foreign Direct Investment in Improving Nation's Brand" should be a project that deserves to be taken into consideration. However, it requires the total participation of all Nigerians from different walks of life. Moreover, its success relies on how Nigerians will change their mindset seeing themselves as Nigerian ambassadors and in informal settings, gives peace a chance, and embrace true democracy.

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THAILAND'S PLASTIC SCRAP IMPORTATION BAN: A POLICY ANALYSIS OF ITS CREATION AND IMPLEMENTATION

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ABSTRACT

In July 2017 China announced a new policy to ban almost waste trade transaction (enforcement in January 2018). The Chinese ban has disrupted trading of electronic waste and plastic scrap from developed countries. An influx of recyclable scraps has shifted its destination to South East Asia together with a surge of smuggle waste. In August 2018, the Thailand Subcommittee on Systematic Integrative Management of Electronic Waste and Imported Plastic Scrap (Thai Government) resolved the smuggling of imported wastes by announcing a resolution to ban all imports waste including e-waste and plastic scraps by 2021. The ban included immediately stop all e-waste importation in 2018 and two-years grace period for plastic scraps importation to stop by 2021. The policy enforcement, however, has been pushed back because of two main reasons. First, there are requests to maintain plastic scrap importing quota through the Department of Industrial Work (DIW) for plastic recycling plants and businesses in Thailand to use as secondary raw material. Second, a lack of an efficient waste collection system in the country has led to poorly sorted and contaminated domestic recyclable material. Despite the request to reconsideration the ban from the DIW, the Ministry of Natural Resources and Environmental has presented an intention to enforce the ban. However, in 2021, the ban has been enforced but not fully implemented which reflects a contestation between the ministries protocol towards combating waste issues in Thailand and a conflict of interest in the waste governance among civil society, environmental agencies, and plastic recycling businesses.

The research focuses only on plastic scrap importation and aims to understand how has the Thai government arrived at the decision to ban plastic scraps importation in 2021 to resolved waste governance issue and why the ban implementation has been delayed. The

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research applies the Policy Cycle framework to analyze rational intentions, motivations and implementations from policy agenda setting to policy change. This research used secondary data from academic papers, international organizations and NGOs reports, governmental documents, Thailand trading and importing law and regulations, and data related to waste management from open data resources. The cabinet and the Subcommittee meeting minute have officially requested and received from government institutions.

INTRODUCTION

The global waste trade is a practice for developed countries to manage their waste by sending it abroad. The recycling cost can be cheaper in developing countries, while rich countries can get their trash disposed, and the poorer countries get money to process recycling and discard (Sembiring, 2019). Recyclable waste becomes a commodity that has economic value, and the recycling industry has arisen. Behind the environmentally friendly appearance of trading to managing wastes as a resource, waste trade market stands the billions of dollar-worth globally. Developing countries in Asia perceive it as an opportunity for economic growth, such as investment in recycling facilities and recycling businesses, create more jobs related to recycle and circular economy. In 1993, the world's waste trade market arose, with China was importing almost half of it from 1988-2017. Thus, plastic scraps trade is legalized in Thailand since 1979 (2522 BE.). The United Nations Commodity Trade Database reported that the world's plastic waste export and import in 2017 was valued at USD 4.5 billion and 6.1 billion.

In 2018, China, the former largest importer of recyclable waste from developed countries, closed its doors by announcing a ban on imports of plastic scraps and other recyclable materials overseas in the “National Sword Policy”. China’s decision impacted the global waste trade market, it disrupted the trading destinations and led to a surge of rubbish from Japan and North America to South East Asian countries, including Thailand, Malaysia, Vietnam and Indonesia (INTERPOL, 2018). According to research from University of Georgia researchers (Amy L’ Brooks et al., 2018), an estimated 111 million metric tons need to find new discard site because of the China’s ban policy by 2030. After the Chinese ban, many countries in Southeast Asian including Thailand perceived it as an opportunity to advance their recycling industry. According to Thailand's imports of plastic scraps data from the Thai Custom Department, 552,912 tons of plastic scraps were

imported in 2018, compared to 69,500 tons in 2016 (before China announced a ban) which increased eight times double (Greenpeace Thailand, 2020). But in late 2018, the surge of imports recyclable waste has reflected a significant increasing of waste management policy to control the waste imports through announcement to ban waste importations by many SEA countries including Thailand to completely halt of plastic scraps imports by 2021.

In Thailand, waste is one of the critical environment issues. The Thai military government under PM Prayuth Chan-O-cha addresses waste management issues in the 20-Year National Strategy plan (2018 -2037). The plan called for 75 percent of Thailand's solid waste to be disposed of properly or recycled by 2021 and 100 percent by 2030. Thailand creates approximately 2 million tons of plastic wastes each year. Only 25 percent of it qualifies for recycling, and the rest remains outside the recycling system (Dailynews, 2018). The Government's proposed solution is to cut the amount of waste from its source, and the 3Rs concept of "Reduce, Reuse, and Recycle," has been actively implemented (Thai Government, 2018). To reach 75 percent of domestic wastes adequately disposed of, the Ministry of Natural resources and Environment has set up the 20-Year Pollution Management Strategy and a draft of Waste Management plan 2016-2021. The Thai government has established a Subcommittee to Systematic Integrated Management of Electronic Waste and Imported Plastic Scraps to address the waste import smuggling and waste importation governance issue. The Subcommittee appointed Surasak Kanjanarat, former minister of Natural Resources and Environment as a Chairman. Then in August 2018, the Subcommittee resolved the issue by announced a ban policy to stop all imports of transboundary wastes by 2021.

The Ban of plastic scraps implementation plan included set a two-years grace period with importing quota for the authorized import license holders to adopt the change, not giving authorized import license and all imports will be stopped by 2021. However, the recycling businesses have tried to request more import plastic scraps quota and license extension reasoning those domestic raw materials are inadequate, low in quality, and highly contaminated. The request has got supports by the Department of Industrial Works (DIW) that expressed the needs for a quota to import more than 65,000 tons of plastics in 2021.

The paper will analyze on how has the Thai government arrive at the decision to ban plastic scraps importation to the delay of implementation that reflect policy change divided into five steps of Policy Cycle.

POLICY CYCLE OF THAILAND BAN OF PLASTIC SCRAP IMPORTATION BY 2021

Agenda setting

In January 2018 the China ban of plastic scraps and waste has been enforced. In June 2018, Thai authorities intercepted 58 tons of compressed plastic garbage in four huge containers at the Lat Krabang Industrial Estate in Bangkok. The Customs Department was poised to punish Samut Sakhon-based Longluck Plastic and Metal Co for allegedly making a false declaration (Nation, 2018). This case ramped up social concern about waste management in Thailand and consequences that damage environment. The Thai government has established the Subcommittee of Systematic Integrated Management of Electronic Waste and Imported Plastic Scraps and appointed Surasak Kanjanarat, the minister of the Ministry of Natural Resources and Environment at that time, as chairman. The plastic importation issue and situation has firstly brought up to the subcommittee in the first meeting on 26 July 2018. Surasak Kanjanarat, asked members from other institutions to collect plastic import-export data to make trading data based including need from local recycling plant and domestic market demand to present in next meeting (Vanich Sawayo & Pholthawong, 2018). However, there is no record of data collection or data presenting in the 2nd and 3rd of the Subcommittee meeting. Thus, meeting minute of the 3rd meeting is the last official document that available for public access.

Hence, in April 2018 the Ministry of Natural Resources and Environment announced, "Roadmap on plastics waste management 2018-2030". Content in the roadmap is in accordant with documents from Office of the Ombudsman (Office of the Ombudsman Thailand, 2021; Thai Government, 2018) Thailand aims to combat waste issues by addressing the issues and the 20-years National strategic plan section 5; promoting 3 Rs, increasing domestic recycle rate and promoting circular economy by requesting relevance ministries to set up action plan. The ministry of Natural Resources announced the roadmap on plastics waste management 2018-2030 and leading the Subcommittee of Systematic Integrated Management of Electronic Waste and Imported Plastic Scraps. The plan to ban foreign plastic scraps is one of supporting strategy to the 20-years National strategic plan strategic plan to prioritizing local plastic wastes and encouraging recycling industry to use domestic plastic scraps together with advancing solid wastes collection system and segregation system.

However, the plastic scraps trade is legalized since 1996 under supervision of Ministry of Commerce, Ministry of Industrial Works to authorized import licenses and the Thai Custom

Department to declare good under HSN code 3915 (plastic scrap) (Ministry of Commerce, 1996; Ministry of Industry, 2008). The risks to ban all plastic scraps import are, first, Thailand has 5,688 recycling factories that require 20 types of plastics for their operation while the domestic scrap has only 3 out of 20 types required (Sookkho, 2020). The Department of Industrial Works (DIW) under the Ministry of Industrial got a proposal of importing quota from the plastics industry group called The Federation of Thai Industries (FTI). They reason that local material are not enough and low in quality due to poor waste management and lack of sorting system (Prachachat, 2018). Moreover, some recycling companies had held the valid importation for an industrial license, and 80 percent of the produced are for export. The immediate ban could affect their operation system, national recycling businesses, and the plastic bead's export values.

The other risk is the contestation between government authorities which can lead to social confusion and unequal regulation enforcement. Firstly, it is unclear who was authorized to revoke the importation license if the illegal import activities occurred. According to Thailand Export and Import goods Act 1979, imported plastics defined as restricted import goods for commercial use must receive approval from the commerce minister, who authorized the Direct-General of DIW to be an authorized representative. The imported plastics must be separated by types and must not require additional cleaning under Thai regulations. Moreover, litigation for illegal importation or fault declaration also has a gap between the Customs Department prosecution and the Royal Thai Police policy. For example, the Royal Thai Police has strict policy to suppress offenses related to e-waste and plastics scrap importation by prosecuting the culprits at the highest level without refining from Customs Act 2017 prosecution with a normal procedure to the court. However, the law gives the culprits the right to defend and request a settlement with the Customs Department by paying a fine or impound (Dailynews, 2018).

Policy Formulation

The decision was made by the Ministry of National Resources and Environment, Ministry of Industry, Ministry of Interior, Ministry of Commerce and Department of Pollution Control. Considering the Federation of Thai Industries (FTI) request three years grace period and importing quota, the policy allows two years grace period before fully banned in 2021. Companies that have held the importing license would get a two-year grace period until their licenses expired and limit import quota. All licenses would be expired by the end of September 2020. The import quota is set for the first year, importing no more than

70,000 tons (divided into 50,000 tons of PET plastics and 20,000 tons of other plastics). Thus, a condition requires to use domestic plastic scraps at least 30 percent in that year. In the second year, companies can import not more than 40,000 tons and require to use domestic plastic scraps not less than 60 percent. In the third year, there should be zero import of plastic scraps from abroad and use of 100 percent of domestic plastic scraps for recycling. Furthermore, the import licenses will be expired on 30 September 2020 after which none will get extension. The two years grace period sets for authorized import licenses to adapt their operation and for the government to set up capable plastic wastes sorting system. The plan included constraints for issuing and extending import licenses and creation of a list of prohibited plastic importation by shifting from ‘restricted goods’ to ‘prohibited goods.’

Policy implementation

The Subcommittee on Systematic Integrative Management of Electronic Waste and Imported Plastic Scrap was vacated since 2019 and replaced by a Subcommittee on Plastic Waste and Electronic Waste Management in November 2019. Despite of the minister on ministry of Natural Resources and Environment changed in 2019, The ban still has continued supports by the Ministry of Environmental and Natural Resources, however, some implementation has been delayed and on hold. In August 2021, the subcommittee reversed its resolution to ban by 2021 and postponed the plastic waste ban for another five years (Bangkok Post, 2021). The policy was on hold and has been delayed because of two main reasons. First, the requests importing quota from business through DIW declare that the plastic recycling sector needs foreign plastic scrap to feed industrial purposes due to poorly sorted, low quality, and contaminated domestic plastic scraps. Second, The unreadiness and lack of an efficient waste collection system in the country. Rintawat Sombutsiri, Director of Department of Industrial Waste Management under DIW, stated that the two years grace periods also time for the Pollution Control Department to set up a system for collecting plastic waste (Reed, 2018). The Ministry of Natural Resources and Environment responds by asking the DIW to present the data of needs to the Subcommittee of waste management. However, the data never be present in the meeting until now (2021)—this reflecting the bureaucratic opposition and insufficient implementation incentives at all level. Thus, after requesting authorization to revoke importing license, the DIW got authorized to rescind the licensee if it did an illegal transaction (Procedures, 2019). However, the conflicts between The Custom Department and the Royal Thai Police still unsolved.

Policy evaluation

To follow up and evaluate the policy, in September 2020, the 2nd meeting of the Plastic and Electronic Waste Management subcommittee, the Pollution Control Department (PCD) (Secretary of the Subcommittee) has proposed that "Measures for importing plastic scraps" to reevaluate and determine quota for plastics scrap. The proposed Measures for the importation of plastic scraps aim to set a practical quota to the recycling sector's actual needs and in line with the national waste management plan, encourage the use of domestic recyclable scraps, and take into account the conservation of the environment. Warawut Silpa-archa, current minister of Natural Resources and Environment and chairman of the subcommittee responded by assigned the Pollution Control together with Department Plastics Institute, Department of Industrial Works, to discuss the demand of industrial plastic scraps and presents figures showing local demands in the next meeting by the end of the 2020. (Wipatayothin, 2020) The DIW asked the subcommittee to postpone the plan to ban the import of plastic waste for recycling from the industrial side. Prada Damrong Thai, Director-General of PCD, stated that the Department of Industrial Works (DIW) and the business sector could accept the cancellation of the import of plastic scraps from abroad only if the amount of domestic plastic waste is sufficient and of acceptable quality. They will accurately research and determine the number of amounts needs and present later.

Policy change and Policy Termination

At the recently Plastic and Electronic Waste Management subcommittee meeting in January 2021, Warawut Silpa-archa, minister of Natural Resources and Environment, and the chairman, announced that Thailand would ban plastic scrap by 2022, which is 1-year delays from the original plan. The Environmental network red-flagged the government to strict with the initial plan and let the social and medias watch out of the illegal importation. In response, the Natural Resources and Environment ministry assigned the ministry of commerce to announce the prohibition of plastic scraps import start from 1 January 2022. Then later in August the subcommittee reversed the subcommittee reversed its resolution to ban by 2021 and postponed the plastic waste ban for another five years (Bangkok Post, 2021). This shows that the policy has been evaluated and reformulate.

FINDINGS

The reformulation is a paradox of the plastic importation ban policy. In the beginning, it stated to ban by 2021 fully reasoned that all the importation licenses would be expired by September 2020 and a grace period for the country to prepare and adapt but recently has been reversed and delay to fully ban by 2026. Even though, the requests to reconsider the ban from the recycling industry side have delayed the implementation process and required extra time to conduct research and collect practical import quotas. In practice, the plan to stop giving importing licenses is successfully implemented. All the license holders were expired and on hold for extension.

The cause of delayed of implementation could analyze into two main reasons First, lack of accurate data. The businesses requests for import quota from through DIW declare that the plastic recycling sector needs foreign plastic scrap to feed industrial purposes due to poorly sorted, low quality, and contaminated domestic plastic scraps. The evidence of low quality of domestic recyclable waste and inefficient sorting system has present widely on medias, academic research and government agenda to combat the issue which accurately references supporting the request. There appears unreadiness and lack of sorting and waste collection system in the country. Rintawat Sombutsiri, Director of Department of Industrial Waste Management under DIW, stated that the two-years grace periods also time for the Pollution Control Department to set up a system for collecting plastic waste (Reed, 2018). Thus, the civil society networks expressed their concern, and requested the government to confirm the decision to ban all imports. They reason that with the extension of importation could have a profound impact on solving the domestic waste problem (Greenpeace Thailand, 2020). The Ministry of Natural Resources and Environment responds by asking the DIW to present the data of needs to the Subcommittee of waste management. However, the data has never been present nor available to public. Every meeting agenda ended up with the summary to wait for further study and need more information which delayed the process. This gap has blocked the subcommittees to make a decision.

Second, a contestation and a conflict of interest in the waste governance among government authorities, is a significant reason that decision was push back. The plastic scraps trade is legalized since 1996 under supervision of ministry of Commerce. Import of plastic scraps must receive approval from the commerce minister or an authorized representative, and the imported plastics must be separated by type and should not

require additional cleaning under Thai regulations. The ministry of Industrial Works has authority to authorized import licenses while the Thai Custom Department has authority to check and reporting declaration of goods under HSN code 3915. But for illegal importation or fault declaration still has a conflict between the Customs Department prosecution and the Royal Thai Police policy. While the ministry of Natural resources and Environment, who a chairman of the subcommittee and leader of the ban, has no power or authority to enforce the ban or regulate the import. However, the conflicts between government authorities, has never been mentioned in the policy resolution.

CONCLUSION

To moving forwards to a better future, the plastics wastes problems require holistic approaches and holistic policy to be fully implemented together. The imported plastic ban policy chaos reflects a dispersed policy implementation and law enforcement caused by the contestant between ministries. The plan was discontinued because of the minister and the cabinet shuffled. Second, a data-based approach and data collection system should be introduced from the beginning of the Policy cycle. The data should available to the policy committee to evaluate risks and generate options based on evidence to formulate a strategic policy and accurately evaluate implementations. The delay of the ban is an example and lesson learn for policy maker of lacking data and research. Thus, the number shown in the meeting summary has no accountable sources or the institution who conducts the survey. Finally, to combat the waste issue requires participation from all sectors. transparency and trust building is a critical process to gain participation. The government needs to exhibit a clear action plan and measurement rather than ultimate goals to get everyone on the same page.

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CO-MANAGEMENT OF NATURAL RESOURCES: A BIBLIOMETRIC REVIEW OF LITERATURE FROM 1940 TO 2020

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ABSTRACT

The research identified 1,640 documents between 1940 – 2020 from the Scopus index. The analysing tools used in this bibliometric review include VOS viewer and Tableau software. Science mapping approach is used in this bibliometric review to analyse the current state of literature on co-management of natural resources. The review aims to document the volume and geographical distribution of said field of study. Co-citation analysis is used to identify the most influential journals, authors and documents as well as illustrate the intellectual structure and define the topical foci in this field of study. The review shows an increasing trend of the literature since 1989, which proved interest expressed by leading researchers from both developed and developing countries. The intellectual structure consists of adaptive co-management, power asymmetries and equity and social-ecological outcome domains. Adaptive co-management is the most dominant school of thought, followed by the classical perspective. Findings affirm strengths of science mapping, particularly visualisation of quantitative data. The significant contribution of this review is the meta-analysis of the literature on co-management of natural resource as a whole.

Keywords: Co-management of Natural Resources, Adaptive Co-management, Social and Ecological Systems (SES), Bibliometric Review, Science Mapping.

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INTRODUCTION

Joint actions among multiple parties are required to enable governance of resources, naemly forests, fisheries, wildlife and watershed. Such resources are too complex, and cannot be effectively managed by only a single agency (Berkes, 2009). In sustaining the Earth's ecosystem, an understanding of both ecological and social systems is needed. The integrated social-ecological systems are elaborate and ever-changing. It is necessary to be able to interpret, monitor and respond to feedback in sustaining ecosystem services, as well as in dealing with changes and uncertainties (Gadgil et al. 1993; Olsson, Folke & Hahn, 2004).

There has been an increasing amount of literature on sustainability that focuses on how social and ecological systems (SES) are intertwined. This literature can be categorised into two broad groups. The first category focuses on the existence of various management systems of common-pool resources. The second category aims at finding theoretical and empirical support for developing management systems for sustainability (Carlsson & Berkes, 2005).

Co-management of common-pool resources refers to the management system in which the government and natural resource users, who are the primary stakeholders, share power, responsibility, rights and duties (Berkes, 2009). Such arrangement also allows for equal stake in the decision-making process (Berkes et al., 1991; Singleton, 1998; Carlsson & Berkes, 2005). As per governance parlance, holistic, multi-level and integrative institutional arrangement is necessary to guide interactions between society and nature, enhance human well-being, and sustain ecosystem services (Gunderson et al. 1995; Ostrom et al. 2002; Folke et al. 2005; Plummer et al., 2012). Co-management could potentially address the complex interdependence of social and ecological systems (SES) (Olsson et al., 2010; Plummer et al., 2012).

These observations highlight the urgency and importance of developing and disseminating a validated knowledge base on the co-management of natural resources. Bibliometric research reviews are designed to map key features of knowledge production in disciplines. While bibliometric reviews have been conducted on several related topics including adaptive co-management (Plummer et al., 2012), small-scale fisheries co-management (d'Armengola, Castilloa, Ruiz-Malléna, & Corberaa, 2018), as well as work in social and ecological outcomes of governance transformation in Kenya fisheries (Cinner &

McClanahan, 2015), none has yet been published on the topic of 'co-management of natural resources' as a whole. This, therefore, inspires broad purpose of this review. This academic exercise aims to address the following research questions:

- (1) What are the volume and geographical distribution of research on co-management of natural resources?
- (2) What is the intellectual structure of the knowledge base on co-management of natural resources?
- (3) What are the topical foci of great interest to scholars in this field of study?

To achieve the aim of this study, 1,640 documents were sourced from the Scopus index using a keyword search strategy. Bibliometric analysis was conducted to identify descriptive trends about the volume and geographical distribution of existing literature. VOS viewer software was, then, used to conduct citation analysis, co-citation analysis, and keyword analyses. These approaches to science mapping were used to gain perspective on key dimensions of this literature.

METHODOLOGY

Data Collection

Documents for this review were collected from Scopus index. The search term was "co-management," which was selected based on initial literature review. Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) was used as guideline for conducting this systematic literature review. The publication period was from 1940 to 2020. The retrieval date for the database was on 28 November 2020.

When screening, a document type filter was applied. Only journal articles and reviews were included in the knowledge base. Moreover, this database excluded non-English documents and subject areas irrelevant to this study, such as medicine, nursing, chemical engineering etc. To achieve the final database, the researcher manually conducted relevance filtering by screening the abstracts of all the documents. a total of 1,640 documents were finally chosen based on requirements set.

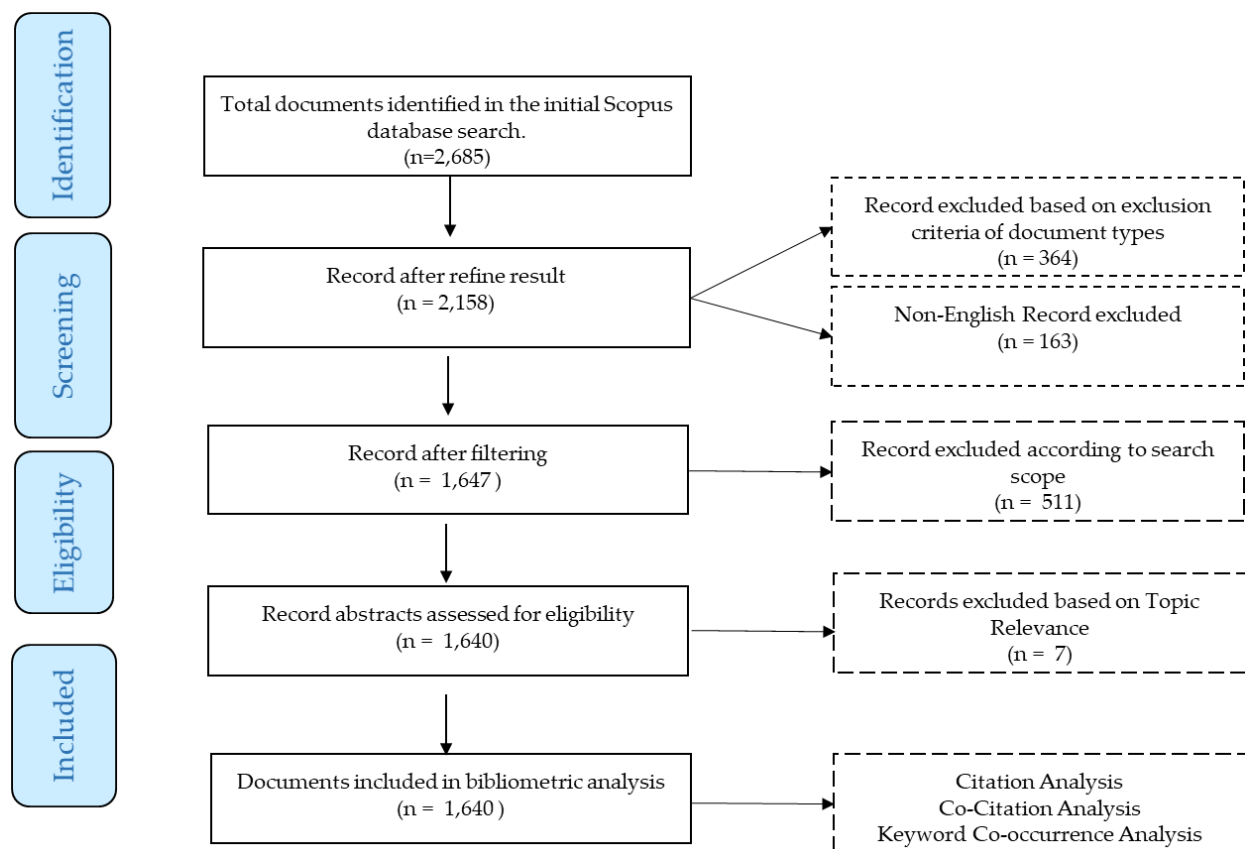


Figure 1. Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) flow diagram for co-management of natural resources database sourcing and screening.

Data Analysis

Descriptive statistics in basic bibliometric method was employed to analyse topographical trends within the knowledge base (Hallinger & Kovačević, 2019). Analyses were conducted to visualise dynamic and structural aspects of academic research, as well as the publication and citation patterns (Zhang, Fang, Chen & Congshan, 2019). This research includes citation analysis, which is commonly used for bibliometric review. This method is based on the concept that highly cited articles are more influential on the research field (Ellegaard & Wallin, 2015).

Subsequently, VOSviewer software (Van Eck & Waltman, 2014) was used to conduct bibliometric analyses by synthesizing patterns occurring in the knowledgebase. A co-citation analysis indicates the frequency of which two documents, authors or journals, are cited together. It employed co-citation counts to measure the relationship between documents, authors and/or journals (Zupic & Čater, 2015). Author co-citation was used for analysing the intellectual structure (White & McCain, 1998), and provided the results,

which identify patterns of intellectual influence beyond the selected knowledgebase in the broader literature (Udomsap & Hallinger, 2020).

Keyword co-occurrence analysis (co-word analysis) was also applied in VOSviewer software (Van Eck & Waltman, 2014) to address the third research question. Co-word analysis uses a content analysis technique to construct relationships and generate a conceptual framework of the knowledge domain. This method maps out the network of themes, which helps in understanding the intellectual structure journals (Zupic & Čater, 2015) and temporal co-word analysis, which helps in identifying featured topics in the literature (Udomsap & Hallinger, 2020).

RESULTS

Size, Growth Trend and Geographical Distribution of the Literature

The volume of publication indicates a reasonable knowledge body. This bibliometric review includes 1,558 journal articles and 82 reviews. Figure 2 illustrates the rising knowledge productivity in research on co-management of natural resources. The growth was stable in the beginning from 1940 to 1989. Despite some fluctuations, the publication dramatically increased from merely three (3) documents in 1989 to 124 documents in 2020.

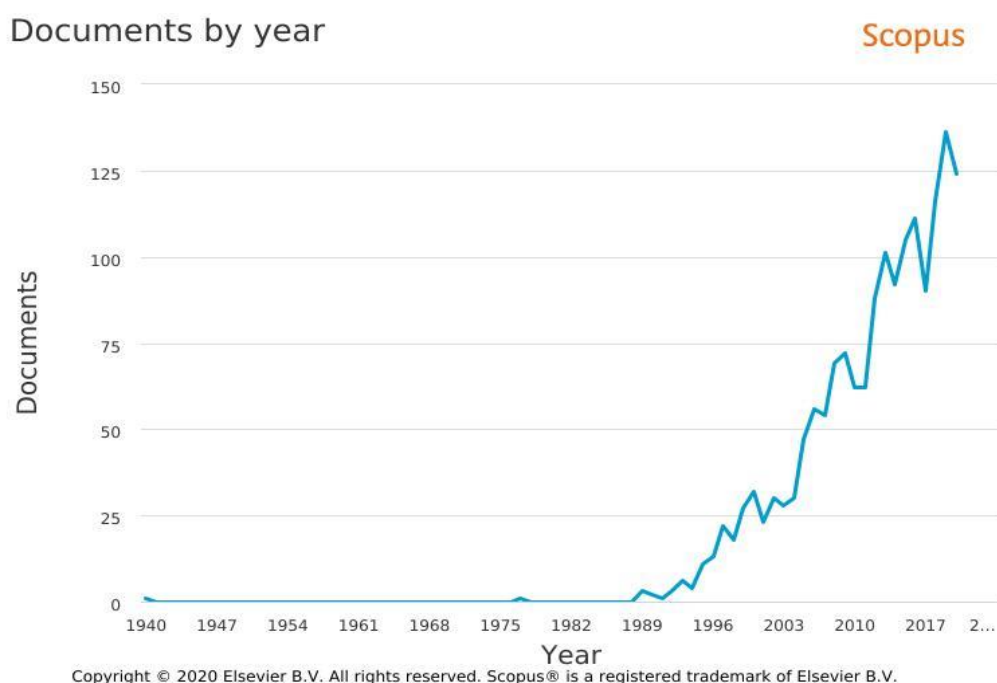


Figure 2. Growth trend of literature on co-management of natural resources, 1940–2020
($n = 1,640$).

The geographical distribution of literature on co-management of natural resources is shown in Figure 3. The analysis of geographical distribution reveals that the Top10 contributing countries account for 85.7% (1,405 papers) of all documents in the database. The most contribution to the literature in co-management of natural resources is from Anglo-Saxon countries. The highest publication outputs are from USA, Canada, Australia and UK, with 356 papers (21.71% of the total), 272 papers (16.59% of the total), 184 papers (11.22% of the total) and 168 papers (10.24% of the total), respectively. It can also be observed that most of the countries on the list are from Europe, namely Sweden, Spain, Netherlands and Germany.

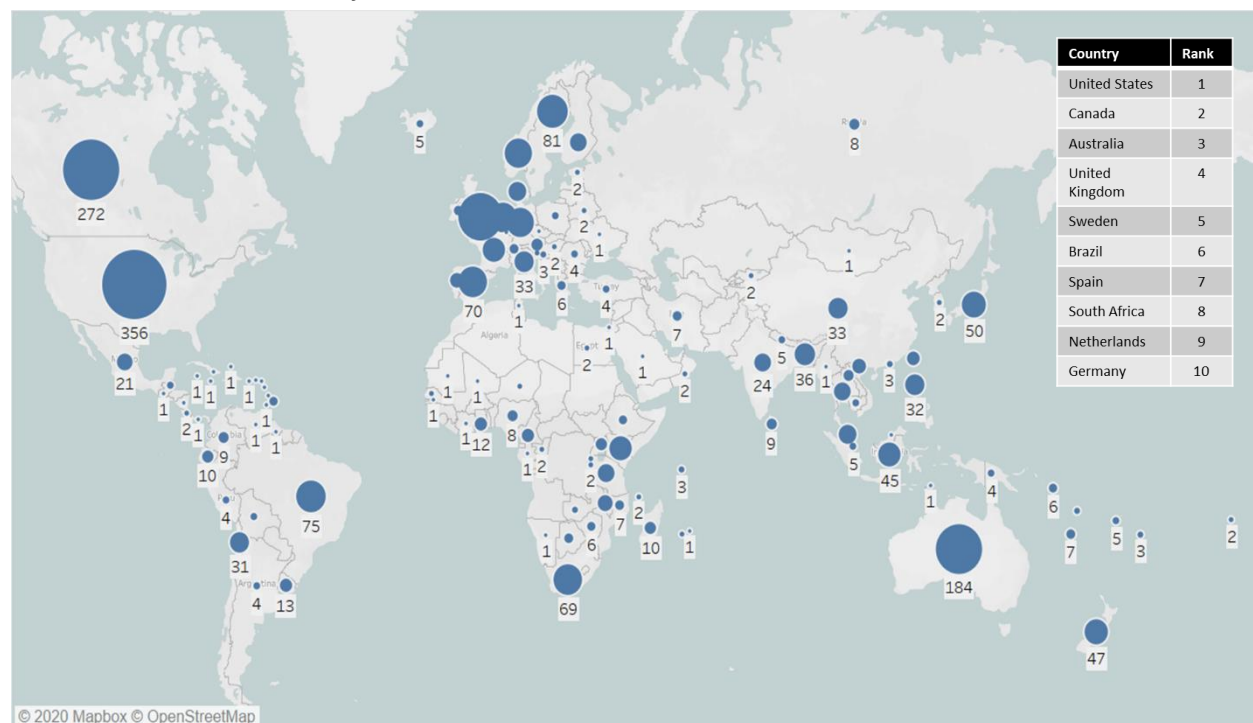


Figure 3. Geographical distribution of the literature in co-management of natural resources, 1940–2020 ($n = 1,640$).

South Africa and Brazil are the only developing countries in this Top 10 list. Their contributions account for 4.57% (75 papers) of the total and 4.21% (69 papers) of the total, respectively which are higher than publication outputs from the Netherlands and Germany. Literature from Kenya accounts for 2.62% (43 papers) of the total number. Moreover, contributions from Asian countries are also significant. In East Asia, China and Japan are quite active in this field, with 30 and 50 documents, respectively. Other developing countries, namely Indonesia, Philippines, Malaysia and Thailand have a number of literatures under their belt.

Intellectual Configuration of the Co-Management Scholarship

In this bibliometric review, the researcher employed author co-citation analysis to identify major research themes or clusters. It illustrates how this intellectual configuration changed over time. In a network of co-citation, nodes are divided into multiple modules or clusters, which consists of well-connected publications (Luo, Han, Jia & Dong, 2020).

VOSviewer was used for generating a co-citation map, which helps visualize the connections between authors' publications. Figure 4 below illustrates the map with clusters of authors with a threshold of 60 citations. It displays a total of 180 authors. The clusters represent schools of thought in the research field. These refer to similarities of theoretical perspectives and the inquiry lines shared by researchers' groups. In the co-citation map, the size of a nodes indicates the number of co-citations. The frequency whereby an author is co-cited with another author is also presented. One can see the density of links (Hallinger & Kovačević, 2019).

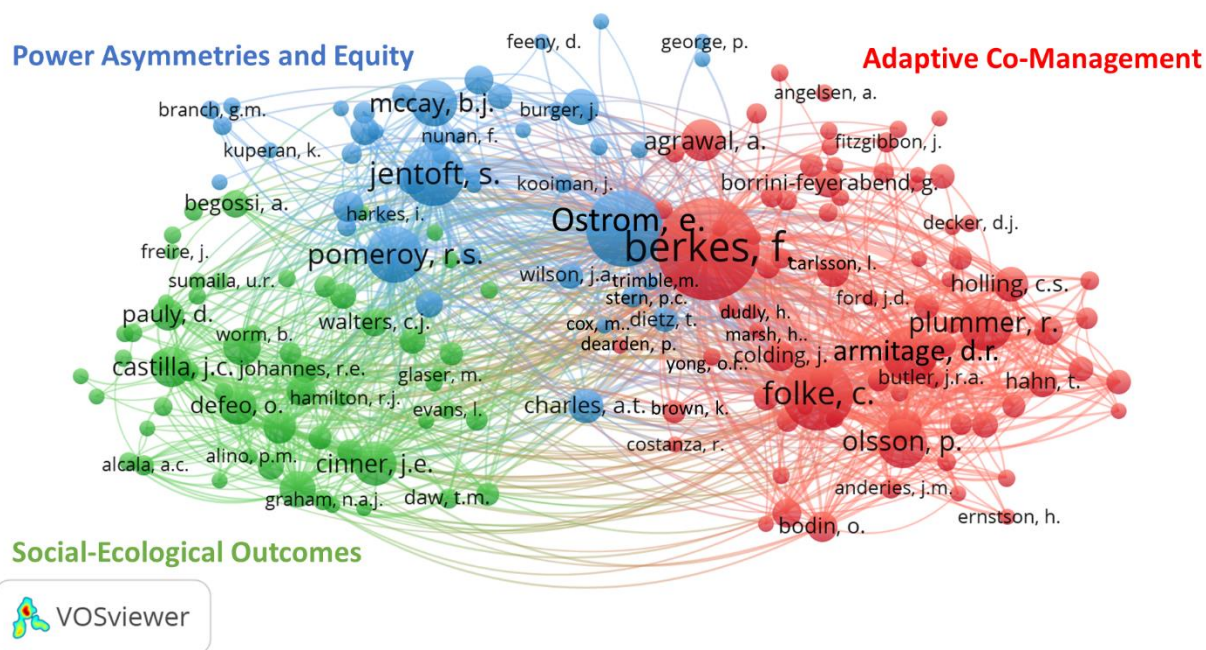


Figure 4. Authors' co-citation analysis of literature on co-management of natural resources (threshold 60 citations, display 180 authors)

The author co-citation map above also expresses three schools of thought with the dense links implying the interconnection between these intellectual clusters. Based on initial inspection, it is found that two schools dominate this literature as illustrated by the red and blue clusters in the map. Prominent authors in the two clusters, namely Berkes, F.,

Folke, C., Plummer, R. and Armitage, R.D. in the red cluster and Ostrom, E., Jentoft, S., Pomeroy, S. and McCay, B.J. in the blue clusters are connected at a certain level. The green cluster has less impacts and is quite distant from the other clusters.

The red cluster serves as a proxy of a school of thought associated with “adaptive co-management” (e.g., Berkes, F., Folke, C., Plummer, R., Armitage, D.R., Olsson, P.). According to Olsson et al., (2004), adaptive co-management refers to matured co-management, which obtains rounds of learning-by-doing as an important component. The scholars in this school of thought focus on adaptive management, learning function and the vertical and horizontal links. These pertain to a governance approach for social-ecological systems. Adaptive co-management could, therefore, lead to addressing the complexity and uncertainty of the integrated social and biophysical systems. This is because building of adaptive capacity helps increase social-ecological resilience (Plummer et al., 2012).

The blue cluster represents the intellectual domain of scholars, which is associated with “power asymmetries and equity” (e.g., Ostrom, E., Jentoft, S., Pomeroy, S. and McCay, B.J. Charles, A.T.). They pay significant attention on the outcomes of co-management, particularly in term of power distribution and equity. This school of thought is significantly influenced by the classical perspectives of social-ecological systems. Hardin (2009) laid the groundwork for the research on social-ecological systems by predicting degradation and overexploitation of common resources in the Tragedy of the Commons. Later, the research field was further transformed by Ostrom, who developed breakthrough knowledge in her *Governing the commons: The evolution of institutions for collective action*. This refers to certain conditions of resource governance regimes that can result in sustainable use of common resources (Ostrom, 1990).

Lastly, the green cluster represents the school of thought, which is grounded on social-ecological outcomes of co-management. The density of the links reveals that influences of the blue cluster on the green cluster is greater than the red cluster. Despite a certain number of co-management failures being addressed, successes of co-management in terms of achieving social-ecological objectives are addressed by scholars in this school of thought. The contribution of co-management is related to various topics, namely improving biodiversity, restoring marine ecosystems and rebuilding fisheries (Cinner et al., 2015; d’Armengola, Castilloa, Ruiz-Malléna, & Corberaa, 2018).

Contemporary Foci in the Literature on Co-Management of Natural Resources

Co-word analysis is conducted based on the content of documents to identify the topical foci that are studied by scholars in co-management of natural resources. According to Zupic and Čater (2015), it is used for identifying a network of research themes in which the links between them unravel the existing conceptual space of the study field.

In Figure 5 below, the co-word map was generated by VOSviewer with a threshold of at least 20 keyword co-occurring cases. The map displays 170 keywords, which are most frequently co-occurring. These keywords are “co-management” (946), “fishery management” (430), “governance approach” (233), “stakeholder” (189), “decision making” (169) and “sustainability” (161).

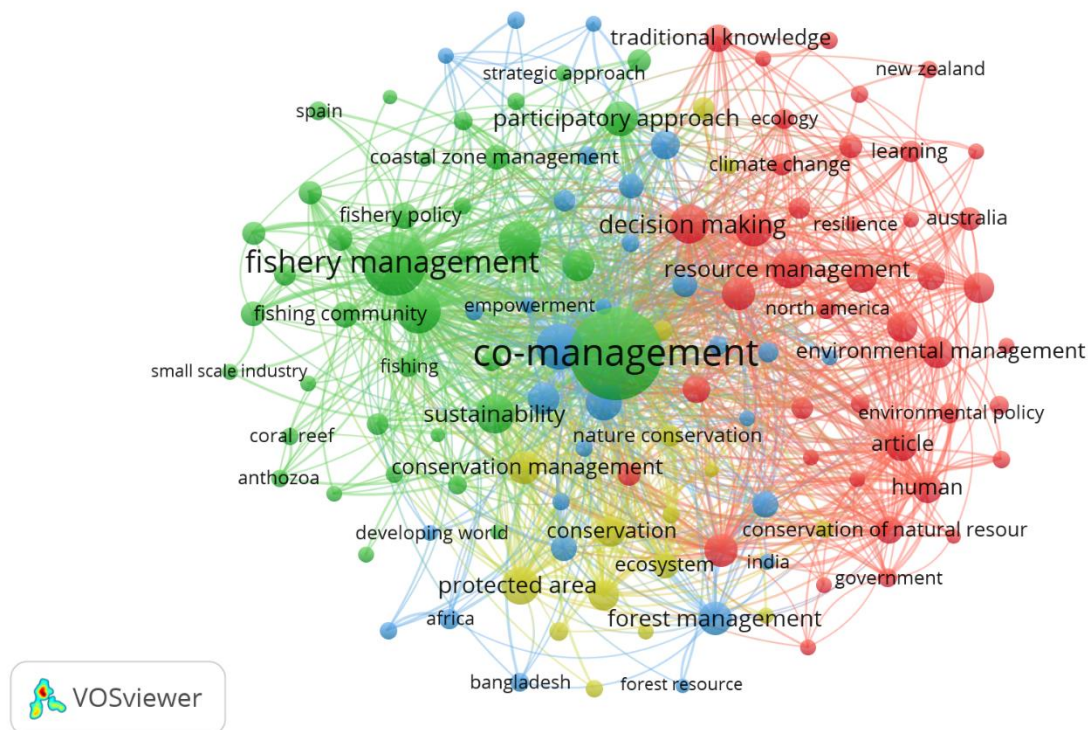


Figure 5. Co-word map for the literature on co-management of natural resources (threshold 20 co-occurrences, display 170 keywords).

The co-word map (see Figure 5) shows four distinct clusters. The red cluster is not occupied by big-sized nodes. However, the link density is high and consists of the most occurring words (42 keywords). The top keywords of this cluster are “decision making”, “resource management”, “adaptive management”, “environmental protection” and “natural resource”. This linked cluster of keywords is associated with “Adaptive Co-

Management”. The documents, *Co-management: Concepts and methodological implications* (Carlsson & Berkes, 2005) and *Evolution of co-management: Role of knowledge generation* (Berkes,2009), represent the literature in this cluster.

Both green and the blue clusters are associated with “Power Asymmetries and Equity”. The former is composed of keywords relevant to the topics on power distribution, namely “participatory approach”, “stakeholder” and “empowerment”., while the latter is a small cluster in the map, located in-between the red and the green clusters. Similarly, the blue cluster consists of the related keywords, such as “governance approach”, “local participation” and “institutional framework”. Examples of literature in this cluster are *Governing the commons: The evolution of institutions for collective action* (Ostrom, 1990) and *the tragedy of the commons* (Hardin, 2009).

The yellow cluster is the smallest cluster on the map. It is associated with the school of thought on social-ecological outcomes. A complementary strength of this school of thought is a distinct focus on natural resources, which is an important facet of co-management’s objective. The most frequently occurring keywords in this cluster are “protected area”, “conservation management”, “biodiversity”, “conservation” and “ecosystem”. *Leadership, social capital and incentives promote successful fisheries* (Gutierrez, Hilborn & Defeo, 2001) represents the literature base in this domain.

The “research front of a knowledge base” pertains to the most recent emerging themes in the literature. It is an output of topical analysis in science mapping (Hallinger & Kovačević, 2019). VOSviewer generated a temporal visualisation of the keyword co-occurrence map, as shown in Figure 6 below. The temporal co-word map emphasizes the relative accentuation of research themes across time. The node size represents the interest given to a topic. Colors indicate the distinct time period in which the topics emerge. The temporal co-word map was set with the threshold of 20 co-occurrences, and displays 170 keywords.

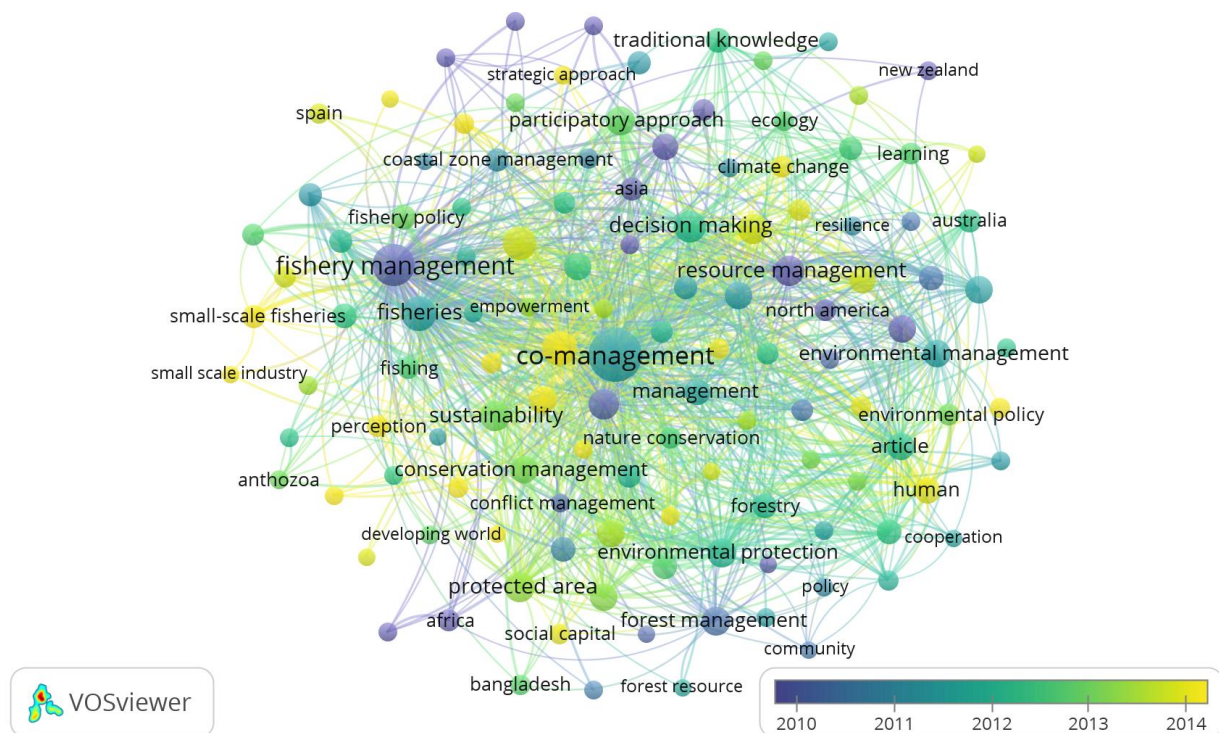


Figure 6. Temporal Co-occurring keyword map for the literature on co-management of natural resources (threshold 20 co-occurrences, display 170 keywords)

As shown in Figure 6, the research front in the research on co-management of natural resources is concentrated on “small scale industry”, “perception”, “small scale fisheries”, strategic approach”, “climate change”, “social capital” and “human”. Based on this, scholars in this field of study have shifted their interests to the research themes relevant to small scale business, social aspects and popular ecological topics such as “climate change”. An example of the literature on these emergent topics is *Adaptive Co-Management for Climate Change Adaptation: Considerations for the Barents Region* (Plummer & Baird, 2013).

DISCUSSION

Interpretation Of the Findings

Three research questions were to be addresses in this bibliometric review, aside from exploring and assessing the composition, the pattern and structure of knowledge base. The findings in this review provides a broad understanding of the existing literature in co-management of natural resource.

Starting from a very small field in 1940s, the literature in co-management has since exponentially grown. The significant growth started in 1989. Pioneering scholars include Jentoft, S., Kristoffersen, T., Gardner, J. and Roseland, M. They laid the knowledge groundworks in the end of 1980s. In addition, Feeny, D., Berkes, F., McCay, B.J. and Acheson, J.M. published their high impact document, *The Tragedy of the Commons*: Twenty-two years later, at the beginning of 1990s. From the observation of the growth of publications, knowledge based on co-management of natural resources still remains an emergent research field, and still receives international leading researchers. The research front has shifted towards popular topics, such as climate change, small scale industry, ecosystem service and strategic approach.

With regards to geographical distribution, even though the major contributions come from Anglo-Saxon countries, literature have spread out from other parts of the world. The top-10 countries include by four countries from Europe, namely Sweden, Spain, Netherlands and Germany. One of the reasons for this is that the European Commission has become a significant funding source for research. One has to observe the emergence of literature from the Global South, mainly as Brazil, South Africa, Kenya, Indonesia, Philippines, Malaysia and Thailand.

Schools of thought in co-management of natural resource are adaptive co-management, power asymmetries and equity and social-ecological outcomes. Based on author co-citation and keyword co-occurrence analyses, 'social-ecological outcome' comes out as secondary theme in co-management knowledge base. This school of thought is represented by the green cluster in the author co-citation map and by the yellow cluster in the co-word map. The topics from this this school of thought currently focus on are "protected area", "conservation management" and "biodiversity."

The author co-citation map shows that the school of thought on 'social-ecological outcome' has more links with the one on 'power asymmetries and equity'. This is consistent with the review of small-scale fisheries co-management (d'Armengola, Castilloa, Ruiz-Malléna, & Corberaa, 2018). This is because these clusters focus on the outcomes of co-management, albeit in different aspects. Moreover, 'power asymmetries and equity' is divided into two subthemes. As per the co-word map, both keywords in the green and blue clusters are aligned with the topics covered by power sharing and power distribution. However, as the keywords show, the core concepts of this school were used

in different contexts. One focuses on fisheries and marine industry, with the other centers on forest resource and forest management.

Emerging themes shown in the temporal co-word map includes “small scale industry”, “perception”, “small scale fisheries”, strategic approach”, “climate change” and “social capital.” Climate change is a popular and emerging theme in this field of study. Social capital and perception, too, have recently become popular. This is because social learning and social cognitive theories are central to adaptive co-management, which is currently the most dominant cluster in the co-management field.

CONCLUSION

In this bibliometric review, there are several implications that can be pointed out from the findings. Firstly, this study affirmed that the science mapping approach enables analyses of historical trends within the research discipline which is one of science mapping’s strengths (Zupic & Čater, 2015). Findings show that the literature in co-management of natural resources has grown, and is still, growing dramatically. The topics involved in the literature are interdisciplinary. The evolution of the research discipline started from governance of natural resource. This has then recently shifted toward social capital and human aspects, as in the adaptive co-management domain and the systematic environmental management, such as conservation and protected area management.

Finding reveal the need for more diversification in this research field. It is obvious that there should be a higher degree of geographical distribution, and greater diversity among authors and dominant journals. It has to be stressed that, due to the nature of topics, this field of study can be applied in both developed and developing countries. While the space is dominated by developed countries, there are a number of developing countries which contribute significantly to the body of literature (e.g., Brazil, South Africa, Kenya, Indonesia etc.). Apart from that, Canada is the country that occupied dominantly in the lists of top authors, documents and journals.

Lastly, this review affirms the added value provided by the science mapping approach. This methodology both improves the precision of quantitative approaches and allows the researcher to apply their tacit knowledge in interpretation and synthesis of the findings. The visualising relationships provided in this approach proves the capacity of applying the rich numeric data (Udomsap & Hallinger, 2020).

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ACCESSING HIV TESTING SERVICES: CHALLENGES FACED BY MIGRANT FEMALE SEX WORKERS IN PATTAYA, THAILAND

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ABSTRACT

HIV remains one of the most challenging diseases in many countries. Many vulnerable groups still face challenges accessing the HIV/Sexually-Transmitted Infection (STIs) testing, let alone knowing their HIV status. Not knowing their status automatically means that they are not under treatment or on prevention measures, and this could harm one's health and increase transmission rate. Knowing individual HIV status can lead to appropriate treatments and prevention. According to the World Health Organization, HIV testing services include pre-test and post-test counseling, treatment and clinical support, and the correct test results. Hence, it is essential for those who are at risk or are in groups that are most vulnerable to the disease to be able to access HIV testing services. Access to health services is a fundamental right for everyone. Therefore, regardless of their nationality, race, social and economic status, anyone should be able to access the health-related services that they need.

Pattaya City, Thailand has a reputation of being an area with an extensive sex industry. This exploratory research will focus on migrant female sex workers who are working in the city. It aims to study the barriers that the said population faces in accessing HIV testing services despite their vulnerability to HIV transmission. As sex work is illegal in Thailand, being migrants doing sex work puts them in a more vulnerable state, and being a woman just adds another layer of vulnerability. The study's findings could improve understanding of the barriers to accessing HIV testing services for this study group. Knowing and understanding the barriers would benefit all concerned stakeholders, as it would enable them to work together and ensure that the right to health can be enjoyed by everyone. This exploratory research would benefit related stakeholders and migrant female sex

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workers concerning the right to health, further advocacy, development, and collaboration between concerned or interested stakeholders.

INTRODUCTION

The Constitution of the World Health Organization states that “The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.”

Meanwhile, the Human Immunodeficiency Virus (HIV) remains one of the world's most serious health challenges globally (Global HIV/AIDS overview, 2020). As of 2019, 38 million people are living with HIV. Eighty-one per cent of them know their status, while approximately 7.1 million people do not know their status and still need access to HIV testing services (Global HIV/AIDS Overview, 2020). Out of the number of people living with HIV, about 25 million could access antiretroviral therapy (ARV), which means another 12 million people who are in a situation where even access is impossible (Global HIV/AIDS Overview, 2020). HIV testing services play a critical role in enabling prevention, treatment as well as care and services (Global HIV&AIDS Statistics 2020, n.d.). One of the groups that are most vulnerable to, and most affected by, HIV in the world and in Thailand are migrant sex workers, whose right to health continues to be neglected.

THAILAND AND CHONBURI PROVINCE: BACKGROUND AND RATIONALE

Sex work is illegal work in Thailand. In 1996, the Prevention and Suppression of Prostitution Act, B.E. 2539 was enacted (Office of the Council of the State, n.d.). At the same time, access to the highest attainable standard of health is presented as a right in Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Sub-article 2 (c) mentions that state parties must take steps to achieve the full realization of this right, which includes the prevention, treatment, and control of epidemic, endemic, occupational and other diseases. Women and their right to health, in particular, are emphasized in the General Comment No.14 (2000) in the ICESCR Article 12, about the right to the highest attainable standard of health: “the realization of women’s right to health requires the removal of all barriers interfering with access to health services, education, and information, including in the area of sexual and reproductive health.”

Some of the essential elements of the right to health are accessibility, non-discrimination, physical accessibility, economic accessibility, and access to information (Human rights and Health, 2017). Accessibility is important but remains challenging, as half of the world's population cannot access the health care they need (Moopen, 2020). In 2016, there was an estimated 155,000 sex workers across Thailand, and more than half of that number is composed of female sex workers (Thailand Ending AIDs, 2017, p. 44). It is unclear whether this number includes migrants doing sex work. Because of this lack of clarity, migrants doing sex work are being pushed into the extremely vulnerable group with regard to HIV risk and access to related services. It would be difficult for the state or related stakeholders to reach out to them, deliver services to them, and retain them under treatment, when their number remains unclear.

Thailand has, for a long time, been known internationally for its sex industry. One of the famous areas is Pattaya City in the province of Chonburi (Prostitution in Thailand, n.d.). Two apparent factors combine for this research to direct attention towards Pattaya and Chonburi. First, there is a high number of migrants living in the city and there is a high prevalence of HIV in key populations there. Second, the need for migrant workers in Chonburi has been noticeably increasing since 2017. In 2019, the total number of documented migrant workers in Chonburi is 163,713 (National Statistic Office, 2020). As of the fiscal year 2020, the record of individual migrants' outpatients visiting for medical service was 551,288, and in 2019 the number was 506,150 (Ministry of Public Health Chonburi, 2020). The comparison between the number of documented migrant workers and the number of migrants using medical services implies that there are many more migrants residing in Chonburi without legal documents. The Ministry of Health's definition of migrants in the document cited above is somewhat unclear and leaves unanswered the question of whether tourists are included in that number.

STATEMENT OF THE PROBLEM

Although Thailand is a leader in HIV/AIDs treatment and has the current policy of making sure that everyone, regardless of their migration status, is able to access healthcare services, migrant female sex workers remain in a vulnerable group that is still overlooked. Doing illegal work puts them in a situation when asking for help or getting help from service providers becomes challenging. Even when Thailand came up with policies and services such as the One-Stop Service (OSS) for migrants, undocumented migrants who

do not hold any legal permits or documents seem to continue to be limited and barred from accessing healthcare services (Suphanchaimat, 2017, p. 155).

For undocumented migrants, the Health Insurance Card Scheme (HICS) is an option. Before enrolling in the HICS, however, they need to undertake nationality verification or NV, which makes necessary obtaining a work permit from the Ministry of Labor and undergoing the health checking process (Suphanchaimat, et al., 2019, p. 70). Obtaining the work permit requires immigrants to have an employer, however. This could leave some migrants who do not have documents or employers, or are employed in informal sectors, little or no access to the HICS. This could be the case for many migrant female sex workers.

Fear of law enforcement towards sex workers could be the main factor that stops them from obtaining the services. When sex workers are migrants, legal status can become a serious concern. While hospitals are not law enforcement agencies, their location in city centers and their registration requirements mean that the police or other law enforcement agencies are more capable of following immigration laws and monitoring them (Suphanchaimat, 2017, p. 150).

Criminalization and social stigmatization could also be considered as important barriers for the population under study, preventing them from accessing HIV prevention services (HIV prevention among key populations, 2016). Concerning HIV/AIDS, Thailand has a targeted rate of less than 10 per cent of health facility staff being reported as having stigma for People Living with HIV (PLHIV) by 2019 (Thailand National Operational Plan Accelerating Ending AIDS 2015-2019, 2014, p.19). Regarding sex workers perceiving stigma in general, 10 per cent of male sex workers reported delaying visiting health services citing this reason, although only 1.8 per cent of female sex workers did (2018 Progress report, p. 28).

Sex workers are unlikely to have as many rights as other workers. Minimum wage, various forms of leave, legal aid, social security, and health insurance do not seem available to them (Moving Toward Decent Sex Work, 2016, p. 8). Without proper documents, health insurance or health coverage, migrant female sex workers remain vulnerable.

LITERATURE REVIEW

Literature related to sex workers, migrants, and HIV testing services are widely available globally. Specific studies on the particularly vulnerable group of migrant female sex workers, however, seem somewhat not as broadly available. Despite this, many studies show the many barriers faced by sex workers and migrants in accessing HIV testing services. For instance, stigmatization is seen as one of the most common barriers, according to different sources. Migrants also consider their migration status as one of the main obstacles.

Similarly, sex workers find their work to be one of the main obstacles, according to literature focused in the context of Thailand, that studied various factors related to healthcare service, migrants, and HIV/AIDS in the country. In Thailand, some studies have shown the unequal and impractical process of obtaining healthcare coverage for undocumented migrant workers in general. While documented migrants are under the healthcare system, the undocumented ones, especially those who are migrant female sex workers, still face challenges in enjoying their rights when “HIV prevalence among sex workers is twelve times greater than among [the] normal population” (UNAIDS GAP Report, 2014).

Availability and accessibility of HIV testing services in Thailand

Sex workers are among the vulnerable groups who find it difficult to access health care services in general, not only HIV-related services. As mentioned earlier, the universal health care scheme can cover the health costs of Thai citizens. Migrants sex workers, however, are likely to be migrants without documents who face extreme challenges in accessing HIV testing services. Thailand offers HIV treatment under the 30 Baht card for Thai citizens, while migrants who are undocumented seem to pay out from their pockets (Sakunphanit, n.d, p.11)

Testing is already something of a success with regard to accessibility. Getting more than 90 per cent of people with HIV aware of their condition was an important goal of a UNAIDS project. Thailand has reached that goal in 2018 (Musumari, 2020, p. 2). It has had successful public health initiatives such as fighting malaria, and the accessibility of services was important to the success (Jenkins, 2017, p. 292). The intervention to bring the testing services out of the formal hospitals and into various providers, such as peers and the community, is suggested (Jenkins, 2017, p. 293).

Accessibility of healthcare, HIV testing services for migrants in Thailand

Some specific areas need to be examined to see if there are gaps to fill. Accessibility of HIV testing services to migrants, in general, appear in multiple documents. Discussions of how successful the interventions are with migrants provide a starting point for comparison (Jenkins, et al., 2017). One finding is the limited availability of quality STI clinics and voluntary HIV counseling and testing facilities. A significant source of these problems begins with the HICS, which is intended to be a compulsory scheme for all migrants. In practice, however, some migrants are failing or refusing to register (Suphanchaimat, 2019, p. 72).

Reorganizations or cost-based decisions can also create barriers. Sex workers are less willing to get tested and access treatment due to community-based clinics losing staff and services due in turn to the centralization of health services into the provincial hospitals (Villar, 2019, p. 114).

Barriers to accessing healthcare, HIV testing services among migrants

Profiles of, and studies on, migrant sex workers often highlight the mobile nature of these populations. An article about migrant sex workers in China notes that the reasons for this mobility are often external in the sense that migrants often fear the police due to the illegal nature of their work or are influenced by economic conditions beyond their control. This situation prevents related stakeholders from sustaining “outreach, education, and counseling programs targeted at the individual level among these mobile populations” (Yi, 2010, p. 183).

The idea that the illegal nature of their work and the resulting mobility are creating barriers also appears in a study about male migrant sex workers in Central Asia. Mandatory HIV testing for migrants followed by deportation of HIV-positive individuals drive away migrant sex workers from seeking medical care and testing (El-Bassel, 2016, p.14). One of the findings in the studies on labor migration also emphasizes mobile populations' issue regarding HIV risk. HIV testing as well as the use of condoms seem unlikely among these migratory populations due to their sexual behavior (Weine, et al., 2007, p. 11).

Another external factor that needs to be mentioned is criminalization. Globally, 75 countries have laws specifically related to HIV (Advancing HIV Justice, 2019). There are 49 countries that prosecute people who do not disclose their HIV status or do not expose their HIV status, and then transmit the disease to others (The GAP report, 2014, p. 124).

In Thailand, many articles and studies also exist regarding barriers for migrants on the subject discussed above, and they have made many conclusions. The key challenges faced by migrants in accessing care can be grouped into communication barriers, cultural differences and dissimilarity of views on Western medicine, precarious legal status, poor housing and working conditions, economic constraints, and mobile behavior (Suphachaimat, 2017, p. 37). There is also evidence of stigmatization, as HIV/AIDs-related stigma on health-seeking behavior may result in individuals fearing to get tested (Churcher, 2013, p. 13).

Social stigma towards female sex workers has been one of the barriers to their access to HIV testing services. A study on the stigmatizing attitudes towards PLHIV among Thai adults shows that more than half of respondents had stigmatized attitudes (Srithanaviboonchai, 2017, p. 1). Fifty-seven per cent of those interviewed expressed fears of infection from saliva, which demonstrates both stigma and a misunderstanding of HIV transmission among the general population (Srithanaviboonchai, 2017, p. 5). There was also a question that showed that the livelihood of a person with HIV could be threatened, as 52.1 per cent reported that they would not buy food from a vendor with HIV (Srithanaviboonchai, 2017, p. 5).

Medical staff stigma as an external barrier

Medical service provider behavior is also a concern in ensuring the treatment of people with HIV. Belgium has witnessed issues with doctors who avoid treating migrants with HIV because they fear that treatment may be interrupted by deportation (Sex work Migration Health, n.d., p. 44). Female sex workers in Brazil have also been noted to experience consistent “discrimination and condemnatory, moralist and punitive attitudes” and even “violence and harassment, usually perpetrated by partners and the police” (Dourado, 2019, p. 2).

In a survey, more than half of all Kenyan sex workers reported experiencing stigma from healthcare workers. Fifty-four per cent of male sex workers reported stigma from healthcare workers, and female sex workers came at an even higher 72 per cent (Nyblade, 2017). Thailand is not an exception to healthcare workers displaying stigma. Self-reported rates of discrimination from all PLHIV patients rose from 23.7 per cent in 2015 to 27 per cent in 2017 in the country. For instance, staff were reported taking “unnecessary precautions when touching a PLHIV client, a practice which increased to 60.0 per cent in 2017 from 53.0 per cent in 2015” (2018 Thailand Progress Report, 2018, p. 27).

Personal behavior and self-barriers among migrant workers

One of the sources of the limitations in accessing HIV testing services is language barriers. A study among migrant workers from Myanmar working in Thailand mentioned language as an obstacle. The study notes that most participants among the Myanmar migrant workers who got tested in the last 12 months received pre- and post-testing counseling services in Burmese. Still, many among Myanmar's migrant workers did not receive either pre- or post-test counseling (Masumari, 2016, p.14). Language is also significantly associated with accessing healthcare services (Deering, et al, 2015, p. 503).

Financial barriers to HIV testing services

In most countries worldwide, HIV testing and counseling are free (Sex work Migration Health, n.d, p. 43). The treatment and service methods vary, however, and some countries, Estonia for example, have government-supported anonymous testing facilities. Countries like France, Italy, and Slovenia, on the other hand, provide free care services regardless of migration or insurance status (Sex work Migration Health, n.d, p. 43). There are cases where testing is free but actual treatment is tied to insurance status, like in Germany and Finland.

Thailand offers universal healthcare to migrants as part of a program that allows them to become documented at the same time. At the end of the documentation process, they receive the HICS card worth about THB 1,600 per year (Suphanchaimat, et al., cited Ministry of Public Health, 2013). The International Labor Organization reports that in 2010, the average female migrant worker earned only THB 5,264 a month or THB 63,168 a year, which is less than half of what the average Thai worker earns (Thailand A Labour Market Profile, 2013, p. 39).

METHODOLOGY

This paper is part of an ongoing exploratory qualitative research project. Primary data will be collected from related stakeholders -- mainly, migrant female sex workers who are working in Pattaya, medical service providers working in medical facilities in Pattaya, as well as government officials who are working in the area of health and migrants. Secondary data will be collected from research papers, reports, academic journals, and documents of government policies.

FINDINGS

The findings at this stage are from the secondary data collected from the literature review and other sources of secondary information. Accessing healthcare services for migrants is still challenging in Thailand, especially those who are undocumented (Tangcharoensathien, 2016). What has been learned is that stigma among social and medical service staff toward PLHIV still remains, and PLHIV are still experiencing those attitudes.

Many studies across continents have shown the problems faced by migrant workers in accessing healthcare services. The fear and worries related to their legal status, ability to communicate, privacy, or even financial ability could play a major role in stopping or restricting migrant them from accessing the services. The availability of testing and service centers, meanwhile, could limit accessibility, while possible legal action from authorities regarding their legal status and occupation and the attitude of medical service provider staff could affect their decision on receiving medical services.

The barriers that migrants sex workers are facing according to the literature review will however be studied further in the specific group of migrant female sex workers in the Pattaya context. Interviews with key informants will be conducted. These will enable this research to identify if there are more or less, or different challenges facing this particular group within this particular area.

CONCLUSION

As mentioned in the literature review above, the barriers that could prevent migrant sex workers in their attempt to avail of HIV testing services could come from themselves and extremal factors. Female migrant sex workers could face similar barriers. Those two groups of barriers could ultimately stop female migrant sex workers from accessing the HIV testing services that they need. As they are incredibly vulnerable to HIV transmission and are directly affected whether they can access HIV testing services or not, it is very important to make sure that they can get equal treatment as others and that the challenges they face are addressed and fixed.

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THE DEVELOPMENT OF CRITICAL CONSCIOUSNESS AMONG THAI STUDENT ACTIVISTS DURING THE MILITARY REGIME, 2014-2019

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ABSTRACT

After the coup d'état in 2014, political activities and movements in Thailand were harshly suppressed by the military junta. During a time when all other political and social forces became weakened, student activists, who despite their subdued role during the previous period of protracted political conflicts, successfully emerged as an active force fighting against the military. How did the student activists overcome the oppression imposed on them by the state and how have the experiences of said oppression shaped their activism?

By using the concept of critical consciousness, this paper examines the process of growth and consciousness development of student activists in light of oppression. The concept of critical consciousness is unique because it covers not only one's awareness of being in an oppressed state, but also includes the perceived ability to create change and the action taken to change the oppressed status. This concept greatly captures the spirit of student activism under an authoritarian regime. The paper examines how the students managed to continue their struggle despite facing obstacles, inflicted not only by the Thai state, but also from the wider Thai society. Furthermore, consideration is given to intersectionality, and how each individual student activist may have experienced oppression differently due to the multi-faceted nature of his/her/their identity.

Keywords: Critical Consciousness, Military Regime, Student Activists, State Oppression.

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INTRODUCTION

After the seizure of power by the military on 22 May 2014, political activities and movements in Thailand were severely suppressed as a result of the order imposed by the NCPO (National Council for Peace and Order), the ruling military junta. Despite such conditions, student activists still emerged as a major political force, actively speaking out and demanding for the return to democracy. During previous political conflicts, from the overthrow of former Prime Minister Thaksin Shinawatra in 2006 until the coup in 2014, student activists played a less active role. Their sudden rise and visibility despite heightened restrictions triggers curiosity.

Previous studies on the rise and fall of Thai student activism have only explored the issue at movement level, stressing on structural factors, such as changing of regimes and political and economic landscapes (Kongkirati, 2012; Lertchoosakul 2018; Pansuwan and Samukkethum, 2019). In particular, Lertchoosakul (2018) attributed the rise of student activists in 2014 to the political vacuum left by traditional political institutions (e.g. the parliament) as they were unable to function after the military takeover. Student activists with their special historical legacy relating to resistance against dictatorship, were then able to step up and temporarily fill in those roles. This paper builds upon the previous explanation and articulates further by providing insight into how student activists during the NCPO era have experienced oppression. Through an examination of their personal experiences, the researcher was able to gain understanding on how student activists made sense of oppression, and how their lived experiences have affected their advocacy, awareness and political efficacy.

Critical consciousness, the main conceptual framework, pertains to the ability of an individual to be aware of oppressive forces within society, and to eventually act towards changes (Freire, 2000, 2015). Although there have been many interpretations in the past, its most comprehensive and accepted conceptualization is the three-component model by Watts et al. (2011). The three components are as follows:

1. **Critical Reflection** - the ability to analyze and understand oppression, including structural causes of inequality;
2. **Political Efficacy** - one's perceived capacity to create social and political changes through individual or collective action; and

3. **Critical Action** - individual or collective action taken to change perceived unjust and oppression in society.

These components do not occur in a linear fashion. Each has a reciprocal and cyclical relationship with one another.

Since majority of scholarship on critical consciousness is set in the West, particularly in America, research on critical consciousness development in youth has focused on their awareness of structural cause of inequality in society, e.g., discrimination. The context of those studies is founded on a democratic society, where civil and political rights are mostly ensured according to the law, despite obstacles set by marginalizing forces. Heberle et al. (2020) pointed out the need to consider whether critical consciousness might look differently in societies and countries that are more fragile in nature. Since this study focuses on the period in which Thailand was run by the NCPO from 2014 to 2019, the main domain of oppression is the direct oppression of the state on political rights, such as freedom of speech or the right to vote. The oppression often played out in an obvious manner, for example, through issuances of draconian laws and order, arrest and detention as well as physical violence. Although one may raise the need to assess awareness of this type of oppression due to its obvious nature, in the context of Thailand where military intervention happens frequently, people's awareness of their entitlement to political rights are also distorted to the point where a critical mass even supports repression of rights and freedoms. Lastly, in recognizing that there are various domains of oppression within society, the paper will briefly look into how socio-political status and identity shapes one's lived experience of oppression.

METHODOLOGY

Six student activists who were part of anti-junta, pro-democracy movement from 2014 2019 were interviewed for this research. They were selected using a combination of snowball and purposive sampling. Apart from the type of activism they did and the period of time in which they were active, requirements for the selection of respondents included gender balance, diversity of geographic location, socio-economy status, and university affiliation. All of these criteria were set to ensure that the data provide an interesting range of varied experiences of oppression. Based on these, six respondents were chosen and approached, namely Noon, New, Lookkade, Fleur, Nook, and Arifin; three of which are women. One of them is from an /upper middle-class family, while another is from a

working-class background. The rest are as middle-class. Noon and New were from Thammasat University, Lookkade studied at Srinakharinwirot University, Fleur is currently studying in Chulalongkorn University, Nook studied at Burapha University, while, Arifin was once a student of Prince of Songkla University - Pattani Campus. While everyone is a Thai citizen, Arifin considers himself more as Malay Muslim.

The researcher was able to obtain informed consent from respondents to use their nicknames. Interviews were conducted in a semi-structured fashion in pursuit of documenting narratives. Despite the scope of the research being from 2014-2019 (NCPO Regime), participants were allowed to discuss matters outside this timeline. This puts emphasis on the transactional and ecological approaches proposed by Watts et al. (2003), whereby the value of each unique circumstances and effects of preceding social actions that may be relevant to the decision made by the students are prioritized.

The themes were categorized into different type of oppression, the reaction or thoughts of the student activists, and the effect it has on their activism. These reactions, thoughts and effects were then further categorized into whether it falls under changes in critical reflection, political efficacy to critical action.

POLITICAL OPPRESSION UNDER THE NCPO

Oppression faced by the student activists can be perceived or approached through its sources, state and non-state. One has to also be aware of online violence or oppression, where it is more difficult to identify the oppressor. Violence is not limited to only the act of physical violence, but also covers intimidations and threats or any other actions that could cause distress or create harm upon them in any way. Generally, with the exception of Fleur who began her activism later towards the end of the regime, all students experienced similar types of intimidation from the State, which includes tracking and monitoring. Officials also visited their family members in view of persuading students to quit their activities. This type of intimidation which triggers fear without no physical violence was commonly used by the NCPO. This was a usual tactic of calling dissenters in for attitude adjustment. Based on a collection of personal accounts, most of them pointed to lack of proper standard in the procedure. They were forced to sign a document dubbed as an 'MOU', The way the officials handled these documents were unprofessional and the documents did not seem to be of high importance. The conclusion is that the

process of attitude adjustment, including the forced signing of the MOU seem to rather instill fear and intense stress in order to stop activists from speaking out (iLaw, 2020).

Of the six students interviewed, New was the only one who has explicitly retold his experiences of 'attitude adjustment.' New is a well-known student activist who was physically attacked by an anonymous group of men on two occasions, 2 June and 28 June 2019 (Matichon, 2019). He asserted that attitude adjustment is a tactic by the NCPO's tactic to cause fatigue on dissidents, as the state cannot outrightly use physical violence. Such process also included uses of legal tools, repeatedly calling activists in for report and issuance of arrest warrants for petty crimes. New admitted that there are instances where he doubts whether his activism can truly lead to change, showing that his political efficacy was indeed affected by their harassment. Regardless, he pushed on out of his own moral obligation as he believes that it is necessary for someone to continue showing resistance against any illegitimate power holder.

New revealed that officials employed a number of fear tactics. One of them is telling students that they have been tracking their personal information. This was carried out, not only by contacting their personal and family numbers, but also by explicitly showing documents detailing their activities. Nook, who was active in Chonburi and other Eastern provinces, recounted an instance when the police showed his friends who got called in that they kept record of their group in a big document folder. Because both of them know that this is a tactic, they refused to be scared, which unchanged their political efficacy and critical action. However, after the coup in 2014, New revealed that their style of activism changed from mass mobilization to more symbolic activities, like eating sandwiches or reading George Orwell's 1984. Due to the new law by the NCPO order, mass gatherings were prohibited, which became a more unpopular option. This shows the flexibility of the student activists and their ability to adapt to the changing environment and resources available. Additionally, Noon, explained that the nature of their critical action also changed to include more security measures after they underwent physical violence during the first anniversary of the coup at Bangkok Arts and Culture Centre (BACC). For her, this is an evolving learning process for all student activists.

Based on interviews, two key events have been identified to be most impactful for the students activists: the coup anniversary commemoration in front of BACC and the Taking the Train to Find Corruption at Rajabhakti Park event which occurred in 2015. On 22 May 2015, a group of student activists organized peaceful assembly to silently lit the candles

in front of the BACC. However, the police violently cracked the down, resulting in mental and physical injuries, as well as arrest of many student activists. Though they have differing degrees of involvement, students mentioned the BACC event, relating it to the Khon Kaen event organized on the same day by the Dao Din student activist group. This is unsurprising since it was these two events that have led to the arrest of 14 student activists. These laid the foundation for the creation of New Democracy Movement (NDM), a coalition of Thai student activist groups with the combined aim of ousting the Military Junta and restoring Democracy in the country. The NDM is a clear example of action taken by students in state-led repression. Despite having its own flaws, Lookkade described how the state was forced to take students more seriously after the organization of NDM. This was carried out due to fear. Her statement exemplified the increase in student activists' and their political movements.

If the BACC event greatly reflected state-inflicted violence against student activists, the Taking the Train to Find Corruption at Rajabhakti Park event symbolizes violence directed by the public. During the NCPO regime, especially during its early period, much of the public was in support of the coup and was against the activists. This is partly because of the success of the NCPO and its machinery in presenting student activists as “nation haters” and “anti-royalists”. New and Lookkade participated in the train ride. Lookkade shared threats from fellow citizens are more frightening than those caused by state authorities. In other occasions, she has also been approached and threatened by random strangers. While it did not stop her from activism completely, it has made her feel unsafe and has affected her mental wellbeing, as well. During the Train Ride, the police cut off the bogie that the students were in and they were soon surrounded by the mass who threw stones and death threats at them. What impacted Lookkade the most was the fact that the police only stood by without trying to stop those threats. New also echoed that it displays how the justice system in Thailand exists only to suppress people, rather than to protect them. It appears that the event has increased their critical reflection of the deeply oppressed nature of being a Thai citizen. For Lookkade, she took a few months to take refuge in the Netherlands, where her critical reflection further heightened. She realized that she felt safer in a foreign country than the one she calls home.

Lastly, in terms of online harassment, female student activists faced attacks on their appearances, as well as threats of sexual violence, in addition to suppression on their activity and their political stance. Fleur and Lookkade cited how disheartening messages heavily affected their mental health. Fleur said that due to advice she received from senior

activists, she managed to shut down her social media pages early before the attacks got too far. This reflects how student activists helped each other grow through their shared experiences of oppression. While she was both scared and discouraged at the time, she felt that the attacks meant that her action is making impacts and instead of weakening her political efficacy, it became stronger. Nevertheless, the attacks had caused her to alter her critical action by presenting herself less in the frontline and opting to use the group name instead.

NOTES ON INTERSECTIONALITY AND THE VARYING EXPERIENCES OF OPPRESSION

Majority of the scholarship on critical consciousness focused on the group traditionally considered as marginalized, such as people of color or people with low SES. However, as more recent literature tries to incorporate intersectionality, it may be impossible to simply divide individuals into marginalized or non-marginalized as there are several, overlapping systems of oppression taking place (Godfrey and Burson, 2018). Intersectionality refers to the notion that experiences of oppression and privilege in relation to power, is subjectively shaped through the interlocking social categories, such as gender, class, race and sexuality. Although she has denied being its creator, the term became known through the work of the legal scholar, Kimberlé Crenshaw (1989), who focused on the double subordination black women faced from the combination of their racial and gender identity. Crenshaw (1989) noted how the anti-discrimination law recognized racial discrimination and gender discrimination separately, laws and policies were based on experiences of black men and white women.

In recognizing that the nature of oppression can be a result of an overlapping and intersecting forces of oppression, it should be pointed out that the experiences of oppression faced by each student activist also varies based on their socio-political identity. As mentioned in the previous section, female student activists were often attacked based on their gendered appearance and even get catcalled by state officials. The same experience did not occur in male activists. Furthermore, female activists pointed out to how pro-democracy movements lack inclusiveness, with female activists facing discrimination and sexual harassment, not only from the state and its supporters, but also from within the movement itself. Meanwhile, all male activists said that they did not understand why there are fewer female activists. New even expressed those women are less interested in politics. For Arifin, Malay Muslim culture and norms may have hindered

the female students from joining. This result shows privilege in certain types of activists, which can cause blindness to oppression, thus hindering the realization of higher critical consciousness in all domains.

CONCLUSION

After the coup d'état in 2014, political activities and movement in Thailand were harshly suppressed by the ruling military power. During this time in which other political and social forces became weakened under the strict control of the junta, student activists were the only actor that successfully emerged as an active force fighting against the military regime. By using the concept of Critical Consciousness, this paper examined the process of growth and consciousness development student activists undergone while facing oppression. It is found that despite different facets and layers of hardship students faced, they were able to maintain and improve their level of critical consciousness due to personal moral integrity and belief, collective support and growth. Through the rise and fall of student activism in Thailand, one apparent characteristic that stood out is the courage to resist and withstand State-sanctioned oppression. While the visibility of university students in politics may vary over a period of time, their existence remains a significant part of the development of Thai politics, as university students have played a prominent role in the struggle to restore democracy in the country.

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AMONGST THE 'HAPPIEST ADOLESCENTS ON EARTH,' THE REALITY: ADOLESCENTS' PERCEPTION OF THEIR ACCESS TO MENTAL HEALTH SERVICES IN THE NETHERLANDS

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ABSTRACT

Adolescents and mental health have been widely researched. However, little attention has been given to adolescents' perception of the matter, explicitly focusing on their rights. This paper interviewed six youth whom all had experience accessing mental health services in the Netherlands when they were adolescents. The research uses a qualitative research methodology with a child-centred approach to analyse in which ways and to what extent internal and external barriers to accessing mental health services in the Netherlands influence adolescents' perception of their rights to the highest attainable standard of mental health care. The paper examines relationships between internal and external barriers identified by youth respondents and links them to the United Nations Child Rights Convention, 1989 (CRC). By highlighting voices and perceptions of adolescents and focusing on child rights, this article aims to take a new turn in the debate on adolescents and mental health, resulting in more effective policymaking and practice. What can be deduced from the interviews is that respondents identified more barriers than opportunities to accessing mental health services in the Netherlands. The study concludes that while the Netherlands allows adolescents to enjoy their freedom thoroughly, the Netherlands' commitment to fulfilling adolescents' right to mental health services is not adequately met.

Keywords: Child Rights, Adolescents, Mental Health, Internal Barriers, External Barriers, Accessibility, Netherlands.

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INTRODUCTION

According to different reports, adolescents in the Netherlands have been among the 'happiest adolescents on earth' year after year. In the 2013 report of UNICEF Innocenti on child well-being in rich countries, the Netherlands was the clear leader and the *'only country ranked among the top five countries in all dimensions of child well-being'* (UNICEF Office of Research, 2013, p.3). Also, in the WHO report on adolescent health and well-being, Dutch youth rank among the healthiest and happiest in Europe (Inchley et al., 2020). Freedom is an important reason for this happiness. As a wealthy West-European country with more bicycles than people, this 'freedom happiness' might not come as a surprise. Dutch people often say adolescents in the Netherlands are 'spoiled with all their freedom'. However, adolescents seem to have another perception of their 'right to happiness'. What if you are not one of those 'happiest on earth adolescents'? And, what if tools and services to become 'happy' are not easily accessible?

Hard work, high performance, and prestigious professional and personal life achievements are imbued in the Dutch culture. Mental health problems are considered just a 'part of life', and stress is just 'being busy'. Adolescents are pushed into this lifestyle earlier, making them more vulnerable to mental health problems. Covid-19 awakened the conversation on adolescents' mental health. Like many countries, the Netherlands had to close schools for an extended period. Social distancing became the new norm. The Dutch government could no longer ignore adolescents and youth, who have been raising their voices for years to improve the mental health sector.

Adolescents identify several internal and external barriers to accessing mental health services, even before the global pandemic. Based on a child-centred research approach, some youth -18 to 25 years old - who have experience accessing mental health services as adolescents in the Netherlands actively participated in the research. The study aims to go further than just analysing barriers to accessing care. Better understanding in which ways and to what extent those barriers influence adolescents' perception of their rights to access mental health services in the Netherlands could help take a new turn in the debate on adolescents and mental health, resulting in more effective policymaking and practice.

METHODOLOGY

The article relies on the literature review and data collected from six Key Informant Interviews (KIIs)⁸⁷ for the Master's thesis titled 'The Rights of Adolescents to Access Mental Health Services: A Study on Community-Based Approaches in the Mental Health Care Sector of the Netherlands'.

The research used a qualitative research methodology. Six KIIs were done with youth between 18 to 25 years. All the participants were chosen based on their knowledge and experience accessing mental health services for adolescents in the Netherlands, both primary health care and community-based services. Interviews were conducted between November 2020 and January 2021, conform to the Covid-19 national laws and rules of the Netherlands. This study includes youth because this topic concerns them, and the research is more powerful and targeted with this information. The target group is adolescents aged 10-18 years old. However, concerning ethics, youth 18-25 years old were interviewed about their experience when they were 10-18 years old. Since they are close to the target group's age, they remember their experiences and give more in-depth answers. The interviews' focus was on opportunities and barriers to accessing mental health services, not specific mental health issues they were dealing with as adolescents.

Table 1: Number of respondents by gender and age

Respondent	Age	Gender
1	24	Female
2	23	Male
3	24	Female
4	18	Female
5	18	Female
6	20	Female

The researcher followed six phases of thematic analysis with an inductive approach indicated by Braun and Clarke (2006) to analyse the interviews. In this article, the barriers to accessing mental health services identified by the youth respondents will be further explored to reach a conclusion.

⁸⁷ For the Master's thesis, 15 KIIs were conducted with different mental health professionals and youth. For the purpose of this article, only the interviews with the youth respondents are used

CONCEPTUAL FRAMEWORK AND LITERATURE

Four main concepts are identified in this study. Firstly, *"mental health"*. The WHO explains that there is no official definition of the term "mental health" because it depends on different aspects like the culture someone lives in, and what theoretical framework is used to look at mental health (WHO, 2020). The Dutch term for mental health is *psygische gezondheidszorg*: the *"subjective perception of well-being, autonomy and competence"* (van de Kasstele et al., 2017)⁸⁸. In the Netherlands, the amount of youth (12-25 years old) with psychological problems increased from 7% to 8% from 2009 to 2019 (RIVM, 2019). While this seems like a slight increase, the government just started to pay more attention to the influence of social context on adolescents and youth's mental health; there are no recent updates on this matter (RIVM, 2019). According to the report, *Geluk onder⁹⁰ Druk* (2020) from UNICEF Netherlands, the biggest factors affecting adolescents' mental health are school pressure and homework.

Secondly, *"accessibility"*. The literature mentions three areas of accessibility; physical accessibility, financial affordability, and acceptability (De Silva et al., 2014, p.342). The most frequently mentioned physical barriers in the Netherlands are extensive waiting lists and adolescents' preference to solve problems independently (Sareen et al., 2007, p.362; Zwaanswijk, van Dijk and Verheij, 2011, section Combination of Treatment). While socioeconomic variables do not seem to affect the help-seeking process (Zwaanswijk et al., 2003, p.698; Sareen et al., 2007, p.358), in reality, health insurance in the Netherlands affect extensive waiting lists. Waiting lists have been growing by allocating 300 million euros less than they are supposed to better access to mental health services (GGZ Nederland, 2018, p.5; NOS, 2018). Finally, in the Netherlands, there are differences in help-seeking processes of genders, ethnicities, and education levels, which are part of the acceptability area (Zwaanswijk et al., 2003, pp. 697-698). This study perceives barriers to accessing mental health services as *"child rights violations"*, the third concept.

Finally, the fourth concept, *"mental health services"*, defined as: *"services devoted to the treatment of mental illnesses and the improvement of mental health in people with mental disorders or problems"* (Collins, 2020). The Dutch government has aimed to make mental health services available for everyone for years. In 1970 the government set up Regional

⁸⁸ Unofficial translation from Dutch to English

⁸⁹ There is no official definition in the Dutch dictionary. This is the definition given by the Dutch government.

⁹⁰ Happiness under pressure

Institutes for Community Mental health Care (RIAGGs), which had a strong public health focus (Almeida, Mateus and Tomé, 2017, pp.19–20). RIAGGs developed over time and grew in numbers over the country. General practitioners (GPs) became an essential factor of the mental health care sector for treating mild psychological complaints and referring people with moderate to severe mental health problems to proper care (Ministry of Health the Netherlands, 2010). Furthermore, the Ministry of Health, Welfare and Sports (VWS) took steps to better accessibility towards care services by making several (self) tests and online treatments available. It is unclear how known these services are. Lastly, the government has adopted the Youth Law in 2015 to decentralise care to municipalities to better access mental health services for adolescents and youth. While, in theory, the Youth Law seemed to be a solution, several professionals in the field point out that adolescents and youth still have problems receiving help they need (Friele et al., 2019, p.14).

IDENTIFIED BARRIERS AND CHILD RIGHTS

This section aims to analyse in which ways and to what extent internal and external barriers affect one another and how the barriers are linked to the Child Rights Convention and General Comment no. 20 on the Implementation of the Child's Rights during Adolescence. The article relies on available secondary data on accessibility to mental health services for adolescents aged 10 to 18 years old in the Netherlands. According to the respondents, the barriers seeming to be of most concern are mentioned first, followed by the other barriers. Finally, to allow a more in-depth analysis of the data, the barriers are divided between internal and external barriers.

Internal barriers

Internal barriers are related to someone's beliefs, attitudes, and opinions. Once attitudes and behaviours affect certain health decisions (Corrigan, Druss and Perlick, 2014, p.37), internal barriers become accessibility barriers. The most mentioned barrier is the lack of trust in de service providers. The lack of confidentiality is a significant reason adolescent do not seek help (Tylee et al., 2007, p.1566); thus, it is not a surprise that this barrier is most concerning. One respondent expressed 'never hearing good stories about available services as an adolescent, making it hard to decide to seek help. She states that once adolescents contact a service provider, 'the barrier does not get lower'. Which means that adolescents do not gain trust in their service provider when being in a treatment process. In the literature and interviews, confidentiality concerns were the most prominent reason for adolescents' lack of trust in providers. The respondents said to have had the

feeling of being overlooked by providers. Often this was because parents⁹¹ were the preferred sources of communication resulting in little to no direct communication with adolescents. Some respondents mentioned having wondered what would be told to their parents and what would stay private:

“So much information was shared with my parents that they even knew when I didn’t pay attention in class. Am I still allowed to just exist and breath?”

Female respondent age 18

The second barrier is stigma on mental health (care). Within stigma, respondents most frequently stated *shame* and the desire to project a *perfect picture* as the most significant reasons not to seek help, and especially specialist help:

“I didn’t want to go to specialist care, because I thought; I’m not crazy! I really felt like, I do not want to be found dead close to the GGZ [specialist mental health service in the Netherlands]” Female respondent age 18

Being different from their peers keeps adolescents from seeking help. One respondent mentions that the 'perfect picture' makes you believe that 'no one else around seems to need help'. Tylee et al. (2007) note the *"imaginary audience"*, the idea that everyone is interested in oneself, as an aspect many adolescents struggle with (Tylee et al., 2007, p.1565). This means that seeking specialist help brings an even bigger challenge because of the taboo around it. According to a respondent, a big part of this taboo is the lack of knowledge of mental health (services), leading to increased stigmatisation. However, adolescents are not alone in feeling stigma on mental health; parents also deal with the stigmatisation of mental health for their children. Some respondents expressed that their parents had a fear of their child being labelled by sending them to a mental health service:

“I think that it was hard for my parents as well. They didn’t want me to feel different, or not good. We needed to keep it as normal as possible, which made it all very weird.” Female respondent age 24

While respondents state that, from their point of view, parents did it out of protection, it did influence getting the help they needed and wanted on time.

⁹¹ Parents were specifically mentioned by the respondents, and not caretakers. However, the researcher takes into account that caretakers can take over the role of the parents.

Social media is not explicitly mentioned in the literature; however, it takes a prominent place in adolescents and youth's lives. Respondents mention that they grew up with social media and adolescents nowadays even more. Social media does not increase the challenge of seeking help. Still, it does set forth the pressure on succeeding in life, according to a respondent. Only success stories are shared online, which gives the idea that 'not feeling good' is not supposed to happen. Thus, social media influences mental health stigma by increasing the pressure of achievements and portraying happiness as a must and "normal."

External barriers

External barriers are related to environmental or situational obstacles. Those obstacles could, for example, include financial constraints or physical constraints. The first most mentioned external barrier is lack of communication. Remarkably, this barrier is not explicitly mentioned in the literature. However, all respondents mentioned several examples concerning this barrier. Firstly, when parents are the preferred source of communication, the conversation is *about* adolescents and not *with* adolescents. Therefore, chances exist that providers get wrong information on the problem, resulting in improper treatment or referral for the adolescent:

"It is very annoying when people talk about you and not with you. Especially when they draw a different conclusion than what you mean."

Female respondent age 20

Furthermore, lack of communication influences extensive waiting lists in the Netherlands. GPs in the Netherlands are responsible for mild psychological complaints and can refer people with moderate to severe mental health problems to the right care (Ministry of Health the Netherlands, 2010). There are different points of view on the efficiency of GPs. McMahon et al. (2019) assess that *"this system is neither working efficiently nor effectively"* (McMahon et al., 2019, p.165), while Zwaanswijk et al. (2011) state that GPs are working together with other mental health care professionals to better access to the right care (Zwaanswijk, van Dijk and Verheij, 2011, section *Background*). One respondent state that when GPs are unsure how to help adolescents with mental health problems, a youth social worker can assist GPs in taking decisions; however, this is not always done. Suppose there is a lack of communication in this part of the treatment process; there is a bigger chance adolescents will be transferred to specialist care even though this is not

needed. Another example of how lack of communication affects accessibility to quality mental health services:

“I often came to [Name mental health service] to make music while I was enrolled in a clinical program. But they didn’t talk with each other. And one day, the clinic forbids me to go to the organisation because they said that they didn’t know what kind of help I received there. They didn’t realise how much music helped me during my therapy.” Male respondent age 23

This shows that lack of communication between services affects adolescents' trust in providers and significantly impacts adolescents' access to mental health services.

The second external barrier is extensive waiting lists. Literature suggests extensive waiting lists are the most frequently mentioned barriers to accessing mental health services in the Netherlands (Zwaanswijk, van Dijk and Verheij, 2011, section Combination of Treatment). Most adolescents seek help when being at their lowest:

“You can’t take it anymore and you still have to wait for nine months! I really thought that I won’t even make those months.” Female respondent age 18

According to several respondents, when changing services, waiting lists were still present. As a result, adolescents have to wait in the current service for a longer period before receiving the treatment they applied for. This can be damaging since the current service does not provide the treatment they want and need. Many respondents stated they would 'think twice' before seeking help again:

“If I would need help again today, I probably wouldn’t even try to get it. I am not waiting 6 months before getting the help that I need.” Female respondent age 18

Waiting lists are thus a barrier when seeking help for the first time and when seeking help again.

The final external barrier is a lack of knowledge of available services. All participants were aware of clinical or primary health care services around them; however, they seemed to be less aware of help closer to them, like community-based services. Community-based services include, for example, schools, pharmacies and shops, local centres (Tylee et al., 2007, p.1567; McMahon et al., 2019, p.165). In the Netherlands, most adolescents are

enrolled in high school from 11 to 18 years old. This means that services within schools should be known:

“I only knew I had a counsellor in high school when I was already enrolled in a specialist clinic. I found out only later that I could have received help before.”

Female respondent age 18

Other respondents expressed similar points:

“Having to wait for like six months before receiving help, just to find out you could have received some kind of help beforehand. That’s awful.”

Female respondent age 24

Not all adolescents need help from primary health providers or specialist services; some adolescents receive enough help and support from community-based services. Putting both types on the same waiting list will only increase the waiting time for all and thus form a bigger barrier to accessing services.

Child rights

The WHO states that *“adolescent-protective laws and policies means, among other things, ensuring that the services that adolescents need are available and accessible to them, without discrimination”* (Plummer et al., 2017, p.92). Previous sections showed several internal and external barriers to accessing mental health services.

In this section, the aforementioned barriers will be linked to the CRC, 1989 and the General Comment no. 20, 2016⁹². The study focuses on Article 24 of the CRC on the right to the highest attainable standard of health and health care services and Article 58 of Gen. Com. no. 20 on mental health and psychological problems. The Netherlands ratified the CRC on 6 February 1995. As the duty bearer, it is obligated to respect, protect, and fulfil every right of the rights holders; adolescents.

The identified barriers can be linked to the aforementioned Articles. The study acknowledges that some may see internal barriers to accessing services more as individual reluctance to seek help. However, it is understood that external barriers

⁹² United Nations Child Rights Convention, 1989 (CRC) and the General Comment no. 20 on the Implementation of the Rights of the Child during Adolescence, 2016.

influence internal barriers. For example, as an external barrier, lack of communication influences the lack of trust and stigma. Adolescents feel overlooked during the help-seeking process and treatment process. Often this is due to parents being the preferred communication source. Mistrust can go as far as adolescents feeling they cannot be honest with their providers. The lack of communication can lead to further stigmatisation of the topic. Thus, internal and external barriers prevent adolescents from accessing mental health services effectively, violating Article 24 of the CRC and Article 58 of the Gen. Com. No. 20.

CONCLUSION

This study aimed to better understand in which ways and to what extent internal and external barriers influence adolescents' perception of their rights to access mental health services in the Netherlands. While adolescents did not specifically mention (child) rights, mentioning barriers to accessing mental health services allowed to identify the link to Article 24 of the CRC on the right to the highest attainable standard of health and health care services; and Article 58 of Gen. Com. no. 20 on mental health and psychological problems. While the study split identified barriers between internal and external barriers for a more in-depth analysis, there is no strict division between the two. While internal barriers could be seen as individual reluctance to seek help, external barriers strongly influence internal barriers. Leading to both barriers violating adolescents' right to access mental health services in the Netherlands.

Respondents were asked questions on how they perceived accessibility to mental health services in the Netherlands. All identified similar accessibility barriers, showing their awareness of factors making it harder to access the service they needed and wanted. Analysing those barriers shows that adolescents perceive their rights to access mental health services as not sufficiently met.

There has been limited research into adolescents' perception of the accessibility to mental health services in the Netherlands, specifically focusing on their rights. Adolescents reached in this study clearly demonstrated the feeling that their rights were not sufficiently met. The researcher recommends further research with a child-centred approach on a larger group of adolescents in the Netherlands to have a more representative overview. It is essential to conduct interviews with a focus on child rights. Furthermore, research could be conducted on the effect of Covid-19 on accessibility to mental health services for

adolescents. While the study was written during Covid-19, no specific numbers or data were yet available to implement. Some organisations in the Netherlands presume how the pandemic affects children and adolescents' mental health; however, further research is needed over a more extended period to analyse differences.

This study used the identified barriers to identify policy-level recommendations. The most prominent recommendation is for adolescents to actively participate in all communication levels concerning mental health (services). While the government is responsible for the legislation and laws in the country, adolescents need to have a say in the policymaking process. Adolescents' high level of self-awareness concerning mental health and experience bring new knowledge to the table. Since the adoption of the Youth Law, municipalities take a prominent role in the mental health sector. Municipalities must raise awareness and increase knowledge of mental health (services) among and for adolescents. It is recommended to create an overview of all available mental health services within municipalities found on their website. Also, on this level, adolescents and youth are required to participate.

Referring once more to the reality of the “happiest adolescents on earth”, while the Netherlands allows adolescents to enjoy their freedom thoroughly, the Netherlands' commitment to fulfilling adolescents' right to mental health services is not adequately met. Being amongst the 'happiest adolescents on earth' should also mean getting the tools and services to get that happiness back when it is lost.

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THE ROLE OF FUTBOL CLUB BACELONA IN THE CATALAN INDEPENDENCE MOVEMENT

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ABSTRACT

The Catalan Independence Movement is the social and political movement in the Northern region of Spain that seeks the independence of Catalonia from Spain. It has led marches on the streets and played its role in the Spanish political arena to achieve its goal. The Spanish government failed to recognize the demand for self-governance among the Catalans. Even after the independence referendum from 2009 to 2011, in 2014 and 2017. This study focuses on the Catalan tactical innovation for mobilization that uses football as a tool against Spain. In the theory of tactical innovation, social movements disrupt ordinary situations to attract the interest or attention of opponents and the public (McAdam and Snow, 2010). In this case, football refers to Futbol Club Barcelona, known as FC Barcelona, which is Spain's professional football team and one of the famous football clubs in the world.

This study aims to identify the role of FC Barcelona and football in the Catalan struggle. The FC Barcelona has its impact in three dimensions by benefiting the economy of Catalonia, strengthening the Catalan identity, and promoting the aspirations of the Catalans to the world. A key to achieving the aims is the creativity of the new tactical forms; therefore, Catalan mobilization uses football creatively as new tactical innovations for protest.

This study mainly explores and analyzes several research articles, interviews, reports, and other media coverage.

Keywords: Catalan, Football, The Catalan Independence Movement, FC Barcelona, Spain.

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INTRODUCTION

Football is a sport that can affect public opinion; some people or groups— including players themselves—try to use football events as an arena for expressing concerns or pushing forward changes. Football matches are perhaps the most common space where social movements advance their agenda and mobilize popular support. As fans enthusiastically watch or follow the sport daily, any messages or forms of activism on the football field or in the stadium can be televised and transmitted quickly.

The Catalan Independence Movement is one of those movements whose leaders have used football for publicity and mobilization. The movement has a close relationship with FC Barcelona, a world-renowned team based at the heart of the Catalan region, which has millions of fans worldwide. Indeed, Catalonia was once a country before it became a region under the power of Spain. Moreover, Catalonia acted against Spain until today, knowing that they are Catalan, not Spanish. After the war and other struggles between Catalonia and Spain, in 1975, Spain transformed to democracy which led to the opportunity for Catalonia to seek autonomy by demanding its desire from Spain's government. However, Catalonia and Spain argued this term until the Spanish court decided that Catalonia could not reach their demand as they wish and only Spain could declare them as a nation (Petithomme and Garcia, 2013).

After the judgment, Catalan citizens were frustrated and led to the Catalan Independence Movement that marched on the street to protest Spain. Moreover, the Catalan Parliament decided to set the referendum on independence issued in 2009 to 2011, 2014, and 2017 (Claudia, 2020).

As a result, the Catalan Independence Movement got support from FC Barcelona, colloquially known as Barça, which helped increase its mobilization power against Spain. Barça engages in Catalan mobilization in four dimensions. First, Barça represents Catalan values. Second, Barça provides a 'safe space' for Catalan citizens. Third, Barça offers a platform for fostering Catalan identity for immigrants or foreigners living in Catalan. And fourth, Barça uses football as leverage.

BACKGROUND OF FC BARCELONA

FC Barcelona has been one of the biggest, most successful, and famous football clubs globally. It has numerous fans not only in Spain and Europe but also around the world. Because of its success in football tournaments, Barca is considered as the pride of Catalonia (Chadwick, 2017).

In 1899 Joan Gamper, a Swiss-German athlete, established the Barca. From 1899 to 1909, Gamper and his co-founders applied the guiding principles of the club. They recognized the Catalan identity, history, language, and idea of democracy.

Barca's engagement for Catalan mobilization in the first dimension is the representation of Catalan values and identity. As a sports association, its core value adheres to democracy and is applied even in its management system. Its more than 144,000 members are involved in the decision-making processes related to sport and institutional management. As an example, members who pay their annual membership fees can vote for the president of Barca (Chadwick, 2017).

FC BARCELONA UNDER FRANCO ERA

During the Spanish Civil War, although Barça had to risk punishment from the Spanish central government, Barça chose to stand with Catalan. Barça engaged the Catalan society in the second dimension by allowing the Camp Nou, the football stadium of Barça, to be opened as a place where the Catalan citizens could speak Catalan language and demonstrate the Catalan identity by singing Catalan songs or waving the Catalan flag. At that time, Camp Nou was the only place where Catalan citizens could express their emotions about the suppression under Franco era (Chadwick, 2017).

Although Barça received pressure from Spain, its president was clear to engage with the Catalan struggle. In 1935, Josep Suñol i Garriga, the president of Barça at that time, emphasized the idea that Barça would interact with Catalan society and support Catalan nationalism. In 1936, Josep Suñol played a role in Catalan society by becoming the Member of Parliament in Catalan for the ERC party, the leftist and pro-independence Catalan party. However, the Franco military forces murdered Suñol near Madrid (Official website of FC Barcelona, 2021).

Later in the 1960s, Barça's engagement with the Catalan society reached the third dimension. It helped integrate Catalan citizens and immigrants. It aided people living in Catalonia to become Catalan citizens, thereby strengthening Catalan nationalism (Rodway, 2016). Additionally, Barça changed its rule regarding its membership by allowing all citizens to become members of the club even if they are not born in Catalonia. Immigrants from Valencia, Murcia, Aragon, and others can now join and become part of Barça. It brought a sense of unity among Catalan immigrants (FC Barcelona Official Website, 2021).

In addition, the practice of the Catalan language since 1972 in the Camp Nou and its usage in Barça's newsletter helped revive and strengthen the Catalan nationalism. Later in 1975, Barça succeeded in setting the Catalan language as the official language of the club (FC Barcelona Official Website, 2021).

In 1973, Rinus Michels, head coach of Barça, succeeded in signing Johan Cruyff, the best Dutch football forward player, and made the Catalan club stronger. Deeply impacted by the club, Cruyff became the team's talented leader. In La Liga 1973-1974, Barça successfully brought home the Spanish football league championship victory (FC Barcelona Official Website, 2021). With this, Barça attracted the mass media and helped increase the Catalan's influence against Spain.

In the La Liga 1975-1976 season a month after the death of Franco, the match between Barça and Real Madrid took place in Camp Nou and was broadcasted on national television. During the game, the home front fans demonstrated Catalan nationalism by waving Catalan flags and inspiring the home club. In the end, Barça beat Real Madrid by 2-1 with the victory goal by the last minute of the game. Barça and its fans were not only happy for defeating the opponent but were also delighted for demonstrating their identity which they have not done since the loss in the Spanish Civil War (FC Barcelona Official Website, 2021).

Influenced by the idea of democracy and liberalism from his hometown, Cruyff not only played in the football game but was also engaged in the Catalan struggle. He disagreed with the Franco political ideology of suppressing the Catalan people. Thus, he acted against Spain and used the Catalan language though it was illegal under Franco's rule. He even gave his son the name "Jordi" from the Catalan language. By doing this, he demonstrated solidarity with the Catalan people. Moreover, he kissed the armband

resembling the Catalan banner when he was leaving the football pitch. Catalan citizens saw this as an act of resistance against Franco's dictatorship (Tifo Football, 2018).

Cruyff came back to Barça in 1988 as the head coach. He brought with him the football play style "total football" that focuses on space and movement where players can switch their roles to support the other players on the pitch. This philosophy in football became the root of modern philosophy for football practiced later by Josef "Pep" Guardiola, another Barça player. Later, Guardiola developed Barça's play style by adjusting the total football in the new way and later called "tiki-taka" which focuses on playing by as a team by passing the ball to each player and beating the opponents. This technique gained Barça a long period of success until today. Moreover, Cruyff managed the Catalan National football team from 2009 to 2013 (Tifo Football, 2018).

Aside from the sport, Cruyff also influenced Guardiola politically. Guardiola supported the Catalan referendum for independence held on October 1, 2017 (Burns, 2017). In 2018 when he managed the Manchester City FC, Guardiola wore yellow ribbon on his jacket on the day of the Premier match as a symbol of support for the release of Catalan politicians involved in the independence referendum and imprisoned by the Spanish central government. Because of this, the Football Association (FA) charged Guardiola for espousing his political leanings. He did it because he saw the arrest of those who protected the right to vote of the Catalan people as unjust and unfair. Although suspended by the FA, he said he would still wear the yellow ribbon (The Guardian, 2018).

For the most part, although Barça faced pressure from the Spanish central government under Franco era, Barça still emphasized its political standpoint of protecting democracy in Spain by supporting the republican faction that tried to defend and reclaim the Catalan identity while bringing success in the football arena at the same time.

'MES QUE UN CLUB'

After the death of General Francisco Franco, Spain changed from dictatorship to democracy; hence, FC Barcelona could develop as a club liberally under the new regime, unlike from the past when it was limited and faced pressure from the Franco dictatorship.

In 1968 under Barca president Agusti Montal Galobart, Barca developed and used the slogan "Mes Que Un Club" (more than a club).

Barça expressed and showed that it was not only focused on football games but also on the Catalan situation and community. Barça formed numerous projects to interact with the Catalan people such as La Masia, the football academy which gathered kids and teenagers from around the world, Argentina for example, to practice football and develop them to become professional players for FC Barcelona or other football clubs. La Masia trained some of the best football players such as Josep Guardiola, former player and head coach of Barca; Andres Iniesta and Xavi Hernández, former players during the golden age of FC Barcelona and the Spanish National football team; and Lionel Messi, Barça's superstar.

Barça has tried to play football in its style "tiki-taka" to win every game. Moreover, Barça also promoted and supported women to play sports and establish the women's football team. Also, Barça gave focus on education. Through the La Masia, the Catalan club gave the opportunity to study for young players both on and off the pitch. Staying committed to the Catalan cause and its political beliefs, Barca preserved its Catalan identity and culture including the use of language and the Senyeres on football jerseys (FC Barcelona Official Website, 1999).

FC BARCELONA AND CATALAN STRUGGLE



1. The picture of the Catalan flag in Camp Nou by their fans to demonstrate the Catalan identity.

The picture from <https://www.thetimes.co.uk/article/how-the-catalan-independence-drive-is-affecting-barcelona-t5xvlfm3d>

FC Barcelona became one of the greatest clubs in the world since 2006. The Catalan Independence Movement begun in 2010. Along this time, FC Barcelona always supported the Catalan mobilization with the fans demonstrating the Catalan identity. Just like the fans in Camp Nou who waved the Catalan flag during the game. In every home game, their fans would chant “indepèndencia” to remind them of the defeat of Catalonia in 1714 in the War of Succession when Catalonia surrendered its autonomy to Spain (Aziz, 2017).

In support of the Catalan Independence Movement, FC Barcelona made clear that it supports the right to self-determination of the Catalan people as stated in its official club statement in 2012. In the same document, it has defended the Catalan language. In 2014, Barça joined the National Pact on the Right to Decide, a platform for Catalan political parties and organizations that promoted the independence referendum and defended democracy, freedom of speech, and self-determination (Badcock, 2017). In 2017, the club defended the right of the citizens to vote in the independence referendum in October.

Also, Joan Laporta, former Barça president from 2003 to 2010, played a significant role in the Catalan struggle by emphasizing the value of Barca in upholding the Catalan identity, solidarity, and universality. Together with head coach Frank Rijkaard, Laporta successfully signed the best football players at that time namely: Ronaldo de Assis Moreira (Ronaldinho) from Brazil, striker Samuel Eto'o Fils from Cameroon, and Anderson Luís de Souza (Deco) from Portugal. As a result, Barca won the La Liga and Union of European Football Associations (UEFA) Champions League titles. Winning in every football tournament, Barca had the best times during the leadership of Guardiola as head coach under the support of Laporta (FC Barcelona Official Website, 2021).

Moreover, Laporta closed deals with Televisió de Catalunya, Catalan TV Channel, for five years in 2003 and with Mediapro, Spanish television network, for three years until 2009 that provided Barca with a huge budget for the team and for promoting the club at the same time.

Furthermore, Ronaldinho's growing popularity helped Barca attract interest across the world and expanded the club's brand at the international level. Barca also conducted a tour in Asia to interact with the fans outside Spain. During the Laporta period, the ticket price was never increased. He respected the Barça fans and did not take advantage of the fans' growing support. He also realized the importance of the youth academy; therefore, he improved the La Masia academy. The La Masia project successfully developed many

football players who made Barça successful in almost all competitions and expanded its glory (Marshall, 2020).

Laporta expanded not only Barça's reach at the international level but also gained the voice and support of the Catalan citizens who strengthened his base during the elections in Catalan. The success of Barça during his period became the political boost for Laporta. He left the club in 2010 and established the Catalan Solidarity for Independence (Solidaritat Catalana per la Independència) or the SI, a pro-independence party in Catalan. He became a candidate for Catalan president. Laporta stated that he would continue to offer the best years of his life for Catalan, the country that he loves dearly. In an interview on the news website El Mundo, Laporta stated that he envisioned the beautiful idea of establishing a political party that would establish a Catalan state and becoming its leader achieve the independence of Catalonia. Later he successfully established the SI party (Tremlett, 2010).

Therefore, the fourth dimension in Barça's social engagement in Catalonia that used football as leverage became evident in 2017. Josep Maria Bartomeu, Barça president during this time, wanted to postpone the match between Barça and Las Palmas, one of the Spanish football clubs in La Liga Santander, as a protest against the Spanish central government that sent police forces from Madrid to Catalan to prevent independence referendum. More than 800 Catalan citizens were injured because of the Spanish government's use of violence. Barca decided to postpone the match as leverage against the Spanish government. However, Spain's Professional Football League (LFP) protested this proposal of Barca and threatened that it would lose six points if it postpones the match. Three points as indemnity and another three as punishment for its refusal to play (Hayward, 2017).

Consequently, Bartomeu decided to allow Barça to compete with Las Palmas on 1 October even though it falls on a historical day for the people of Catalonia. However, Barça decided to compete with Las Palmas closed doors in an empty stadium. Television networks broadcasted the match in 178 countries. The reason for this is that Barca considered the safety of the Catalan citizens. Also, Bartomeu intended to show worldwide the sufferings of the Catalan people under the deficiency of democracy (Müller, 2018). As a result, Barça won over Las Palmas by 3-0. Furthermore, in Bartomeu's perspective Barça would continue to defend democracy, the right to decide, and freedom of expression because Barca is committed to its social engagement for the Catalan cause (BGB, 2019).

While Barca did not directly express its support to the Catalan Independence Movement, it vocally supported the right of Catalan citizens to vote in the independence referendum. With this, Arsène Wenger, former Arsenal FC head coach, said that Barça was a highly political club (Hayward, 2017).

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CHALLENGES FACED BY THAI CITIZENS WHO WERE SUBJECTED TO ATTITUDE ADJUSTMENT AND INTIMIDATION BY MILITARY GOVERNMENT FROM 2014-2019

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ABSTRACT

Thailand is known to be one of the gay-friendliest countries. This is manifested especially from 2014 to early 2019, the Thai military ruled the country with an oppressive regime. The freedom of expression and freedom of assembly were banned or strictly limited. The National Council of Peace and Order (NCPO) runs the military government whose leader has absolute power to order anything without objection. For expressing their views against the government and its institution, the military summoned the people to the “attitude adjustment” camp. This study aims to look at the challenges of the Thai people after the NCPO arbitrarily arrested hundreds of people or had their “attitude adjusted”, what drives them to impose self-censorship and to abstain from expressing their views. The research was conducted through qualitative methods that interviewed Thai citizens who went to “attitude adjustment” camps from 2014 to 2019.

Keywords: Freedom of Expression, Freedom of Assembly, Attitude, Adjustment, Detention, Arbitrary Arrest.

⁹⁴ Punnawit Tantirapan (Sharp) was born in Chonburi province, Thailand. He grew up in a liberal, open-minded, middle-class family. Witnessing the struggle for democratization, along with that of the poor and marginalized, motivated him to study Human Rights.

INTRODUCTION

Thailand has a long history of political instability, being under military rule many times, including the countless rewritten constitutions. The past decade is no different. The governing system has been illiberal at most times. In 2014, the military government ousted Yingluck Shinawatra and nine other ministers (Human Rights Watch, 2019, p.18). The National Council for Peace and Order (NCPO) took over the power of the parliament and declared martial laws as there were series of political activism led by the opposition (Human Rights Watch, 2019, p.19). The military government seized power for five years, then conducted a questionable election in early 2019 (Human Rights Watch, 2019, p.23). Under a five-year military rule, people lived in the reign of terror as there were many prosecutions and arbitrary arrests. Human Rights Watch (2019, p.34-35) explains that the junta had ordered the military officers to arrest people arbitrarily, summoned them to the military camp in Bangkok, or conducted a secret meeting at a secluded place for negotiation. The military rule was harsh to anyone who is against the regime. The military summoned the people without any court warrants and forced them to present themselves at their nearest military headquarter. Human rights violations were massive; the number of cases was hard to count at all. Many were imprisoned or went into exile (Human Rights Watch, 2019, p.34). People in military headquarters have undergone a program called “attitude adjustment” that “grounded” them for up to a week (Human Rights Watch, 2019, p.34). The NCPO said that its power would eliminate political polarization and corruption, but Thailand had one of the worst corruption and polarization in its history. Political activity among activists and civilians was prohibited, and those who dared to speak up faced difficulties. Those who challenged the law were taken to the “attitude adjustment” camps and detained. This study will be unveiling the challenges faced by Thai citizens who were in politics, were intimidated, or detained by the military government.

Research Objective

To further understand the challenges and experiences of Thai citizens in their struggle against the NCPO and the military government. Thus, understanding the experiences will unveil the challenges in expressing opinions during military rule. This study aims to see not only the experiences themselves but also it will find out what are the impacts that Thai citizens had after going through the “attitude adjustment” camp.

Conceptual Framework

The research focuses on the challenges of Thai citizens after being “attitude adjusted” or intimidated. The participant must be a Thai whose work is directly tied to politics and specifically went to the “attitude adjustment” camp during the military regime from 2014 to 2019 in Thailand. To understand the challenges faced by the persons who went to the camp, the researcher must see how they got a call from the military officers, how they were summoned to the camp, and how they were treated during the camp. These are crucial elements that will show the challenges of Thai citizens after the camp and will reveal why they act the way they did after the camp. The research analyzes how these elements led to the possible consequences according to the literature.

Research Question

What are the challenges regarding freedom of expression among Thai citizens arbitrarily detained by the military regime’s “attitude adjustment” program?

Research Methodology

This study is narrative-based research, which will discover the experiences of Thai people who went to the “attitude adjustment” camp or related forms of detention by the military government. The study will reveal the challenges of Thai citizens whose works are tied to politics after they went to the “attitude adjustment” camp. This study will conduct an in-depth interview with different groups of Thai citizens. Therefore, it will use the snowball sampling method to determine the participants. The reason for using snowball sampling is the difficulty in pinpointing whom to ask or whom to meet. This study aims to find at least four to six participants to grasp the challenges they faced in expressing their opinions during the military rule. The four to six participants will be enough for analyzing the data collected, and the researcher will try to equalize the participants in terms of gender. By interviewing different genders, they will reveal the aspect of how the military officers treat them differently. The study will apply existing concepts from related literature and use these to evaluate the study. It will study the available stories of the people detained, or “attitude adjusted” by the NCPO.

Limitation of the Study

This study involves finding the sources of information who are the different groups of people who went to the “attitude adjustment” camp or were intimidated by the military government in many methods. It might involve travelling a long distance which will affect

the cost of travelling directly. With a limited time, span for conducting research, the study will be intense and tiring.

Unit of Analysis

The study has a unit of analysis of the “challenges” of Thai citizens who went to the camp. The study will analyze the challenges after they went to the “attitude adjustment” camp. It will examine what has been going on with the citizens’ lives after the “attitude adjustment” camp. Also, it will study how they lived through such difficult circumstances and probe if they expressed their opinions at all after the “attitude adjustment” camp or after the intimidation. The analysis will be done by using the existing literature as well as the collected data.

Ethical Consideration of the Study

Before interviewing the different sources of various professions, the researcher will give a consent form to them. Before starting the interview, the researcher will inform the participants regarding the objectives and anticipated outcome of the research project. They can terminate the interview at any time, and they can avoid some questions that they wish not to answer or questions that are too sensitive to them as they are trauma survivors. The researcher will try to avoid asking questions that are too personal or emotional, and if the participants refuse to answer some of the questions, the researcher will skip the question and avoid asking the questions that would relate to the previous one. The researcher will not interrupt the participants while explaining or answering to avoid a potentially uncomfortable atmosphere. Since the study talks about politics which can be very dangerous or may put their lives in jeopardy, the participants can request anonymity. Therefore, the researcher will not reveal their names anywhere in the study. The researcher will destroy the evidence of the interview.

LITERATURE REVIEW

Defining Freedom of Speech/Expression

It is essential to understand freedom of speech and expression to get the idea of all that matters. Howie (2018, p.12) states that freedom of expression is in Article 19 of the Universal Declaration of Human Rights. It is an essential ingredient for a country to thrive as a democratic country. The American Association of Colleges and Universities (2006, p.3) states that it is not only the freedom to say anything freely nor harm someone mentally and physically but also it associates the right to vote, the right to assembly, and others.

Howie (2018, p.12-13) further states that freedom of expression is a norm of international law covering both personal and social aspects. Howie also claims that freedom of opinion and expression is “considered indispensable conditions for the full development of a person.” It is an essential part of any society regardless of regime types and governance type. It is one of the fundamental values of a democratic society (Howie, 2018, p.13). Literature also indicates that without the freedom of expression, other rights would be threatened and impossible for people to enjoy. Furthermore, Howie provides an example showing the importance of freedom of speech, assembly, and association in fulfilling the essence of the right to vote. People must get information and express their ideas and values so that voting will be more effective. Also, she states that even though the freedom of expression is fundamental, there are some cases that it would be limited or prohibited (Howie, 2018, p.13). The government-imposed computer-related crime laws and monitored sources of information very strictly throughout the time under the power of the NCPO (Reang, 2018, p.31-32). During the NCPO era, Thailand became one of the worst offending countries that charged people for expressing their opinions (Reang, 2019, p.32). Article 112 is the most used provision in criminal laws that presses charges against a person violating the Lèse-majesté law that prevents a person from criticizing members of the monarchy. BBC (2017) states that the law prohibits any person from accusing or insulting the king; however, it remains unclear who is covered by such law in its definition.

The Thai Constitution

The Constitution of Thailand has been rewritten and subverted countless times. And usually, it would be rewritten to favor the side that wrote the new constitution. The infamous Article 44 is the widely known constitutional law that the NCPO used to control the country in which they enjoy impunity despite the errors they would cause (Human Rights Watch, 2019, p.21). Article 44 has been a powerful tool for the military regime to maintain its power for over five years until the election. Also, it is inviolate. Having no line between right or wrong, the NCPO exercises its powers regardless (Human Rights Watch, 2019, p.21).

History of Thai Political Repression

The political repression from the state has a deep root in Thai history. There was a democratic movement in 1973 in Thailand, which marked the end of the military regime under Thanom Kittikachorn, who lived in exile afterward. However, as the communist movement in Thailand grew strong in the mid-1970s, it threatened the Thai political institution and the monarchy, which the government brought back Thanom Kittikachorn

to Thailand. Later, it resulted in an uprising among Thammasat University students. In October 1976, one of the most brutal state repressions in Thai history following the riot began to break out. Many student activists were killed from gunshots, beaten to death, or hanged to death. The state used the military and paramilitary groups to repress and kill hundreds of student activists. Justice for those who died has never been achieved until today (Sripokangkul et al., 2018, p.13-15). The state repression silenced the possible riots for two decades. Another bloody incident, the Black May or Phruetsapa Tamil, happened in Bangkok. In May 1991, the military and the National Peace Keeping Council led the military coup d'état against Prime Minister Chatichai Chunnhavan. The coup d'état led to one of the largest protests in Thai history, with about a hundred thousand protesters throughout the protest period. Clashes between the citizens and the military resulted in more than 52 confirmed deaths and thousands of arrests and wounded citizens. The Black May event was a repeated history of the Thammasat University Massacre, where the military and the state used violence against the people to suppress them. However, Black May did not end in the way that Thammasat University Massacre ended. Suchinda Kraprayoon, the coup leader that took over the Prime Minister, resigned, and the Black May event had changed Thai politics to a more democratic system requiring every prime minister to be elected by the people (Keyes, 2015, p.9-11).

Military Rule

It is paramount to understand how political history in Thailand unfolds and the significant role the military as an institution plays in shaping politics. Acemoglu (2008) explains that a non-democratic country needs the power to repress or suppress its citizens in ways where the military is one of the most used organizations as a tool to do so. The military is also a double-edged sword. For a society ruled by elites having the military as their safeguard, the stronger the military, the safer they feel. But this could also be the opposite. A strong military can overthrow those ruling elites as well. Thus, the military institution is a threat not only to a democratic regime but also to non-democratic regimes. In some cases, the military can also be an agent to eliminate ruling elites who are threats to democracy, and the military could be an agent to eliminate such rule (Acemoglu et al., 2008, p.1). The military government is characterized by a regime ruled by military strongmen or by the whole institution. People often believe that the military is among the worst abusers of human rights. While it is understood widely that citizens own the military institution, people end up getting owned by the military because it controls the weapons and armoury. Citizens pay taxes that fund the military institution, but the military can

always turn against the people. Practiced widely since World War II, military dictatorship today is slowly fading away (Geddes et al., 2014, p.149).

Thailand has an example of military power in Thai politics. It is among the countries that had the most coups in modern times. Prakoso (2014, p.79) stated that the military in Thailand, throughout its history, gained power in politics by staging coups that overthrew the democratic government. From 1932 to 2014, the military staged 18 successful coups that led to many reformed constitutions that allow coups to happen. In Thai political history, undeniably, the military has been a significant part of the political progression in Thailand, and in every political instability, one can expect them to step in since it has been done this way repeatedly throughout history (Prakoso, p.80). The military's interference is one of the most important aspects of Thai politics to understand why it became an essential factor in shaping it.

Attitude Adjustment

Prosecution of the Opposition

From 2014 to 2019, the junta government of Thailand has been oppressive towards the activists. As soon as they discover people are trying to stand up against them, they hunt these activists down. Either the activists turn themselves in, or the junta government would track them down. The military government uses the "attitude adjustment" camp as a primary means to get their targeted activists using unjust laws to summon them to the camp. The camp comes with a variety of scare tactics that military officers use to play with the state of mind of activists even though they do not hurt them physically. They bring activists to an isolated place and turn the air conditioning at freezing temperature to scare the activists. They threaten them with criminal charges and others (Human Rights Watch, 2019, p.34). Upon leaving the unlawful detention, they force the activists to sign an agreement that further suppresses them and takes away their basic rights. They can no longer express their voice against the military government for fear of being charged with criminal offenses (Ibid. p.35).

Challenges that a Human Right Activist Commonly Faces

It does not matter if someone is a human rights activist or not. They can be ordinary people, but we cannot afford to overlook these actions from the ordinary. Activism does not necessarily put the lives of these people in danger. But when it does, they are brave enough to face such circumstances. The United Nations Human Rights Office of the High Commissioner (OHCHR) states that these activists are ordinary people subjected to

human rights violations themselves. They face torture, arbitrary arrest, enforced disappearance, and many others. They must be courageous enough where other people are afraid to do the same. The challenges of activists may vary across the world, but these people's rights are always in danger of being infringed. Thailand is no different as activists or anyone who stands against the junta and the NCPO faces intimidation and harassment. Worse, they are imprisoned and charged fiercely by laws such as Articles 44 and 112 of the criminal law. Challenges other than intimidation and imprisonment vary from one person to another.

INTERVIEWS

The Lone Fighter

The first participant is a well-known activist in Thailand. His name became prominent in the early period of the coup in 2014. From 2013 to 2015, he was imprisoned for violating the Lèse-majesté law (Article 112). In the interview, he says that he is a freelance writer and uses social media as a medium of communication because it is easier for people to access. People can also post comments or criticisms freely on his post. For him, freedom of speech is the most important civil liberty that everyone is entitled to that no one shall take it away by force or by any means to infringe such right. He allows anyone, even his opponents, to comment on his post because he might learn something new, as he says. Moreover, he never deletes his posts or offensive comments. The NCPO targeted him in the coup era. Until today, he still receives threatening messages from military officers. It is no surprise that the current government will target him because it is a successor of the military government from the coup period. The participant says that the military government can tolerate criticisms at that time, but as soon as someone criticizes the members of the monarchy, his or her life will be put on the line. The military will put the person's life on the edge and crosshairs and track the person down. This is the reason why many political activists went into self-exile for fear of being charged with Lèse-majesté or even worse.

Speaking of his political activities, he works alone most time or sometimes works with his companions. He informs the authority where he will be organizing his activities. He does not want to involve many people because he does not want others to be in danger. In 2017, he was taken to the military camp several times throughout the year. Violence against him grew over time. At first, the military took him for interrogation where they asked him several times regarding his views on the monarchy. Even though he answered all the

questions they asked, they hurt him physically and mentally. They charged him, physically hurt him, and burned his car. According to him, given this circumstance, it would be likely that activists would stop whatever they are doing or flee the country. But for him, he stood his ground despite the worsening threats from the NCPO. He says he has nothing to lose since he has no family or anyone the NCPO can use against him. So, he did all he could to express his view against the NCPO, even if he is the lone activist standing.

For the first participant, the researcher can conclude that the challenges he had experienced are:

1) He received threats from the military government after being arbitrarily arrested twice during the coup era. The military tried hard to suppress his views, and they even hurt him physically and mentally. The military used scare tactics upon him. It is one of the challenges because he could not fight back by any means. He must endure the pain from them, and the only way for him to strike back is to expose the wrongdoings of the military government.

2) Most activities he conducts are on his own as he does not want anyone to be in danger while with him. He usually informs the authority of the place he will be organizing his movement beforehand, and he would be there by himself or with few companions.

3) The first participant is not the kind of person who backs down after having been through such a hard time with the military. He might not be in the actual “attitude adjustment” camp but being taken to an unknown place far away from home is as bad as the camp itself. But whatever happened to him in the coup era, he decided to stand his ground and fight the military regime as if he has nothing to lose. He did not impose self-censorship. He knew ill-treatment from the military officers could happen to others, so he warned people on social media. As he mentioned before, if ill-treatment like this happens to other activists, they might stop their actions, or if they still want to act, their option is to flee the country and never look back.

4) He mostly fights alone. He usually does not let anyone know when or where he would go to take his action. This means he is always in danger for his activism. In 2020, he was jailed as he was accused of being a threat to the Thai queen and was charged with Article 110 (Threatening Royal Family’s Life and Well-being).

For him, self-censorship is not the case. He does not give up on his activism and he has a will to push as hard as he can against the junta side. The challenge he has is that the threats from the military is still strong even today and he is still active in the political

movement. His move often provokes the military government that is why he is always targeted by the military government because his actions are relentless towards them. The government felt the intimidation caused by him and they are in need to deal with him quickly and aggressively.

The Satirical Figure

The second participant is widely known for his satirical comments on politics, and he once said he brings “entertainment” into Thai politics. He has been an activist for over a decade since the coup in 2006. He has always been fighting to end the cycle of coup d'état. Today, he is still active in the Thai political movement. He usually shares his views on social media in a humorous way which is easy for people to understand. He made the political atmosphere in Thailand during coup and the present time look humorous while it remains sensitive and tense. He was “attitude adjusted” twice throughout the five-year military rule. One time, he was abducted and taken to the military camp with his head covered.

He went to the “attitude adjustment” camp for a week, where the police and soldiers told him they would “take care of him nicely.” The participant says that he could not truly say they were taking care of him in a good way, but they tried to threaten him to stop any actions or mobilizations against the military regime. They were trying to tell him how dangerous it could be to violate the laws (Articles 112 and 116). The criminal charges have serious consequences where a person could face imprisonment of up to 15 years for insulting members of the monarchy.

After he got out of the “attitude adjustment” camp, his bank account was frozen, and his movement around the country was strictly limited. If he wanted to travel outside of the country, he must state the purpose to the NCPO. The NCPO fears that he might leave the country and never come back like many activists who have already fled the country before.

As his stories go, the challenges he faced are:

1. His family was threatened by the NCPO officers. Instead of solely targeting him, the NCPO partially involved his family members to intimidate and stop him from criticizing the military government. For the sake of stopping the opposition, the junta government is willing to involve people related to the activists to scare them so that they will stop their actions.

2. He was facing a financial challenge because his bank account was frozen. He describes that time as being depressive and hopeless. It is a challenge that puts

activists to their knees and prevents them from getting outside or inside the country. By confiscating the bank account, it can already suppress the movement of the activist.

The Bookshop Owner

She is a female participant from Chiang Mai who owns a bookstore. Her bookstore is unique and unlike any other bookstore. It is a bookstore full of political content. There are many books relating to politics, both domestic and international politics. A bookstore is a place where freedom of expression is promoted. People can come and have a conversation about anything that is usually not open for discussion outside. People describe this bookstore as a democratic bookstore. It was targeted by the military government.

The participant was also a panel discussion organiser who organized other related events, such as the “democracy classroom”. She initiated the project “democracy classroom” in 2014. The military government ordered her to cancel classes without notice. The participant told the researcher that the military government saw her project as a “youth brainwashing” program that can be harmful to the regime. The military tags the project as anti-royalist because many participants who joined the project are known to be closely related to the anti-monarchy group. As the researcher mentioned before, Article 112 is a Lèse-majesté law that prohibits anyone from insulting the king and his family. The participant almost got accused of violating this fierce law.

As an activist herself, she knows the consequences of her actions well. She told the researcher that she was not at all afraid of the struggles she might face. She went to the military camp about five times, of which one of them was in Bangkok. Also, there was a time she went to a coffee shop where she met with military personnel. She chose the meeting place for the conversation with military officers who tried to convince her to stop any further actions against the military government. It may seem a harmless act of the military but in actuality is another way of harassment. She went to the military camp in Bangkok one time, and the military detained her for two days and one night. She said she was not scared of whatever they did to her. She was angry at them. She described how angry she was and said that the actions of the NCPO were too cruel towards the citizens. After getting out of the military detention, she agreed to sign the memorandum of understanding (MOU) with the military, stating that she will stop any further actions against the regime. She would receive a phone call from time to time from the military officers who threaten her. The military officers would remind her of the signed MOU, and she must abide by the MOU strictly.

The challenges:

1. Since the coup began, it has been difficult for her business and her work. The researcher understands that owning a book shop that has many books relating to democracy and other political matters would be targeted by the military government. The business she owns is rich in values that challenge the traditional thoughts and conservative groups in Thailand. It shows that books are a powerful source of knowledge that can challenge the regime. These books that she sells will open the door for many people to understand Thailand from the outside. It is quite true that many people in this generation learn to value democracy from sources outside the classroom and her bookstore is the place for them to go. As it gets attention during the prime of the military government, the military sent officers to her house and the shop and took her to the military camp in Chiang Mai many times. It was challenging for her to organize more discussions or events, such as the “democracy classroom” or selling books.

2. She signed the MOU with the military officers that took away her freedom of expression. They usually call her to warn her that her actions against the military government will cause her to suffer from harsh consequences.

It seems that the military government does not only target media people, reporters, academics or politicians only. Anyone influential in making people think or act against the military regime was targeted. They were harassed even directly or indirectly. Some were treated harsher than the others. It is still questionable if the military government has compromised these activists. But harassment is still harassment that infringed the rights and freedoms of the people.

CONCLUSION

Thailand has undergone a series of military coups in the past decade. It resulted in the overthrow of many elected governments and the rewriting of the constitution. Even as time passes by, similar methods consolidate the power of the military regime. State repression is the term coined how the military government react to its opposition throughout history. Political repression in Thailand still undergoes the unchanged method – detention, prosecution, or intimidation – that strikes fear among Thai citizens and activists. The last coup came up with an alternative name which is “attitude adjustment” program. It is a detention program of activists and other citizens for up to a week. This study focused on how the detention program posed challenges among those who have undergone the program. This study examined the situation before and after the detention program, how

it affected the detainees, and how it challenged the detainees. The three who went to detention faced similar challenges and psychological effects of the program. Even though they were the ones who committed the actions, the consequences sometimes involve their families, and the military officers would often threaten to harm their families. It has left activists no choice but to comply, sign the MOU, and remain silent afterward.

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THE 'WOMEN, PEACE AND SECURITY' APPROACH TO CONFLICT RESOLUTION AND THE ROHINGYA

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ABSTRACT

Peacebuilding is a process often required in the form of activities for both pre- and post-conflict, neo-liberal policies, and academicians including the UN Peacebuilding Commission who often associate peacebuilding with a situation of a 'post-conflicted' state. This application of the term is limited to activities taking place during a state of conflict and when reconstruction begins. In some protracted humanitarian crises, peacekeeping is not addressed which lacks 'human development' and 'human security for both men and women/children as refugees. This paper critically assesses literature to identify whether peacebuilding and peacekeeping processes that encompass sustainable development, social, economic and political justice are gender-neutral. The paper critiques the higher up women in peace and security (WPS) discourse which often deals with human rights for an equitable society for all in protracted humanitarian situations like the Rohingya crisis in Bangladesh. A case is assessed to discuss the paradox of WPS discourse not addressing the gender dimensions of conflict where men are also vulnerable.

Keywords: Peacebuilding, Peacekeeping, WPS, Gendered Approach, Rohingya.

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INTRODUCTION

For decades, women have been critiqued for their movements in justifying rights. Mainstreaming gender roles across national boundaries and with international players had been a unique set of challenges for women Swaine et al. (2019), as they had been justifying their rights through various platforms and forums Banda (2013). Movements have been pivotal in transiting from each conceptual right developed by international institutions, Chen et al. (2001); which is, Woman in Development (WID), to Women and Development (WAD) and, finally, Gender and Development (GAD) Chen et al. (2001). As generations have seen conceptual evolutions from one approach to the other, it has aspired for greater equality and empowerment.

According to Parlevliet (2011), each of these historical frameworks has one thing in common, decades long movements may not have resolved violations in human rights or acknowledged differing needs for men and women and accessing resources in a protracted zone. Conflict drivers may have failed to analyze multiple vulnerability contexts women face differently Swaine et al. (2019) than men in transitional economies. This paper looks into the historical evolution of women's rights from the United Nations (UN) World Conference Report (1980), to national development objectives and UN General Assembly Resolution (2008), by fulfilling human rights-based approaches as guided by UNIFEM (2007): HRBA Programming and the other being United Nations Security Council Resolution 1325 for Women Peace and Security (UNSCR 1325 WPS) declared in the year 2000 as per the UN Study on WPS (2002)⁹⁶.

This paper gradually outlines a range of arguments within the overall gendered approach to peacebuilding Hugh (2003). Finally, concluding with arguments that depict how current gendered approaches used under UN peacebuilding operations could fail Pankhurst (2008). This failure to build a sustainable peace occur because such approaches do not adequately address the fundamental economic inequalities Pankhurst (2008) created by the global neoliberal macroeconomic structures as authors in Hugh (2003), and Pankhurst (2000), concur. It examines whether the adoption of a human rights-based approach has been sufficient to achieve security-stability in conflicted peripheries Pankhurst (2008)

⁹⁶ A declaration passed in the millenniums and amended in subsequent years, was to reflect women's inclusion in peace processes within a framework that includes - participation, prevention, protection, relief and recovery as mentioned in UN Report 2002.

before moving into the efficacy of peacebuilding processes and UNSCR 1325 frameworks Swaine et al. (2019).

METHODOLOGY

Cited literature and empirics are based on journals, books, intergovernmental reports, national data pools to provide a thorough assessment, which looks at the impact on the theoretical components that have supported debates on women's agenda and their march towards gender equality in international laws as opposed to the field-based empirics and case examples that have argued against. This essay has further synthesized literature from the perspective of gendered norms, which the higher up WPS discourse promotes; persistent gaps exist in all forms of gender dimension.

LITERATURE REVIEW

Over decades sufficient conceptual legacies had been put into play where women's roles have transitioned within development contexts for the purpose of enhancing security and stability Hugh (2003). As mentioned in Pankhurst (2000), stability-security is coined with human rights. As the UN Study on WPS (2002) mentions, for years and until recently, international communities along with the UN have worked on frameworks that evolved into global guidelines for states to adhere to UN: WPS (2002). The Declaration on the Right to Development from a gender perspective is one such example, found in the UN World Conference Report (1980):

(a) Evolution of 'Gendered' Human Rights and Rights Based Approach

The early 1980's saw a considerable rise in landmark theory – Women in Development (WID); UN World Conference Report (1980). It considered national development models from women-based perspectives UN Report (1980). However, the rationale focused more on female economic activities, UN WPS (2002) without shedding light on women's existing role and conceptions of traditional household work, as discussed in Miall (2003).

Critics recognized the need for women's acknowledgement which differed from that of men while experiencing social change Nussbaum (2000), and Chen et al. (2001). Under WID classifications, as per Chen et al., (2001), legitimate research was institutionalized for considering women's extended experiences and perceptions that evolved into the Women and Development concept. However, this theory too was less successful in

enabling a transformative effect and ignored gender neutrality that continued to have negative structural effects on women Chen et al. (2001).

As noted in Miall (2003), later years saw increased importance in Gender and Development. It saw women as agents of change Hugh (2003) rather than passive recipients of induced state/cultural laws. The concept re-examined and recalibrated gendered roles with social structures to connect more with institutions Brown (2009). Also mentioned in Brown (2009), it helped various women's groups to no longer be dominated by the state, elites, religious leaders and delegate 'rights' which otherwise should have been a state law for all Hugh (2003). As Nussbaum (2000) says, challenging structural discrimination had been declining where dynamics of power transfer were visible, pertaining to feminist human rights jurisprudence. Concurrently, in the millennial era the UN WPS (2002) has seen the 'right to development' progress achieved via 'gender and development' as a human rights approach where women were recognized alongside men as equal participants. The UN General Assembly adopted the Declaration of the Right to Development, UN WPS (2002), but criticisms prevailed as it broadly expressed or ensured the active role of women in dispossession, dislocation, and conflict. The UN General Assembly's declaration statement presented a list of human rights violations that states were required to address to facilitate development and only included a clause that Chen et al. (2001) describes as "all forms of racism and racial discrimination". Interestingly, this did not include sexism or sex discrimination Cehn et. al., (2001). Hence, it appeared that women had minimal engagement at both national and international levels from participating in dialogues or have a voice in decision making Brown (2009).

Development Economic theorists in the post-millennial era have prioritized Sen's Capabilities approach⁹⁷ to human development from his book *Development as Freedom*. Development models covering areas such as participation, security, sustainability and guaranteed human rights as Sen (1998) have argued in this theory. On the other hand, the human rights-based approach (HRBA) gained sufficient momentum during the terminal years (2015) of MDG (Millennium Development Goals). HRBA was more of a conceptual framework for the process of: "human development, based on international human rights standards and directed towards respecting, protecting, and fulfilling human rights" which Goonesekere (1998) and Nussbaum (2000) also agrees with. Furthermore, Nussbaum (2000) aimed to analyze inequalities underlying development constraints, as well as

⁹⁷ (a) to lead a long and healthy life; (b) to be knowledgeable; and (c) to have access to the resources needed for a decent standard of living.

redress discriminatory practices and unjust distributions of power that impede development as noted in the UNDP Human Development Report (2000, p. 17). Yet, evidence shows; Andreassen and Marks (2006) assert that neither the human rights-based approach nor right to development practitioners have consistently analyzed rights in a gender-sensitive way⁹⁸ in transitional protracted states (Andreassen and Marks, 2006).

(b) Human Rights violation in transitional states impedes peace processes.

According to UN WPS (2002), UNHCR 1325⁹⁹ refers to human rights with five emphases: exclusion of minorities, uneven access to economic resources, lack of voice and freedom of speech, lack of employability, no access to decision-making for national policy objectives. As Swaine et al. (2019) mentions:

“The resolution urges that consideration of human rights in UN field-base operations: (i) in training guidelines for peacekeeping and peacebuilding, (ii) in peace agreements, particularly as that relate to the constitution, electoral system, police and judiciary; (iii) in respect of international law application to women’s and girl’s rights to protection; and (iv) in consultations with local and international women’s groups on the rights of women” (Swaine et al. 2019).

As Strickland & Duvvury (2003) mentioned, despite decades-long changes in human rights frameworks for women in various economic peripheries, securing their rights in conflict-affected countries will need to be gender-specific to promote justice (Strickland & Duvvury, 2003). Also, it promulgates violence against women (VAW) in war-torn zones Austin et al. (2014). Strickland & Duvvury (2003) also highlight that first women’s right to protection should be enabled when human rights services are accessed during conflict. Secondly, Strickland & Duvvury (2003) note that securing human rights for women is integral to just peace. Brown (2009), argues that protection and security should be based on gender equality and neutrality. As this paper begins with the theoretical frameworks above, securing human rights for women have proven to be suppressed by global patriarchal norms which Brown (2009) also agreed with through an analysis shown in

⁹⁸ Eg- food crisis: While acknowledging the specific impact of the crisis on poor families, the analyses did not expressly mention the role of women, be it in food sourcing, food preparation, or the self-sacrifice of choosing not to eat so children and other family members can. This seems a startling omission given the centrality of women’s role in food production.

⁹⁹ This 18-point resolution calls for increased representation of women at all levels of decision-making and peace processes to prevent, manage and resolve conflict. It was a call for Human Security and Sustainable Peace on all parties in armed conflict to respect fully international law applicable for the rights and protection of women and girls as civilians.

Timor-Leste. In addition to this Pratt and Richter-Devroe (2011: p.490) also argue that through the implementation of UNSCR 1325, it was expected that “informal contributions of women be highlighted and declared invaluable to resolving conflict and building sustainable peace”. The question still remains on the extent of WPS arrangements and achievements Brown (2009).

Austin et al. (2014) shares those customs and arrangements under WPS are further contested where there are prejudiced norms of traditional (patriarchal) justice systems in play towards mitigation. Miall (2003) discussed with empirics from 2001-2002 taken from fourteen conflicted zones in Central and West Africa have shown that whether women were victims of gross atrocities, refugees, internally displaced persons, combatants, heads of households, community leaders, activists or peacebuilders, women and men experienced differently with threats either representing inside or outside war zones Miall (2003) and UN WPS (2002).

Social oppressions¹⁰⁰ have added to these differential treatments, Austin et al. (2014). During conflict and post-conflict, it raises various forms of human insecurities; UN WPS (2002), for which, women’s inclusion in peace process as the UNSCR 1325 WPS resolution mentions will follow participation, prevention, protection, relief and recovery, which Miall (2003) reflects have not been sufficiently recognized.

(c) Underlying conflict drivers in transitional states: hinders Human Security, Human Rights and ‘Gendered’ Equality

In Parlevliet (2011) and Rehn, et al. (2002), it was understood the term security traditionally meant to protect its people on the territory for sovereignty and proclaim military might. States often failed to heed the ‘structural violence’ of poverty, inequality, injustice and human rights abuse that are often underlying causes of violent conflict and insecurities people face while coping in protracted zones Parlevliet (2011). Rehn et al. (2002) also mention the need for nation-states to accept and recognize cultural differences or social identity, which is often unmet. Swaine et al. (2019) further argue that while there has always been a legacy of not acknowledging multi-ethnic rights, women as a subset of the wider group had less access to political and economic participation. Even more, they are considered illegitimate and incapacitated for voicing their rights, as noted in Miall (2003).

¹⁰⁰ Social oppression during conflict: unrecognized having a sectoral role, ethnic underpins, lack of state governance, lack of accountability of global community and transitional democracies relatively de-prioritising.

Mack (2005) explains that protecting human security is a multi-dimensional task. Initiatives revolve around peoples' rights who need protection and services for living their everyday life. It concerns securing food, water, shelter, health, freedom from violence extremism Mark (2005), and countering environmental security with broader political prowess of state and non-state actors and global governance structures Mark (2005). Hence, according to Basch (2004), conflict drivers for men and women had not been convergent. For women, it induced multi-vulnerability contexts making women groups susceptible to higher forms of insecurities Basch (2004).

The UN Security Council Resolution Report UNSCR (2019, 2020) has given importance to the fact that in the world today we see a rise in displaced populations or climate migrants facing environmental catastrophes. These rising numbers will also require similar recognition to human rights and (later) security UNSCR (2019). National development models in the current context of the pandemic are also considering the need to address climate and bio-diverse conflicts UNSCR (2020) to counter post-pandemic conflict drivers in transitional and developing states UNSCR (2020). The reason being women's roles in sourcing food, water and fuel remains unaddressed in some of the conflicted nation-states¹⁰¹ UNSCR (2020). There is evidence in Bunch (2004) which shows women fall victim to gender-based violence like modern slavery when they are displaced as climate migrants or suffering ethnic and racial cleansing UN WPS (2002). Furthermore, Bunch (2004) says that women's lack of knowledge about their legal entitlements pushes them towards vulnerability and makes them susceptible to other forms of sexual abuses UN WPS, (2002). Also identified in UNSCR (2019), VAW in conflict zones hampers women's personal development and creates a persistent lack of awareness of their rights. An area that remains underrecognized in development discourse and practice as authors Mack (2005) and Basch (2004) concurs.

ANALYSIS AND RECOMMENDATION:

PATHWAY TO PEACEBUILDING, PEACEKEEPING AND PEACE PROCESSES

WPS initiatives as a part of peacebuilding and conflict resolution have considerably ignored women's involvement at the peace table, negotiations or discussions which continues to ignore marginalized issues of gender as observed by Miall (2003), Bunch (2004) and Mack (2005). Further, in a few instances and case studies as Strickland and

¹⁰¹ States considered in conflict are – Middle East, North Africa, South Asia.

Duvvury (2003) confirm, even if there is evidence of acknowledging structural inequalities, it may not be sufficient. Mack (2005) notes that overwhelmingly power dynamics usually supersedes.

(a) Approaches to make peacebuilding more inclusive- conflict and peacebuilding are 'institutionally' gendered

According to Swaine et al. (2019), peacebuilding is an ongoing process in transitional economies. Securing the rights of women is done by enhancing gender justice, tackling root causes of insecurity, and prioritizing both justice and compassion as Banda (2013) mentions. As observed in Parlevliet (2011), the underlying principles of human security must be tackled (in reference to the literature review above), 'before violence gets started' for which the UN gendered approach to peace resolution holds significant criticisms Banda (2013). Even though many of these arguments put forward in favour of the gendered approach have been tested in a multi-stakeholder approach Swaine et al. (2019), it missed the mainstream discourse Banda (2013). According to Puechguirbal (2010), women had to be instrumental in the peacebuilding process rather than seeing what sustainable peace can bring about for women.

“Other peacebuilding initiatives and movements employ essentialist definitions of women, confining them to their roles as mothers and caregivers, and thus denying them access to the broader agenda of peacebuilding and conflict resolution (Puechguirbal, 2010: p 177)”.

In Diaz (2010), studies have shown over the last decade since UNSCR WPS 1325 in 2000 was declared, percentages of women peacekeepers representing the UN front had been considerably lower in comparison to their male counterparts also noted in Swaine et al. (2019). Even though the UN Security Council resolution women's participation at the forefronts, the UN itself failed to promote gender-balanced leadership as mentioned in Rehn et al. (2002, p.66).

Diaz (2010) that it is crucial that the peacekeeping side as well as host communities keep a balanced weight of women's presence in their own operations and not practice favouritism. Puechguirbal (2010), says it is true that women at the war front (as combatants) also face high levels of sexual harassment and gender discrimination that discourages Diaz (2010) peacekeeping contributing countries to recommend women at the front line. However, shying away from and not changing practices is no longer expected

from global institutions in this day and age Puechguirbal (2010), since women at the peace table will be instrumental to speaking about the deficiencies in a gendered approach than otherwise as Brown (2009) implicitly concurs.

(b) Conceptual understanding of security, stability, peacekeeping and peacebuilding: gender analysis is crucial to address gender equality during and after violence

As explained above in the literature review, human rights entail human security, and human security entails justice. According to Brown (2009), in conflicted territories, the rights of women encompass all dimensions of economic and social opportunities that also require gendered specific measures to ensure justice. In Swaine et al. (2019), justice is addressed when institutions are able to alleviate threats, fear and vulnerability where women receive a full range of requirements for fulfilling human dignity. Human security is also extended to the notions of freedom, voice, choice, and decision-making as Brown (2009) highlights.

Thus, Strickland & Duvvury (2003) have also mentioned that different conceptualizations of insecurity are needed to be understood as drivers of insecurity which females encounter in zones of protracted conflict. Therefore, introduce strategies that blend gender analysis to understanding major emphases of security:

“Multidimensionality; social ontology through which to understand the structures of women’s relationships; and empowering agendas that help to realize holistic notions of security” (Strickland & Duvvury, 2003).

In Afghanistan, women have heightened their understanding on the significance of UN resolutions that help Afghan women gain access to services, acknowledge and fight for their rights or even have freedom to participate in national decision-making policy processes as noted in Brown (2009). Involvement of women improves in economic spheres since the state of peacebuilding encouraged gender analysis where availability of disaggregated gender data helped peacebuilders to identify needs in crisis and subsequent life skills required through training UNSCR (2020).

(c) Gaps in understanding intersections between VAW, post-conflict, peacebuilding and state building processes: Securing Justice and Human Rights

As mentioned in part (b) of the analysis, the foundation to securing rights is identifying contextual root causes women face in various transitional and conflicted economies.

Nation-states will have to prioritize gender justice¹⁰² and compassion for securing peace. In protracted conflict zones, Puechguirbal (2010) asserts that justice is closely tied to the restoration of human dignity. Diaz (2010) notes that women suffer extreme levels of violence and gendered indignity in war-rape or becoming susceptible to modern slavery when struck with no access to education, lack of economic independence and facing severe malnutrition UN WPS, (2002). UN peacekeeping missions operating in South Sudan have often found reconstruction problematic when linked to gender justice UN WPS (2002). The reason being, as Diaz (2010) highlights, VAW persists in protracted conflict zones by the legitimized structural differences that occurred prior to conflict.

According to Banda (2013), during a 'reconstruction' phase, peacebuilders in South Sudan were posed with problems in reuniting marginalized groups. Diaz (2010) observes that there was a restoration of rights and status with host communities which may never have existed. Hence, it is often seen that peacebuilders at the negotiation table emphasize that nation states should acknowledge full citizenship rights that entail social justice UNSCR (2019), empowerment and human dignity in a gendered way. The process of obtaining a gender-just sense of security is a long journey Strickland & Duvvury (2003).

CASE ANALYSIS:

CONFLICT-STABILITY CONTEXT OF ROHINGYA REFUGEES IN BANGLADESH

The case below has been used to highlight one of the most recent and largest protracted humanitarian crises running in the world today – the Rohingya refugees of Myanmar. Implementation of WPS resolution has been bleak in this part of the world. Even worse, as global and intergovernmental institutions were unable to play a significant role in repatriation, the lives of these refugees seem to be in a limbo being stuck for years in the camps without access to economic, social or political opportunities. A protracted territory dispute that has evolved from a conflicted state in Myanmar, will eventually turn out to be a conflicted zone itself given the current trends of violence seen across any gender and children.

In the current trajectory, the Rohingya Refugee camps in the southern part of Bangladesh face greater flows of serious organized crime across the Cox's Bazar (Bangladesh) and Rakhine (Myanmar) border. Certain uprisings are indulging the development of greater

¹⁰² Gender justice refers to the protection and promotion of civil, political, economic and social rights on the basis of gender equality.

cooperation between armed groups and State and non-State actors in Myanmar. It continues that there are wider attendant risks of deterioration and instability. These largely stem from conditions inside the camps and experiences of host communities in and around the camps and throughout surrounding districts UNDP CARU Report (2020).

Some primary issues are a lack of legitimate forms of employment and thus income generation for Rohingya within the camps. This is combined with rising levels of violence including sexual and gender-based violence as well as other forms of criminal violence inside the camps where lives of women and girls are monetized to traffickers across borders. Men and boys, who are also victims realistically, have little protection from increasingly predatory state agencies and are likely to turn to forms of violence in search of income and protection. Often teenage boys and girls fall prey as drug peddlers and cannot break loose from the crime system. This can be seen in the expansion of armed groups violently contesting access to the drugs trade, which has resulted in the deployment of the Bangladesh military on an increasing basis. WPS initiatives should have been mainstreamed towards mitigating some of the situations mentioned above to sustain peace in the region.

The humanitarian response has provided a strong foundation for extensive diplomatic and political efforts across international partners, including in the UN General Assembly and Security Council. It has helped maintain international attention on the plight of the Rohingya, the pursuit of accountability and finding solutions in Myanmar, and solidarity with Bangladesh in helping manage this crisis. Yet in the international community, peacebuilders have succumbed to a solution at the negotiation tables. Raising this case shows that despite theories in practice for containment of the protracted crisis via WPS, the debate between 'repatriation' and 'camp relocation' has been unaddressed and human dignity across gender norms lies in limbo. Also, Rohingya voices are often unheard and violence is faced without rule of law or the justice system which violates the WPS discourse that the world agreed upon.

CONCLUSION

In transitional democracies and protracted conflict zones, securing rights for women is tough and demands a change in social, legal, and political contexts. Further, equality has historically been sitting in the clutches of male-dominated community traditions and

judicial systems. Creating a justice system for women has often been underplayed. The presence of peacebuilders is crucial for reaching inclusive peace agreements.

Despite the obstacles of patriarchal conventions, there are encouraging examples where the implementation of UNSCR 1325 WPS is securing positive progress for women. In a few Islamic states, local women's groups and the UN missions have taken measures to ensure women's voices are taken into consideration while establishing constitutional governance structures in a post-conflict state. Hence, it is expected that national and transitional governments will be more accountable while planning for WPS agendas and take good practices from cross-border countries to plan better under straining conditions. WPS agendas will need to be more gendered, as the case above has been analyzed, showing that in any protracted crisis, victims of violence can be from any gender, albeit, for women and children, this can be higher. Even though humanitarian responses have saved and improved many lives, the situation is still fragile. The Rohingya remain extremely vulnerable, with an uncertain future and wholly dependent on humanitarian aid to manage this protracted crisis.

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WHY ARE THERE SO FEW WOMEN IN THE PARLIAMENT OF MALDIVES?

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ABSTRACT

The conversation on achieving gender equality has gained momentum in the Maldives over the past ten years. As a result, there has been significant achievement in many areas. However, underrepresentation of women in decision making remains an issue of concern. This is particularly so for the parliament where women are constantly underrepresented even though women are very active and prominent in grass root level politics. Representation of women in the Maldivian parliament has been exceptionally low over the years. Of the 87 Members of Parliament at present, only 4 are women. Discussions and debates to assign a quota for women in the parliament has been unsuccessful. This paper is drawing from ongoing research to identify the challenges women in the Maldives face when they engage in electoral politics, particularly at the Parliamentary level. As such, this paper will look into the legal framework of the Maldives with respect to gender equality and women in politics.

Keywords: Underrepresentation, Gender Equality, Parliament, Women's Rights, Affirmative Action.

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INTRODUCTION

Women in the Maldives are viewed comparatively more emancipated than their counterparts in the region by many in the Maldives, specially by those at the executive level.

The law does not allow for discrimination based on gender; article 17 of the Constitution states that everyone is entitled to the rights granted in Chapter 2 (Fundamental Rights and Freedoms) of the Constitution without discrimination. As such, women have equal access to education, health care, and other services. Additionally, there are no legal bars for employment of women or for women holding office. However, given the existence of a significant gender gap, it is safe to say there are gaps in the de facto implementation of laws. While on paper women are granted equal rights, available data suggests that this is not the case in practice given that women are marginalized in most areas, particularly at the decision-making and executive levels.

There have been several significant developments in terms of women's representation over the past few years. These include the amendment of the Decentralization Act to include a 33 percent quota for women in local council, the appointment of first female justices to Supreme Court of Maldives (The President's Office, 2019), the appointment of a women as the Minister of Defence (Government of Maldives, 2021) and the assignment of women to non-traditional cabinet portfolios where as in the past women were often assigned Ministries such as gender and education (HRCM, 2021).

However, women are still severely underrepresented in all levels of policy and decision-making (HRCM, 2021). Participation of women in public life, particularly in politics and parliament is often subjective to circumstances. This belies the view that the situation of women in Maldives is the best in the region.

This paper is part of an ongoing research on the challenges faced by women during their parliamentary run. This is a narrative research based on the experience of women who ran for parliament as well as on information gathered from relevant institutions. At present, the data collection process is underway. Data is collected by means of a structured questionnaire. Following the response to the questionnaires and depending on factors such as the availability of participants, a focus group discussion will be held to further discuss the responses to the questionnaires. Additionally, the legal aspects of the issue

will be analysed to understand the gaps in the legal framework that hinders women's participation in politics.

This paper will present the legal framework around women in public life and discuss whether or not it is a barrier to women's participation in politics, particularly in the parliament.

LITERATURE REVIEW

There may be several reasons for underrepresentation of women in parliament ranging, from religious to legal to socio-cultural reasons.

There are countries where they have laws and policies that are discriminatory towards women when it comes to holding elected office (Zetlin, 2014). Alternatively, having laws that provides for gender equality might not be enough and there is cause to root for affirmative action in order to increase at least descriptive representation of women. Assigning a quota for women has proven successful in increasing women's representation in the parliament, as can be seen in the example of Rwanda, where women in parliament increased from 23% in 2000 to 61.3% in 2018 (Mukabera, 2019). Additionally, according to Mukabera, "the increase of the number of women through gender quotas in Rwanda parliament has promoted the gender sensitive institutional rules, laws and policies that regulate equal rights and promote the consideration of women's needs and interests in the development of social institutions in Rwanda. These outcomes reflect a change from a patriarchal system to a more equal society which promotes human rights" (Mukabera, 2019, p. 160). While increasing number of women might not always be substantive to increase policies favourable to women it is nonetheless necessary to push such policies (Joshi & Kingma, 2013).

Party politics is a factor that determines success of women when it comes to politics as political parties have a strong say on deciding women's representation, particularly in the absence of an effective gender policy (Gwiazda, 2017). Available literature suggests that discrimination in different stages of the recruitment process by gatekeepers is a contributing factor to underrepresentation of women (Ashe & Stewart, 2012). Parties can influence election process; as parties select candidates, they can limit the pool of available candidates and depending how they express their support for candidates, this again influences how people vote and who they vote for (Kunovich & Paxton, 2005). It is

important to determine the extent to which this discrimination occurs, the stages of the recruitment process where they occur and the factors that contribute to said discrimination.

Traditional gender roles, where women are assigned responsibilities of family and household also remain a challenge to women in politics (Joshi & Kingma, 2013). In such cultures, women who stand for parliament may be labelled as going against their culture (Zetlin, 2014). According to a study by the European Parliament on role of new media to increase political participation of women, “male values tend to dominate politics in many countries and women’s roles are culturally viewed as being in the home rather than in politics. This impacts on women’s confidence to engage in politics, attitudinal prejudice against women and women’s lack of trust and confidence in politics” (p 32). The study further states that media represents women more negatively and as less credible political actors and that the role of media in reinforcing gender stereotypes contribute to the lack of women in politics (European Parliament, 2013).

HISTORICAL CONTEXT

Historically, Maldivian women have held leadership positions, however, these instances were limited to women of nobility and women were generally excluded from politics and decision making (Razee, 2000). With the codification of a written Constitution in 1932, women were altogether excluded from ruling as being a man was a prerequisite for being a President or a Vice President (Razee, 2000). Women were not granted suffrage till 1964 and until the enactment of the new Constitution in 2008, women were not allowed to run for president (IFES, 2014).

However, there was a brief period in 1950 with the establishment of the first republic in Maldives, when the situation of women improved. The President of the first republic is hailed for his efforts towards women’s development (The President's Office, n.d.). According to Razee, one third of the 4,741 members of the first political party were women and of the 45 members of the first parliament, the People’s Majlis, one fifth were women. Unfortunately, these developments were short-lived with the first republic dissolving within a year of its establishment (Razee, 2000).

Maldives underwent major political turmoil in the early 2000’s. As stated before, a new Constitution was enacted in 2008, which in addition to removing the ban on women

running for president, also granted several political and civil rights to the people, which resulted in the formation of one of the key political parties, the Maldivian Democratic Party. There were 11 female parliamentarians in the combined People's Majlis and Special Majlis (convened temporarily to amend the Constitution) that convened to revise the Constitution; only 3 of the parliamentarians were elected to the parliament, 8 were appointed by the President (Hope for Women, 2012).

With the revolutionary changes on the political front, women also seem to embrace the political activism that is a part of it. However, according to the International Federation for Electoral Systems (IFES), women played a major role in grassroots political activities but were not active in leadership roles even within their own political party.

THE LEGAL FRAMEWORK

Maldives became a signatory to the Convention on Elimination of All forms of Discrimination Against Women (CEDAW) on 1st July 1993, with reservations to Articles 7 (a) and 16 (OHCHR, 2020) and the Optional Protocol to the Convention on Elimination of All forms of Discrimination Against Women on 13th March 2006 (OHCHR 2012). When the enactment of the new Constitution in 2008 enabled women to run for Presidency, reservation for article 7 (a) were lifted (OHCHR 2012). And in February 2020, the reservations to Articles 1 (b) (e) (g) (h) and 2 were lifted (MFA 2020). Maldives is also signatory to several international instruments that ensure equal rights to women (IFES, 2014) and committed to attaining the Sustainable Development Goals by 2030, Goal 4 of which is on Gender Equality (UNDP Maldives 2017). Additionally, Maldives is also party to the International Convention on Civil and Political Rights (ICCPR) and the International Convention on Economic, Social and Cultural Rights (ICESCR), both of which ensures non-discrimination in the realization of rights ascribed in them.

Maldives have made great strides in ensuring women's rights, however, not so much progress have been made in terms of gender equality, particularly in areas of decision-making level.

When addressing under-representation of women in the parliament, a common argument is that there are no legal barriers for women's participation in politics. It is true that the constitutional barriers placed for women's participation in politics has now been removed.

Everyone is granted equal rights without discrimination under chapter 2, article 17 (a) of the national Constitution, as well as equal right to vote and run for public office under article 26. Article 17(b)¹⁰⁴ also allows for the State to take special measures to increase participation and representation of women without such actions being deemed discriminatory. However, when it comes to increasing representation of women in the parliament, no such actions have been taken. In the past three parliaments, female representation remained consistently low varying only slightly between 5 to 6 percent. Discussions to assign quotas to increase representation has been unsuccessful.

“When the Constitution was being revised in 2006, a female MP proposed a 15 percent quota for women in the People’s Majlis. When the proposed amendment was voted on in November 2006, it was defeated 56 percent to 44 percent. Following this, lobbying continued for the inclusion of ten seats for women (rather than a percentile quota), but this proposal never made it to the floor for debate. Another round of lobbying was initiated in 2010 for inclusion of a quota for women on local councils in the Decentralization Bill; this died in parliament without debate. Hope for Women submitted a proposal in February 2012 to amend the Political Parties Act to include a quota of 30 percent women among political party electoral candidates, but the proposal never received any traction” (IFES, 2014, p. 14).

Representation of women in local councils were also extremely low until recently. However, in December 2019, the parliament passed amendments to the Decentralization Act that included provisions to allocate 33 percent of the seats for women in the local council (Malsa, 2019) ensuring that there is greater representation in the newly elected local council.

It took time since the enactment of the current Constitution for legislations to be formulated that would protect and promote women. An important piece of such a legislation is the Gender Equality Law which came into force in 2016. The Gender Equality Law entrusts State and political parties with establishing gender equality in the political arena. Article 24 of this law stipulates that both the State and political parties need to facilitate equal opportunities for both women and men in all areas of politics. The article further gives the state, the responsibility of enabling and empowering women through trainings as well as providing equal opportunities at all levels in government as well in

¹⁰⁴ 17(b) Special assistance or protection to disadvantaged individuals or groups, or to groups requiring special social assistance, as provided in law shall not be deemed to be discrimination, as provided for in article (a).

representing the government at an international level. Additionally, the Act stipulates that political parties are responsible for providing equal opportunities for women as men when fielding candidates and running for election. Furthermore, articles 37 and 38 of the Gender Equality Law also allows for the implementation of special measures to establish gender equality.

Political parties are considered as the gatekeepers for determining a successful election run; running on a party ticket is central to winning an election as this would go a long way in securing votes as well as campaign financing. All the women who have been successful in their election run were backed by their political parties. Looking at the proportion of women in political parties, women's membership in key political parties are at 40 percent or higher, exceeding that of men in some parties; but representation of women in leadership positions within the parties remained low, despite most parties having a women's wing (Uthema, 2019). Few parties have reserved seats for women, which is at times symbolic and "others do not recognise a need for it despite the existence of significant gender disparities" (Uthema, 2019, p. 7). While there was discussion in 2019 to amend the Political Party Act to include a 30 percent quota for women, there has been no further actions taken in this regard (Maldives Independent, 2019). It should be noted that of the 365 candidates who contested in the last parliamentary election in 2019, only 35 were women, only 4 of whom were elected to parliament. And all the 4 candidates belonged to the current ruling majority, Maldives Democratic Party (MDP).

In addition to legislations that promoted gender parity, other legislations have been ratified that works protect women, which in turn would help them become more active in public platforms. One such legislation is the Prevention of Sexual Abuse and Harassment Act which was ratified in 2014. While this Act works to protect both genders, particularly at places of employment by requiring employers to have a committee to lodge and investigate cases of sexual harassment at workplace, this does not seem to have helped much. For several reasons, women are still hesitant to report harassment at workplace (HRCM, 2021). And while the committees to investigate complaints of harassment are in place, they are challenged by lack of evidence to prove the cases, adding to women's hesitancy in coming forward. Sexual harassment is a major issue in Maldives but efforts to raise awareness on the Prevention of Sexual Abuse and Harassment Act has been minimal (Hope for Women, 2018).

In terms of the legislative framework, it appears that the law makers have taken baby steps when it comes to ensuring gender parity, particularly in the parliament. The laws in place at present gives room for policy makers to work towards increasing representation in the parliament, but it does not particularly push them or even require them to do so. And for this reason, law makers and policy makers seem to have gone lax on their efforts to increase representation of women. For example, article 38 (a) enables the implementation of provisions such as temporary special measures in the form of a legislative quota to increase women's representation. However, there has been limited effort made towards this. And that is even after accepting the recommendation by CEDAW Committee to "Include a legislative basis for the adoption of temporary special measures in the gender equality bill and implement those measures in various forms, such as outreach and support programmes, quotas and other proactive and results-oriented measures aimed at achieving substantive equality between women and men in all areas, especially in economic, political and public life, in which women are underrepresented, and use those measures to address the disadvantages and inequalities faced by women outside Male and in remote islands, migrant women, women with disabilities and women heads of household" (CEDAW Committee, 2015, p. 5).

While the findings of this study pertaining to parliamentary candidates and relevant institutions is expected to shed more light on the challenges women face in addition to the lack of affirmative laws, available literature on public perception on the issue suggests that traditional views on women persists in this society.

Findings of the report by IFES on women's empowerment in the political process in the Maldives revealed that reasons for underrepresentation of women included lack of financial resources and traditional roles of women in society. Additionally, harassment on the campaign trail, lack of trust in women's capabilities, women being held to higher standards and negative portrayal of women in the media are also reasons for lack of women contesting in elections (HRCM, 2021).

The support for gender equality appears to have diminished over the past fifteen years. According to the follow up of the human rights baseline survey by HRCM, although women's rights and gender equality were rated among the top five most important human rights, "the support for gender equality has diminished and women's rights seem to have suffered even more over the years. What is significantly worse is the emergence of a religious extremist narrative that has been used to weaken support for gender equality

and women's rights. Gender equality remains one of the most commonly cited reasons for incompatibility of human rights with Islam" (HRCM, 2020, p. 65). HRCM has been conducting the baseline survey every six years since 2005. The studies from 2005 and 2011 shows that the percentage of people responding positively equal representation of women in public office was 79.9 percent and 80.5 percent, respectively. However, the most recent findings show that this figure has drastically decreased to only 8.4 percent agreeing that there should be gender parity in public office (HRCM, 2020).

Changing public perception is necessary if the state is committed to closing the gender gap. The urgency of this is evident from the drastic decline in support for gender equality and the increase in traditional views on women's rights over the past few years. When considering certain public perceptions of women in politics, such as lack of qualified women, traditional roles of women and lack of social support, it could be concluded that there is still a culture of holding on to gender-based stereotypes. This is a challenge that the state can address by means of increasing awareness raising efforts.

CONCLUSION

While the much-needed laws, necessary to address gender equality and women's rights have been established, they require to be analysed and amended in order to foster gender parity and properly adhere to human rights standards, particularly if Maldives is to attain the SDGs goal 5 of gender equality by 2030. Affirmative action through the legal framework is necessary at this juncture given that legal barriers such as those restricting women from contesting in elections has been removed for almost five decades and representation of women in parliament is no better today than it was during those earlier years.

It is also essential to work towards better implementation of existing laws such as those described in this paper are necessary for the empowerment of women, particularly the Gender Equality Law.

Finally, increasing awareness raising efforts on gender equality and women's rights should always remain a priority as it is essential not only for the effective implementation of laws but also for changing deep rooted perspectives towards gender equality and women in order to really close the gender gap. The alarming decrease in support for women's rights will pose as a challenge to implementing gender equality no matter how strong the laws and policies in place are.

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MIGRATIONS AND JOININ NON-STATE ARMED GROUPS: RESPONSES TO RISING DRUG USE AMONG THE YOUTH IN SHAN STATE, MYANMAR

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ABSTRACT

Problematic illicit drug use amongst young people has dramatically increased following reduced levels of armed conflict in Shan State and Myanmar's political and economic liberalization. However, mainstream discourse on drug-related issues in Myanmar has focused on the relationship between armed conflict and drug production, while few researchers have explored youth drug abuse. Through testimonies obtained from communities across Shan State, this paper draws attention to how the impacts of increased drug abuse have overwhelmed family and community responses in a context where responses by the state have been ineffective and inadequate. Consequently, families have resorted to increasingly desperate responses to try to protect young family members from harmful drug use. This paper focuses on two particular responses: first, sending sons and daughters to big cities or neighbouring countries to avoid local drug environments; and second, sending them to join ethnic armed groups. Both responses, this paper argues, exposes young people to new forms of vulnerability, while failing to address the root causes of increased drug abuse among Shan youth.

Keywords: People Who Use Drugs (PWUD), Youth, Methamphetamine, Migration, Family Response, Ethnic Armed Organizations (EAOs).

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INTRODUCTION

The intertwining of drugs and armed conflicts has afflicted Myanmar for over half a century. The armed conflict, violence and widespread prevalence of drugs have directly impacted on marginalized groups of people, especially youth in ethnic states (Lintner, 1988; Meehan, 2011, 2015; SHAN, 2005). While many expected that ceasefires¹⁰⁷ between ethnic armed organizations (EAOs) and the Myanmar military¹⁰⁸, along with the gradual political and economic liberalization of the country, would lead to improve security and reduce drug production, these processes have instead been accompanied by increased drug production and the emergence of new forms of vulnerability in the population (Dan et al., 2021; Meehan et al., 2021). This is explained by the fact that capitalist development is inherently uneven and crisis-prone (Hameiri et al. 2019; Harvey, 2003), and in the process of generating growth and new industries, simultaneously produces significant inequalities, labour migration and new forms of socio-economic marginalization, including unemployment and growth of informal urban economies (Delgado Wise and Márquez, 2007; Dumitru, 2012; Nitschke, 2019). Moreover, while illicit drug production and consumption are often presented as *failures* of development or state regulation (Hyman, 1999; Zigon, 2011), drugs are a fundamental component of capitalist development and modern consumer societies (Trocki, 1999).

Furthermore, the social isolation, marginalization and vulnerability of migrant labourers, along with cash wages and availability of drugs, increase the likelihood of drug abuse among migrant workers – indeed, drug economies in Myanmar are often heavily concentrated in mining/agro-industry areas containing large numbers of migrant wage labourers (Dan et al., 2021). Similarly, socio-economically marginalized youth in urban areas, including children of migrant workers and those sent by families, are highly susceptible to drug abuse (Mwanri and Mude, 2021).

The lack of effective governmental action – beyond criminalization – on the growing drug problem in Shan State has led to increasingly desperate community responses (DPAG, 2017). Popular anti-drug narratives are linked to wider grievance narratives around the neglect and exploitation of non-Bamar ethnic nationality populations (ICG, 2020), mirroring the ways in which anti-drug movements have been associated with nationalist

¹⁰⁷ The ceasefire pacts started in 1989 produced similar spinoff. While the 1989 ceasefire mainly found ceasefire EAOs involved in the drug business, the 2011 ceasefire found People Militia Forces heavily involved. Plus, those ceasefire EAOs fighting alongside Tatmadaw.

¹⁰⁸ Myanmar military, Tatmadaw and Myanmar regime interchangeably use in this paper.

and racist discourses in other contexts (Buxton 2006; Marshall 2013; Zhou 1999). The political dimensions of the drug response are further revealed in the response of the EAOs, which have created rehabilitation centres to provide treatment for drug users, while blaming the Tatmadaw for the drug problem affecting the Shan youth. The EAOs' deployment of nationalist discourse and provision of brutal 'treatment' for drug users both increases their legitimacy among the and aids their recruitment, illustrating the inherently political nature of both the drug problem and the social response in Shan State.

This paper explores the impacts of rising drug use among Shan youth and the responses by different actors. The analysis is based on 160 short interviews, 56 in-depth interviews and 4 life-story interviews which were conducted across Shan State by a team of researchers led by the authors in 2018-2020. Interviews were conducted with family members of people who use drugs (PWUD)¹⁰⁹, young people attending government or EAO treatment centers, and treatment centre personnel. Participants also included politicians, civil society organization workers, businesspeople, militia leaders and government officers as well as EAO leaders¹¹⁰.

A core argument developed in this paper is that responses deployed by drug users and families often produces new forms of vulnerability. Many families opt to send young people to border towns/cities and neighboring countries so that they can find employment away from their home environment. By migrating to neighboring countries young people also get to experience new places and city life and can fulfil their roles as loyal sons and daughters by sending home remittances for their family's survival (Amporn, 2017, 2008). However, youth migrants often encounter exploitation by their employers, unpaid wages, and the risk of being arrested and deported. For example, Latt & Roth (2015) state that the Thai government legally defines its migrant workers as "alien", in other words migrant workers in Thailand are constructed as "others" or "outsiders". As Sai Latt (2011) reflects, "marginalized people are often represented as outsiders with the connotation of being the descendants of migrants—or, broadly speaking, second-class citizens who do not belong to "here."

For families which lack funding or networks to migrate, lack access to support and have many family members which are abusing drugs, families often choose to send their family

¹⁰⁹ This paper uses People Who Use Drug (PWUD) and drug user interchangeably but drug addict is only used in direct quotes.

¹¹⁰ This data has been generated from the 4-year (2018-2021) Drugs and (Dis)order research project funded by Global Challenges Research Fund-UK led by SOAS, University of London. Further information: <https://drugs-and-disorder.org/>

members to join treatment centres operated by the EAOs.¹¹¹ Drug users' parents are aware of the hardships and tough conditions they will face by joining armed groups for treatment, which lack technical and operational support and expertise (Ministry of Health and Sport, 2020).

CONTEXTUALIZATION OF DRUG PRODUCTION AND USE

Marginalized young people who grow up amid violence and armed conflicts are vulnerable to drug abuse, while labour migration associated with economic liberalization results in the formation of new communities in urban areas, where informal economies and drug use are often prevalent (Dan et al., 2021; Meehan et al., 2021). Numerous other factors contribute to harmful drug use, such as peer pressure, family background, lack of education, and financial conditions (Ministry of Health and Sport, 2020; Navabi et al., 2017).

Moreover, agriculture is the primary employment for Shan youth. Such work is physically challenging and monotonous, especially as levels of agricultural mechanization are low, and stimulant drugs such as yama¹¹² provide energy which can enable long working hours. The linkages between drug use and labour dynamics, both agricultural as well as newer industries such as logging, mining and trucking are thus key to understanding the increased drug abuse problem among Shan youth.

Drug use is more common amongst men as they have more freedom which leads to increased interaction with drugs, while it is more culturally acceptable for them to smoke, drink alcohol and use drugs (Meehan et al., 2021). However, it is also not uncommon for women to use drugs. For example, a local harm reduction NGO officer in Taunggyi estimated that 30% of registered drug users between 2016 and 2018 were women.

On the production side, drug production, especially methamphetamine, has dramatically increased after the formal peace process initiated in 2010 and the Nationwide Ceasefire Agreement (NCA) which accompanied Myanmar's political and economic liberalization (ICG, 2019; Jones, 2014; KHRG, 2014). Seizures of methamphetamine – both yaba and crystal meth – have increased significantly in recent years. In January 2018, the Myanmar

¹¹¹ Interview: age 50, male, an EAO's drug treatment officer at Loi Kaw Wan, the RCSS/SSA controlled area.

¹¹² Yama is the original name of yaba. Yama literally translates as 'horse drug' which implies to the user that it enables them to be strong and work tirelessly as a horse. In 1996, Thai authorities changed the name from yama to yaba (crazy drug) in order to convey to the public negative impact and harmful effects (Linter & Black 2009, cited in Sophorntavay 2017).

army and police raided an abandoned house in Kutkai township in northern Shan State, seizing 30 million yaba pills, 1750kg of crystal meth, more than 500kg of heroin and 200kg of caffeine powder (ICG, 2019). In March 2019, the Myanmar army and police raided and seized the largest ever drugs haul at Kong Kha militia base, which included almost 43 million amphetamine pills, as well as heroin and Ice (Hla-Hla Htay, 2020).

SEEKING SOLUTIONS BEYOND THE FAMILY/COMMUNITY

In Shan society, having a family member engaged with drugs is seen as shameful for the family and can ruin a family's reputation. Due to lack of experience and supports, families often cannot cope with family members' drug abuse. Families report great stress and anxiety as a consequence of trying to protect a family member from the harms associated with drugs, and limiting the damage arising from their behavior towards the rest of the family and community. Many parents and guardians therefore resort to sending their sons and daughters to big cities. An interviewee whose brothers developed drug problems depicted the situation:

Sometimes, there was nothing to eat at my house. If our neighboring houses lost anything, they would come and search my house to see whether my young brothers stole anything from them. We did not know whether they were stealing or not. At the time, I was depressed and stressed with my brothers' situation. Sometimes, I thought we were not human like others. So, I decided to send my youngest brother to Taunggyi. If he could live far away from the situation, maybe he could avoid drugs. I do not allow my brothers to live there. If I allow them to live there, they could go to drugs as they cannot control themselves.¹¹³

Some families opt to send their sons and daughters to neighbouring countries – mainly China and Thailand - in order to avoid drugs. One interviewee said that they hope that if children go to another country, drugs will be “out of sight, out of mind”¹¹⁴. On the other hand, many interviewed families and communities reported sending their family members to the EAO treatment center as a last resort, even though they knew they would face a difficult environment. A sister who sent her younger brother to an EAO treatment center expressed her feeling:

¹¹³ Interview: Age 30, Female, sister of PWUD, Keng Tung Township

¹¹⁴ Interview: Age 40, Male, Civil Society Organization worker, Taunggyi

With the help of doctors, I also tried many times to help stop my brother from using drugs, but it was not successful. He kept falling back to using drugs, and each time the condition got serious. The kind of drug that he used was a mixture of opium with cough relief medicine (called 'formula'). Finally, I decided to send him to Loi Tai Leng (the HQ of RCSS/SSA) for him to serve as a soldier there (to help him stop using drugs).¹¹⁵

NEW RISKS AND VULNERABILITIES

Young people face profound risks in the new environments they enter into as a result of their families' efforts to address their drug use. Girls and young women are frequently sent to border towns to work in factories, shops, restaurants, sex work (directly or indirectly), entertainment industry (bars, pubs and karaoke) or as domestic workers (Saw et al., 2017). Sexual abuse was commonly reported among girls and young women, particularly among those involved in sex work and domestic service (Caouette, 2001; Rogers, 2018; Straits Times, 2019).

Young men generally work as manual day laborers construction workers, or in the entertainment industry. Drugs are easy to access in these sorts of environments. Many take drugs so that they can work longer hours and to earn more (Straits Times, 2019), while others end up becoming small-scale drug sellers. The following interview with a sister in Tachileik Township illustrates how her younger brother got into the drug business:

He was addicted from 2007-2008. At the time, he sold and used. In the beginning, he worked for a businessman. They gave drugs for free to use. They also smuggled drugs. At the time, it was easy to make money. When I asked for money 500-1,000 Baht, he could give it to me immediately. Later on, [after he was addicted] he even had no money to buy drugs. So, he stole things in the house to sell for drugs.¹¹⁶

The vulnerability to exploitation that young people face in big cities and border towns creates an enormous strain on families, and illustrates the need for government action to reduce the risks and impacts of such exploitation.

Shan youth who migrate to work in other countries face similar exploitation by local authorities. A youth working in China shared his experience:

¹¹⁵ Interview, Age 20s, sister of PWUD, Taunggyi Township

¹¹⁶ Interview: Age 30, sister of PWUD, Tachileik Township

“I no longer work in the fruit business. Only my brother still works because I had a bitter experience with Chinese authorities. Once, when I scanned my finger at the gate [to pass security], the Chinese authority said I look like a murderer. I said, I’ve never committed a crime. If I looked like him, could they show me the picture of the murderer? They didn’t show it, they instead scolded me by telling me to “shut up and stand still”. They really oppressed the Myanmar people, so I did not want to work in China.”¹¹⁷

In addition to the risks faced by youth who migrate, research data showed that at the EAO treatment centres¹¹⁸, drug users are treated with a military-style regime including forcing them to go “cold turkey”, which creates risks of adverse physical and mental consequences from the stresses associated with hard physical training and sudden drug withdrawal. Living conditions are poor, overcrowded and insecure, while users often have their legs put in chains to ensure they do not run away. If they disobey orders, or experience loss of control as a result of withdrawal symptoms, they are often beaten. The rules set out in one of the EAO treatment programs states that the patients must remain in the program for five years¹¹⁹ during which they are not allowed to return to their homes. The following interview illustrates the perspective of a mother whose son is being treated at an EAO treatment centre:

I know, it is suffering, but I can do nothing. If I take no action, if I die, he would live with relatives. Living with relatives is unlike living with parents. When his father passed away, we asked for permission for him to come back to attend the funeral, but he was not allowed to come back. I wanted him to ordain for his father. We have only one son, that’s why we wanted him to ordain for his father.¹²⁰

Another PWUD’s mother depicted her pained feeling while she was visiting her son at an EAO treatment camp:

¹¹⁷ Interview: age 22, male, a truck driver in Muse Township.

¹¹⁸ Non-state actors or ethnic armed groups and militia groups use similar approaches such as ‘cold turkey’ and chain drug users’ legs. This research only focuses on the popular RCSS/SSA drug treatment program among the Shan community.

¹¹⁹ The RCSS/SSA treatment centre policy requires the drug user and family members to sign an agreement for the treatment.

¹²⁰ Interview: Age 50s, Mother of PWUD, Tachiliek Township

“I met him yesterday. He came back from the jungle. He brought some herbs. He told me, take these herbs for my father. Take these herbs, boil them and take the water for my father to shower. Then, your grandmother told him that ‘Your father has died. He died two months ago.’ Then he was weeping. I could not come and tell him. He did not know. So, he could not go and attend the funeral.”¹²¹

Thus, being sent to the EAO’s treatment camp can have serious social, emotional, and mental impacts on young people and family members. One EAO treatment officer admitted to the authors that providing treatment is not addressing the root of the drug problem, conceding: “What we are doing for young drug addicts is only a band-aid treatment. It is not a cure. But we will need lots of band-aids until we can reach a political solution with the government, especially with the Tatmadaw.”¹²²

CONCLUSION

The drugs business makes large profits for certain groups, and high volumes of production combined with major socio-economic transformations have led to drugs becoming widespread throughout Shan State and neighboring countries. Inevitably, the primary victims are the local community, families and vulnerable individuals. Despite this, there are very limited resources available for tackling drug-related harms, and consequently responses are ineffective and inadequate. This has led communities, families and individuals to search for their own solutions. However, these solutions have caused Shan youth to face new risks and vulnerabilities, which has contributed to a vicious cycle of harms related to drug use and drug responses.

Given the complexity of the drug problem and lack of resources, finding solutions to this issue will be extremely difficult. However, the state must take responsibility for supporting youth groups and community activities, especially in areas of health, education and employment. Current policing approaches should also be reformed, as drug users are being heavily criminalized, which brings many negative impacts while failing to resolve the drug issue.

Another possibility is for the government to collaborate with EAOs to strengthen the reach and quality of treatment services for people who use drugs. The so-called ‘Interim

¹²¹ Interview: Age 60s, Mother of PWUD, Tachileik Township

¹²² Interview: Age 50, Male, an EAO’s drug treatment officer at Loi Kaw Wan, the RCSS/SSA controlled area.

Arrangements' of the NCA offered opportunities for such collaboration on drug issues; however, this has yet to materialize, and unfortunately seems more unlikely following the February 1st military coup. Alternatively, international organizations should search for ways to provide expertise and facilities for EAO drug rehab services. Finally, the Government, military, militias and non-state actors and related individuals must work together to reduce the size of the drug economy and create conditions for Shan youth to live a better life.

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IN HER OWN VOICE: REPRESENTATIONS OF THE SRI LANKAN FEMALE MILITANT IN THE POST-CONFLICT LITERATURE

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ABSTRACT

This paper discusses the recovery of narrative voice of the female militant in Sri Lankan post-conflict literature. It shall critically analyse two pieces of literature: one fiction, and one biography. It does so by exploring how post-conflict literature gives voice to the otherwise silenced female militant, which eventually recovers her narrative voice, unique experiences and simultaneous realities of being a perpetrator of violence and a victim of a society dominated by conflict and patriarchy.

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BACKGROUND

The ethnic conflict in Sri Lanka dates back to British Colonial rule. Following partial independence from the British in 1948, Sinhalese nationalism¹²⁴ gained momentum leading to the passage of the Sinhala Only Act in the new parliament. It allowed for the creation of a legal framework that was discriminatory to Tamils and other minorities in the country. This resulted in an acceleration of ethnic tensions that culminated in an ethno-nationalist war, which began in 1983 and lasted until 2009 when the Sri Lankan state declared military victory. There were two main parties to this conflict, the militant group called the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan armed forces backed by the Sri Lankan state. In this period and the years that followed, the discourse on war largely followed a gender binary, wherein men were considered agents of violence and women were considered the victims. However, the true involvement of women in the conflict is far more nuanced and complicated.

To classify women as victims is to deny them of their socio-political agency and unique experiences. Women have, in addition to being victims, taken on roles of being activists and militants among others. Though often underrepresented in mainstream discourse, women have played a significant role in the Sri Lankan ethno-nationalist conflict, perhaps more so in the LTTE than in the state forces. The female militant is an example of a woman whose reality is more than being a victim of the conflict. The reality of female militants – those who have broken free of their traditional roles to take up novel positions as fighters, but are still caught in the patriarchal nationalist project - is situated somewhere between victim and agent.

The experiences and struggles of the female militant have been highlighted in popular culture. Post-conflict literature has become a medium of expression. This paper thus analyses two such pieces of literature, one fiction and one biography, to explore this phenomenon. The two chosen works are *Island of a Thousand Mirrors* by Nayomi Munaweera (fiction) and *Seasons of Trouble: Life Amid the Ruins of Sri Lanka's Civil War* by Rohini Mohan (fictional biography). Both texts were published in 2014, in English. Munaweera is a diasporic author, whereas Rohini Mohan is a journalist. Both works tell the story of a female militant through the narration of her life, experiences and struggles within the context of the war.

¹²⁴ The Sinhalese are the largest ethnic group in Sri Lanka

The text by Munaweera is a fictional story set against the backdrop of the Sri Lankan ethnonational conflict. It follows the stories of Yashodara, a Sinhalese woman born in Colombo, and Saraswathi, a Tamil woman born in the North of Sri Lanka. Saraswathi is a female militant in the LTTE, and the story follows her life from just before she joins the movement right up to her demise. Mohan's work is a fictional biography based on the lives of three people interviewed over the course of five years. Though based entirely on real people, the style of writing draws on fiction in order to give context and protect identities. Mohan's story follows Mugil, a female militant in the LTTE, Sarva, a youth living in Colombo who is forcibly disappeared, and his mother, Indra. Mugil's part of the story begins when she is a militant and flashes back and forward to tell her story from before she joins the movement to after she walks away from it.

LITERATURE AS A SITE OF EXPRESSION

Conflict and post-conflict literature have often been a platform where otherwise unaddressed dimensions of conflict, including complex understandings of identity, perceptions of status quo, collective memory and gender are spotlighted. Fiction is often used to recover stories, voices and experiences that are underrepresented in mainstream discourse and historical accounts, as has been done by many diasporic Irish women authors writing about the Irish woman emigrant (McWilliams, 2013, p.2). Fiction can be, and has been, used to be subversive of the status quo, especially in terms of patriarchy and male dominance (Breen, 1990). Furthermore, fiction has, in recent decades, been used in social research to build critical consciousness, unsettle stereotypes and access otherwise inaccessible dimensions of human experience and contribute to public discourse (Leavy, 2012, p.252).

Biographies, too, have the potential to go beyond simply giving an oral account of what has happened. Post-colonial life-writing, a sub-genre of auto/biography goes beyond testimony to, as Linda Tuhiwai Smith explains, rewrite and rereight history (Whitlock, 2015, p.138). Mieke Bal posits that life writing is an "important work of cultural memory to integrate traumatizing events of the past into the present" (Whitlock, 2015, p.138). In the works of Ken Wiwa and Jacob Dlamini for example, both authors used life writing, albeit through different discursive strategies¹²⁵, in an attempt to question, deconstruct and subvert dominant strands of the official national narrative (Akpome, 2017, p.50). Biography has become one of, if not the most popular genres of non-fiction, in post-apartheid South

¹²⁵ Wiwa's work was closer to an autobiographical approach, whereas Dlamini used a blend of history, critique and memoir.

Africa. Jacobs and Bank (2019) suggest that this is propelled by a curiosity of individuals to read life stories that could not be told during the apartheid years (Jacobs and Bank, 2019, pp.165–166).

The armed conflict in Sri Lanka has become the focus of much of the post-conflict literature published in English (alongside Sinhala and Tamil literature). Authors engage with and try to make sense of the implications of the conflict in terms of citizenship, national identity and gender relations (Ranasinha, 2016, p.81). Some literature focuses on fictionalizing experiences that may be subject to distortions of memory, whereas others try to tell untold stories; others still, try to challenge and subvert hegemonic representations of the war and nation (Ranasinha, 2016, pp.81–82). Heidemann (2019, p.386) discusses the female militant as the figure of the “living dead” in post-conflict fiction, which implies her lingering presence in post-war women’s writing. “Lingering presence” here means her symbolic survival within the pages of fiction where other discourses on the Sri Lankan conflict have demonized or denounced her.

De Mel (2004) also remarks that there is very little space outside the creative medium to discuss the female militant and her socio-political context, while subverting the idea that she is a mere ‘ruthless killing machine’ (De Mel, 2004, p.90). In the reviewed articles on representations of the female militant, it is clear that fiction and other creative media are generally more suited to discuss topics like agency in relation to female militants, where their mere existence is considered taboo in more hegemonic discourses on the war. Meegaswatta also suggests that alongside fiction, biographies and autobiographies offer an ‘alternate archive’ to the narratives expressed by both sides of the nationalist conflict that tend to be polarized to each further their own agendas (Meegaswatta, 2019).

MOTIVATIONS, EXPERIENCES AND STRUGGLES OF THE FEMALE MILITANT

Conventional discourses on war promote a misleading binary, whereby males are perpetrators of conflict and females are victims (Jordan and Denov, 2007, p.42). Female combatants challenge this conception that implies women are more peaceful and less aggressive than their male counterparts (Alison, 2004, p.448). Shekhawat then posed the question, “is it not crucial to question how far the fixation with two-fold experiences of women – as victims and peace lovers – does justice to the multiple experiences of women during conflict and post-conflict situations?” It argues that a deeper look into this will reveal that the projected relationship between gender and conflict is incomplete and at

odds with reality (Shekhawat, 2015, p.3). In the two texts chosen for this paper, Mugil and Saraswathi, though both female militants in the LTTE, have very different life experiences. Women's participation in conflict shows the complexities of the range of factors that serve as motivations for them to join the conflict – it is not just coercion (Shekhawat, 2015, p.5). Research conducted on the Sri Lankan conflict found that women had their own reasons for joining the movement including nationalist commitments, and personal or communal suffering (Alison, 2004, p.453). In Saraswathi's case, her reason for joining the movement is the sexual violence she experienced at the hands of Sri Lankan soldiers. She did not join voluntarily; she has been raped, and is impacted by a patriarchal society that shuns women who have been raped. Saraswathi recalls her friend Parvathi who was raped by the soldiers before her – “people stopped talking to her as soon as it happened, but they never stopped talking about her,” (Munaweera, 2014, p.147). Her parents don't want her to stay with them, more worried about the shame and ruination she will bring them than her trauma. “Think my girl. What will you do here? What man will take what the soldiers have spoiled? Who will give their son for your sister? If you don't go, you will ruin us all.” (Munaweera, 2014, p.164). Sexual violence was a gender-specific reason for women to enlist; many women had suffered sexual violence at the hands of the Sri Lankan Army and the IPKF¹²⁶ that was present in the North from 1987-1990 (Alison, 2003, p.42).

However, once Saraswathi joins the movement, her motivation changes; her trauma coupled with the rage she feels and the exposure to LTTE propaganda makes revenge her driving force (Munaweera, 2014, p.187). Mugil's reason for joining is her unwavering faith in the movement; to her, “the Tigers were not just real-life heroes... they were also the only ones who seemed to be in control” (Mohan, 2014, p.41). Women, like men, were motivated by nationalist fervour as women of the younger generation felt just as marginalized and alienated by the State and desired for a liberated Eelam (Alison, 2003, p.39). Having been told to be loyal to the LTTE by her parents, and her belief that war and violence are justified because there is no other way for the fight to be won, influence Mugil to join the movement the moment she is invited to do so. Her parents had their reservations, but Mugil was determined, “and so in the tradition of so many youngsters who joined the Tigers, Mugil too left a note at home one day, writing about her desire to go to battle with her generation so that her elders and the children of the future would have a country they could call their own” (Mohan, 2014, pp.42–43).

¹²⁶ Indian Peacekeeping Forces

In secular feminist analysis, because of its very nature, the political violence of women and the agency that stems from it, are seen as part of the male patriarchal project (Rajasingham-Senanayake, 2000, p.8). The explanation is that women who enter as militants into a nationalist struggle are still pawns to nationalist patriarchy. Furthermore, they are pushed back into their traditional roles once the revolution is over (Rajasingham-Senanayake, 2000, p.9). Rajasingham-Senanayake points out, however, that women's agency has changed and expanded in war, which resulted in the unintended empowerment of women. Moreover, those who advocate for the peaceful resolution of conflict are hesitant in analysing these unintended transformations brought about by war or the positives in violence, due to the fear of being branded supporters of war (Rajasingham-Senanayake, 2000, p.5). Thus, by subverting the perception that women can only be victims in a conflict, we can allow for a better understanding of the conflict and its causes (Aolain, Haynes and Cahn, 2011, p.44). In deconstructing women's roles in conflicts, measures must be taken to prevent further classification and essentializing of women; to categorise a woman as a combatant is not to exclude her as a victim. Female combatants may also experience harms in conflict and they must be taken into account alongside her agency and political capacity (Aolain, Haynes and Cahn, 2011, p.44).

Regardless of their motivations to join the movement, both Saraswathi and Mugil find freedom in it from the patriarchal culture they grew in. In the movement, Saraswathi takes comfort in her camouflaged uniform and weapon. She finds empowerment in her training and the cause, and treats it like a rebirth (Munaweera, 2014, p.188). Though she is not without her trauma, she finds a way to channel it into what she is made to do: "when his pleading eyes meet mine, I put the mouth of the rifle against his lips, pushed them aside, so that it clicked against his clenched teeth, I heard that click and I pulled the trigger" (Munaweera, 2014, p.189). When she was sent home on leave, she observed, "villagers raised their arms in greeting. But no one came up to me. There was a different look in their eyes now; pride, but also fear. I was glad of this. No one will ever again speak of Appa's daughter spoiled by the soldiers. From now on, they will see me as I am, a Tiger with teeth and claws." (Munaweera, 2014, p.197). Even in her joining of the Black Tigers, the suicide wing of the LTTE, and carrying out her final mission it is clear that she is not just doing it out of blind belief in the cause; part of her sees it as the ultimate sacrifice she can make for her people and part of her views it as the ultimate revenge against the soldiers who raped her.

Having always looked up to the female cadres, Mugil takes pride in her newly bobbed hair and uniform. "Through the seven years she was a cadre, the prickly hair on her nape would

unfailingly remind her that she was different from other women, braver, with greater purpose. The haircut was her oath as much as the words of loyalty she chanted before she went into battle,” (Mohan, 2014, pp.43–44). Mugil “...believed that being in the Tigers had given her the kind of experiences a girl like her could only dream of.” (Mohan, 2014, p.50). Much later, Mugil’s decision to walk away from the movement is a significant display of agency; she feels an immense obligation to the Tigers for the kindness they have shown her and her family. But in the last few years of the war, she opened her eyes to the atrocities they have committed and continue to commit. While she wants nothing more than for the LTTE to defeat the Sinhalese army, she can no longer be a part of a movement that enlists children for the sake of maximizing its forces, and leaves civilians to die because they no longer served a purpose (Mohan, 2014, p.110).

While the two characters enjoy this empowerment, they also experience moments of oppression within the movement – as oppressive as the patriarchal society they have freed themselves from. For example, when Mugil falls in love with a fellow cadre, they cannot tell anyone of their relationship or get married, because at the movement’s inception, the leader had banned marriage, relationships and sexual activity among the cadres. “He enforced celibacy ruthlessly; [she] knew that Annan¹²⁷ defamed, excommunicated and even killed those who strayed from this rule.” (Mohan, 2014, p.78). Eventually, the ban on marriages is lifted, and Mugil is able to get married to Divyan, but the ceremony itself is more about their loyalty to the LTTE than each other. They come to the ceremony in their fatigues, and instead of the tying of a *thaali* (marriage necklace used in Hindu ceremonies) or exchanging rings, Divyan ties a yellow thread with a golden tiger tooth attached to it around Mugil’s neck and they recite an oath together; “Even though we are married...we will place our nation, our Tamil soil, our Tamil people above each other. We will choose the gun over any birthday, family function, or consideration of love and kinship” (Mohan, 2014, p.79). In fact, this ceremony is very similar to the graduation ceremony of the cadres that Saraswathi describes (Munaweera, 2014, p.190).

Both Saraswathi and Mugil experience ambivalent empowerment as female militants, which is explained as a reality that is somewhere between victim and agent. They have broken out of their traditional roles and taken up arms as fighters but it is arguable that they are still captive to both the patriarchal nationalist project under LTTE and oppression by the Sri Lankan military. However, to deny Tamil women of their agency just because they are part of the nationalist struggle is to relegate them to the ‘victim complex,’ where

¹²⁷ Another name for the leader of the LTTE, Velupillai Prabhakaran, meaning older brother in Tamil

female militants are denied of their agency and perceived as acting out a patriarchal plot (Rajasingham-Senanayake, 2000, p.11). This complexity of victim and agent is noted by De Mel (2004), where she states “as victims of the LTTE’s authoritarianism and personality cult, even as they themselves are perpetrators of violence on others, these women were neither fully empowered nor helpless victims of their circumstances” (De Mel, 2004, p.84).

There are multiple problems in essentializing women as victims. It assumes that there is a fixed form of what a ‘woman’ is in conflict and that all women’s experiences are the same. Moreover, it excludes the intersectionality of women’s experiences, and negates their sexual and political agency, thus denying their ability to have played other roles in the conflict (Aolain, Haynes and Cahn, 2011, p.42). This intersectionality extends to the group ‘female militants,’ as well. In the analysed texts, Saraswathi and Mugil are two very different individuals, and despite both having grown up in the warzone, their lives before joining the movement are very distinct from each other. On the one hand, Mugil and her family have been displaced from their home in Point Pedro and have found a new home in the Vanni, an area surrounded by thick jungles and controlled by the LTTE. Hence, she has a lot of respect and gratitude towards the militants because they led her and her family to the ‘safety’ of the Vanni and cared for them (Mohan, 2014, p.39). Saraswathi, on the other hand, has not been displaced. Instead, the war is all but at her doorstep. She is overwhelmed by the war and even though she supports the movement’s cause, she wants no part of it. She said, “I remember nothing from the time before people started dying,” (Munaweera, 2014, p.141).

Saraswathi, at sixteen, dreams of getting her teaching certificate and replacing the village school teacher (Munaweera, 2014, p.134). Alternatively, Mugil, at thirteen, was awestruck by the militants. She asserts, “there was a perfection to the Tigers, a confidence and sincerity that commanded respect even from people much older than the combatants…they had guns attached to their hips but they spoke respectfully even to children. The girls rode motorcycles and wore jeans; they could stand up to any man” (Mohan, 2014, pp.39–40). While Mugil admires the cadres, Saraswathi is fearful of them. For Saraswathi, the female cadres remind her that she too could be conscripted any day, which would mean her dream of becoming teacher would remain just that. She explains, “But these are big-big dreams for somebody living inside a war, so I don’t speak of them often” (Munaweera, 2014, p.134). Thus, it is important that these women are seen as

individuals caught in the same web of being both a victim and agent amid the conflict, as opposed to belonging to a homogenous group.

CONCLUDING THOUGHTS

In both international and local media and public discourse, the representations of female militants of the LTTE have been reduced to their appearances alone. They were portrayed as women who rejected traditional attire for combat uniforms, rejecting femininity for androgyny in donning combat boots, having short cropped hair or braids tucked in to a cap, carrying heavy machine guns and so on (Gonsalves, 2005, p.41). Alternatively, these militants were appropriated by the LTTE to be portrayed as the 'warrior woman' or the 'armed virgin', both an attempt to portray these women as temporary agents of violence, able to return to their traditional roles once the war had ended (De Mel, 2003, pp.63–64; Enloe, 1983, p.166). As seen in the discussion above, fiction and biography are able to go beyond the skin-deep characterizations of these women and highlight their true experiences in the conflict, the myriad of roles they play, and the triumphs and struggles they experience. Thus, post-conflict literature is able to give back the female militant her voice and allow her story to be told, in her own words.

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WHERE ABORTION IS LEGAL BUT... : BARRIERS TO WOMEN'S ACCESS TO SAFE ABORTION SERVICES IN NEPAL

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ABSTRACT

Abortion legalization have contributed in accessing safe abortion services for women in Nepal. However, it is not enough to ensure women's reproductive and health right. This study intends to identify existing barriers affecting women's access to safe abortion services in Nepal, 18 years after its legalization. Challenges in accessing safe abortion services stem from inadequate administrative and logistic facilities and services. Other issues might include, sparse geographical distribution, lack of privacy and confidentiality, social stigma, quality of the abortion service provided, poor knowledge about the service, and economic inaccessibility. Increasing the accessibility to safe abortion services by overcoming the challenges would be highly effective to ensure women's right to reproductive health and their well-being, particularly in developing countries like Nepal.

Keywords: Reproductive Rights, Health care, Abortion, Access, Barriers.

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INTRODUCTION

Understanding reproductive rights and abortion

“Reproductive rights are considered to be an inseparable part of women’s human rights and within that, the right to abortion is seem to hold an important place.”

—Supreme Court of Nepal, 2009

(Wu J.W, 2017, p. 221)

“Reproductive health is explained as a state of complete physical, mental, and social wellbeing in all matters of reproductive systems, its functions, and processes” (WHO). It means having a sound and safe sexual life, and the capacity to bear a child and the right to choose when and how often they want to do so (Wallace, 2017, p. 121-23). Sexual rights are considered as a fundamental human right (Yogi, 2018, p.376) that highlight sexuality-related issues by conceptualizing sexual and reproductive health and rights that is connected with liberty, dignity, freedom, privacy, security, and bodily integrity of a person (Bruyn, 2015, p. 14-20).

Abortion is a process that includes the *‘expulsion of a fetus from the uterus before it has reached the stage of viability’*. It may occur spontaneously, known as miscarriage, or may be carried out on purpose, known as an induced abortion. It can be further classified as safe and unsafe (less safe and least safe) depending on the quality of the procedure recommended by WHO for the given pregnancy duration (Ganatra, 2017, p. 390). The Guttmacher Institute (2020) reported 121 million unintended pregnancies each year between 2015 and 2019 worldwide. Out of which, 73 million ended in abortion. It has to be noted that low-income countries alone account for 40% of those incidences.

Background and context

Nepal is a small least developed country located in the South Asian region. However, it has done a plethora of progress when it comes to laws and policies. In 2002, Nepal decriminalized abortion, which allowed for safe and accessible services to consenting women under the guideline of the World Health Organization (WHO) (Wu J.W, 2017, p.222). Under the new policy, woman can abort their child under the following conditions:

Table 1: Eligibility criteria for legal safe abortion

Time period	Conditions
Within the first 12 weeks of gestation	Normal pregnancy
Up to 18 weeks	Rape cases
At anytime	If the lives of mother and child are at risk
For minors: below 16/Mentallyal incompetent	Requires consent from their legal guardian

Source: (MoHPAbortion Guideline, 2017)

Followed by intensive advocacy and planning for the implementation of safe legal abortion, the Nepal government introduced second-trimester abortion services in 2007. Despite considerable progress, unsafe abortion is still rampant throughout the country. An estimated 97,400 illegal abortions occurred in 2008 (Puri, 2016, p. 205), 58% of the total abortion were unsafe in 2014(Shrestha, 2018, p.94), and in 2017, among 21.1% of women who had undergone an abortion, 16% of the abortions were performed by using unsafe abortion methods (Yogi, 2019, p.376).

Abortion stigma exists at all levels, which affects the provision of quality services. A significant number of women, girls, and transmen are still deprived of safe abortion, which directly leads to unsafe practices and fatal complications (Henderson, 2013). In fact, it still accounts for 20% of the total maternal mortality rate and 54% of gynecologic complications (Wallace, 2017, p. 121-128). Abortion legalization may have helped women in accessing safe abortion services, but is it enough to ensure women's reproductive rights? This qualitative study aimed to provide an in-depth analysis of existing barriers towards women's access to safe abortion in Nepal. Moreover, it seeks to identify the difficulties in accessing safe abortion services (SAS) in Nepal.

LITERATURE REVIEW

Right to safe abortion in relation to International Human Rights Standards

The liberalization of the abortion law began in the 1970s. However, it was only in 2002 when the Nepal government amended the Country Code (*Muluki Ain*) under the 11th amendment (Puri, 2016, p. 198), which allows women to make their own decision in terms of unintended pregnancies (MoHP, 2006, p.13). Apart from the Constitution, the State expressed an international obligation to protect women and girls' rights by signing various international human rights treaties. The right to abortion has been embedded within the

UDHR,¹²⁹ which ***ensures comprehensive reproductive health services (including abortion). This is linked to women's right to life (article 3), privacy (article 12), equality (article 1), and freedom of expression of every individual (article 19)*** (Bruyn, 2015, p. 14-20).

Article 12 of the ICESCR¹³⁰ promotes the right to the highest attainable standard of physical and mental health. This means that access to a safe procedure for termination of an undesired pregnancy should also be guaranteed. Similarly, Article 3 requires State-parties to commit to equality between men and women in the enjoyment of all rights. One's in access to free legal safe abortion directly contradicts Article 12 of the CEDAW,¹³¹ which obligates State-parties to take appropriate measures to ensure women's access to health care services by eliminating all forms of discrimination in the field of health care. Furthermore, stigmatizing abortion in the name of culture and disrespecting a women power to decide can be linked to the violation of freedom of expression protected by the ICCPR¹³² Article 19(1, 2).

General Comment No. 6(1) of the ICCPR on the right to life requires positive measures should be undertaken to protect this right. One's right to life cannot be implicated when the lives of pregnant women are at risk during clandestine abortions. Hence, the State should take measures to help women prevent unwanted pregnancies, and ensure that they do not have to undergo life-threatening clandestine abortions. Abortion has always been a controversial issue since the establishment of the UDHR. However, more recently, UN experts and agencies had already made significant movements towards the full realization of sexual and reproductive rights including legal and accessible safe abortion service for everyone.

Building Blocks of Health System

A health system is any institution, organization, or individual that is determined to improve health conditions. It incorporates public health actions and abilities by providing

¹²⁹ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html> [accessed 6 December 2020].

¹³⁰ UN General Assembly, *International Convention on Economic, Social, and Cultural Rights*, 16 December 1966, available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> [accessed on 7 February 2021]

¹³¹ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p – 12, available at: <https://www.refworld.org/docid/3ae6b3970.html> [accessed 6 December 2020].

¹³² UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html> [accessed 6 December 2020].

preventive, promotive, curative, and rehabilitative care. Moreover, a health system is intended to be responsible and financially equitable for every individual who seeks for health services (WHO, 2010).

WHO explains the health system framework under some core components. Those components are service delivery, health workforce, health information systems, access to essential medicines, financing, and leadership/governance (WHO, 2010). These blocks provide the basis for the distribution and accessibility of health care along with policy and regulation mechanisms. This study seeks to analyze the situation of abortion service accessibility in Nepal based on building blocks of the health system provided by the WHO.

Factors affecting the realization of safe abortion in Nepal

Despite legalization, receiving safe abortion care continues to be an ongoing challenge for women, and has been threatening the full realization of reproductive rights (Samandari, 2012).

The reasons why women seek abortion includes completion of desired family size, mistimed pregnancy, lack of knowledge about reproductive health services, financial access, and in some cases, concerns about the sex of the fetus (Wu J.W, 2017, p.223). It is key to note that, still, most Nepali women are unaware of the safe abortion law. Some do not even know where to access the services (Yogi, 2018, p.2). In 2016, 59% (3 in 5) of women of reproductive age were not aware of the legalization of abortion, while, 52% were clueless as to wear to obtain safe abortion services. Highlighting the fact that the level of knowledge in 2011 was 38%, there has not been much progress done within 5 years (Shrestha, 2018, p. 95). Women who lack such knowledge are more likely to practice unsafe abortion than the ones who are aware. However, some fully aware females cannot access abortion facilities due to their financial status and the inavailability of actual services (Samandari, 2012).

(1) Pre-disposing factors

Nepal is a highly diverse country in terms of culture, religion, and traditional practices, where abortion has been continuously stigmatized and perceived as a taboo amongst cultural groups (Muslim, Dalit, and Madhesi;MoHP, 2017). People never really talk about it openly; many have this belief that children are God's gift and they should be accepted. Therefore, aborting a child means disrespecting God. Women's decisions are, therefore, not often respected, while service providers and abortive women are stigmatized and

viewed as a sinner, ill-luck, murderers. Many are even prohibited from participating in religious activities (Khatri, 2019, p. 1-13).

The availability and the quality of the safe abortion services do not seem to be guaranteed even in certified facilities. Some major factors prevent women from accessing safe and legal abortion services within the legalized duration of pregnancy. These factors are supply-side barriers, such as shortages in the supply of required medicines, trained providers, and safe/private facility space, and poor knowledge about the abortion law among the service providers (Puri, 2018, p. 3-7). Some providers may deny abortion care due to their personal and moral beliefs. In such cases, providers must be fully aware that the need of their patient is more important than their personal position on the matter (MoHP, 2017).

(2) Enabling factors

Some studies suggest that women belonging to lower income households and those who are uneducated, are more likely to undergo unsafe abortion practices (Yogi, 2018, p. 3). For example; although abortion legality varies from city to city, Mexico City allows abortion until 13 weeks of gestation. Unsafe abortion was found higher among women having a lower educational background and lower economic status. Since 2017, safe abortion services in Nepal are made free among governmental health care facilities but the implementation is still not universal (Wu. W.J, 2017, p. 223). Even though service charges are supposed to be waived, women still have to pay for medical and transportation bills that could be burdensome for them (Khan, 20017, p.182-90).

Knowledge about legal safe abortion services is essential for women to know about their rights and provisions. There is a lot to be done to increase awareness among women and girls in rural areas, especially those who are undereducated and impoverished. Furthermore, limited access to reproductive rights, and restricted abortion access result in adverse birth outcomes. It increases birth rates from pregnancies that are either unwanted or mistimed (Yogi, 2018, p. 5-9). It is important to attain gender equality along with women's economic, social, and political status within the society to attain appropriate health outcomes for all (Wallace, 2017, p. 121-128).

(3) Need factors

Globally, around 10% of abortions occur at or after 13 weeks of gestation. Nepal's law restricts abortion beyond weeks 12 for a normal pregnancy. Factors associated with the

need for abortion after legal time include lack of access to early care, late pregnancy diagnosis, adolescence, poverty, lack of awareness, stigma, congenital anomalies, and inaccurate health status of pregnant women (Wu. J.W, 2017, p. 223). Even if these is awareness about the law and services, in some cases, women are unable to access them in time due to the unavailability of providers and medical supplies. These lead to extended waiting period, which makes safe legal abortion inaccessible (Puri, 2018, p. 2).

Lower prevalence rate for contraceptives (53%) and an increasing unmet need for family planning awareness and services (24%) resulted in a higher rate of unintended pregnancy. This could be a potential factor that compels women to consider unsafe abortion services (MoPH, 2017).

Challenges towards the Implementation of Safe Abortion Law in Nepal

According to WHO, the prevalence of unsafe abortion practice depends on legal permission and its range of indications in a particular jurisdiction. In areas where abortion is legal for a large range of indications, unsafe abortions are fewer in contrast to places where it is illegal or has narrower indications. However, despite the legality, some factors affect law implementation resulting in poor outcomes (Rocca, 2013, p.76).

Liberal legislation does not always guarantee the equity of access. In India, over 9,467 legally approved abortion centers are available in the country. However, there are vast regional and rural-urban disparities in the distribution of these services. In fact, only 16% are available in the northern states that cover up to 40% of the total population (Khan, 2007, p.193). Many women in Nepal, especially in mountainous and rural areas still lack access to service facilities. In some districts, safe abortion services are still limited to district hospitals, which are a three to four-day walk to reach in many cases (Khatri, 2019, p.1). The number of service providers and available health care facilities are insufficient in order to meet increasing demands for abortion. Hence, the expansion of safe abortion service delivery sites is required for broader geographic reach (Samandari, 2012, p.8). One of the major challenges might be a weak supervisory system. Data obtained from the sites are intended only for sending to higher levels of the system. Collected information is rarely considered for decision-making, which results in poor health outcomes affecting women's right to health (Inna K, 2006, p.263). It requires effective implementation along with regular monitoring and effective follow-up to the service areas. This is to make sure that women are fully accessing safe abortion services (Shrestha, 2008, p. 97).

If we take a closer look, stakeholders can influence the delivery of health care services and affect behaviors towards their personal care and treatment. The Ministry of Health and Population (MoHP), Internal and external partners, health care providers, the hospital management team, local communities, and the individual themselves can influence one's decision making as well as the effectiveness of the safe abortion program.

The government, being a primary duty bearer, is ultimately accountable for the wellbeing of anyone within its jurisdiction. National governance should focus on safeguarding the law, carrying out various implementation programs, increasing public services, and allocating adequate budgets. Local governance can follow up on the community level and be more responsive to the local needs considering the social and cultural dimensions to make the service more effective with greater quality. An effective government investigation and monitoring need to also be attained to improve services regularly. Similarly, it is key to change mindsets towards the benefits of safe abortion on a woman's well-being and rights. It is important not to be bound within detrimental cultural values, societal norms and stigmas. To ensure this, all the actors have a role to play with respect to their obligation towards human rights and fundamental freedoms.

Unsafe abortion alone accounts for 20% of the total maternal mortality rate in Nepal and legalized abortion has not been able to materialize into better health of women (Meheta,2019, p.68). Right to information has been protected by both national and international laws. Therefore, a State-party, like Nepal, must adopt necessary measures to guarantee the rights of women undergoing both pregnancy and abortion. Every woman should have access to medical information regarding her pregnancy and about the law that enable her to make necessary decisions to protect her life and health, either for an abortion or other obstetric services. Currently, such initiatives are not implemented. More than half of the population are unaware of the law and services with very little progress every year (Meheta,2019, p.66). Continuous practice of unsafe abortion is still affecting socio-economic, and health care costs despite the invention of scientifically approved safe abortion methods and technologies.

CONCLUSION

The right to abortion is crucial in helping women attain their fullest health and body integrity. (Hill, 2010, p.178). It needs to be protected in an equal manner like the way other health care services have been protected. Although Nepal has made some progress, lived

results of safe abortion are not very satisfactory and there is still room for further improvement. Abortion law has not been universally accepted and almost half of the population are deprived of quality services. Even where legal abortions are permitted, women still resort to unsafe abortions or carry out unwanted pregnancies due to inadequate administrative and logistic facilities and services. These might include, socio-economic values of Nepali society, cultural beliefs, availability of service facilities, sparse geographical distribution, lack of privacy and confidentiality, inadequate knowledge, social stigma, quality of the abortion service provided, the requirement of unnecessary authorization, economic inaccessibility, and equity in service provided.

RECOMMENDATIONS

Integrating safe abortion services by the government with proper guidance has been able to benefit millions of women in Nepal. This helped reduce the mortality rate and improving their well-being (Samandari, 2012). Regarding the right to safe abortion and its accessibility, state obligations should be strictly set up to make sure the law is being implemented. It requires, further expansion of safe abortion services in rural and remote areas in order to develop new safe abortion strategies in clinics and undertake regular monitoring at service sites. Also, advocating for women is a great tool in to prevent unintended pregnancies and to promote their knowledge and access to safe abortion services (Shrestha, 2018, p. 97). Establishing safe abortion sites could greatly reduce unsafe abortion practices by increasing the availability of service facilities to meet the increasing demand for abortion. Extended family planning services may help women to reduce unintended pregnancies and hence reduces unsafe abortions done for delaying childbirth or child spacing. Lastly, abortion services should be equally distributed and informed, especially focusing on the vulnerable communities without creating any disparities and discrimination.

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DISASTER RESPONSE AND THE ELDERLY: THE 2020 FLOODS IN JINHUA CITY, CHINA

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ABSTRACT

In a disaster situation, the elderly is considered to be a particularly vulnerable population. The response during a disaster can determine the effectiveness of disaster management implementation. Therefore, disaster response policy becomes a milestone of attaining the Sendai Framework for Disaster Risk Reduction target at the local level, which is divided into four main action areas as follows 1) on understanding the disaster risk, 2) strengthening disaster risk governance to manage disaster risk, 3) investing in disaster risk reduction for resilience, and 4) enhancing disaster preparedness for effective response and to “Build Back Better” in recovery, rehabilitation, and reconstruction that interpret in the 2008 Flood Control Law of the People’s Republic of China. Taking a case study of the flood event in Jinhua 2020 were affected 50,000 people. This article aims to elaborate on the implementation of disaster response during this flooding event for the elderly in order to analyze the achievement of disaster risk reduction.

The study used a qualitative method with a purposive sampling technique. An in-depth interview with 12 elderly was utilized to collect primary data. Secondary data were obtained from national reports and relevant documents to flood management in China and Jinhua City. The study found that the elderly was unable to respond to the flood in time due to 1) the short warning time of disasters; therefore, elderly cannot prepare in advance to resist disasters, 2) lack of disaster education for rural residents makes them unfamiliar with the trends and consequences of disasters. The response inaccuracy was because the elderly have challenged in the term of their social vulnerability. As a result, disaster response in the emergency term has been effective. However, the preparedness elderly

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sensitivity needs to have more attention of their other social identities that are intersectional with their gender and sexuality.

Keywords: Disaster Response, Elderly, Disaster Risk Reduction, China, Sendai Framework.

INTRODUCTION

In 2020, the flood in Jinhua caused the collapse of 3,148 houses in Yongkang city, and 51,130 people were affected. Moreover, the flood-affected about 3,133.33 hectares of crops, causing direct agricultural economic losses of the city of 141 million yuan (Yongkang released, 2020). Besides, disaster triggers the emerging vulnerable group, particularly the elderly.

Elderly in disaster situation becomes the particularly vulnerable population. The physical aspect is one factor that challenges the elderly in the evacuation and response to disaster strikes. Therefore, ensuring the elderly's response capacity during a disaster is essential to reduce the disaster risk according to the Sendai Framework for Disaster Risk Reduction (DRR) target stated that disaster response is a reflection of disaster preparedness (Afrose, 2017). On the other hand, adequate preparedness for disasters can minimize vulnerability and maximize the resilience of the elderly.

This article aims to analyze the local government's disaster preparedness action reflecting the elderly's response during the 2020 flood in Jinhua according to the Sendai Framework priority target, translated under the 2008 Flood Control Law of the People's Republic of China. Furthermore, this article's findings recommend that the local government improve disaster policy, mainly on disaster preparedness, to prioritize the elderly toward resilience.

LITERATURE REVIEW

Disaster Management in China

Along with the rapid development of human society's economy, all kinds of losses caused by floods are rising. In recent years, the people on the historical experiences of economic development and competition of flood in the proposed new flood control and mitigation strategies managed the flood disasters, from flood defense to flood management (Liu,

2000). In dealing with floods, China adopts the mode of unified decision-making by the central government, hierarchical management, division of responsibilities by departments, and a combination of disaster prevention, disaster fighting, and disaster relief (Zhou & Shi, 1999).

In addition, emergency response agencies have been established at all levels of government, and specialized emergency management agencies have been set up under the responsibility of executive heads. Local people governments at all levels, as leading administrative authorities of emergency management, set up emergency command organs according to different types of emergencies (Zhang, 2013). China's main disaster management approaches include legal, administrative, economic, ideological, outsourcing, and comprehensive directive management.

The stages of disaster management are divided into, pre-disaster preparation stage, disaster response stage, post-disaster recovery and reconstruction stage, and disaster mitigation countermeasures implementation (Peng, 2009).

Sendai Framework and Disaster Management

The Sendai Framework for Disaster Risk Reduction (SFDRR) aims to achieve a substantial reduction of disaster risk, such as loss of lives, livelihoods, and health and the economy, by preventing new disaster risks and reducing existing ones through the implementation of integrated and inclusive measures that strengthen resilience (UNDRR, 2015). Linkage with the SFDRR, disaster management becomes a critical approach to integrating international agenda achievement on local levels (Pearson & Pilling, 2015). The four priorities for action under SFDRR are identified: a) priority 1: understanding disaster risk, b) priority 2: strengthening disaster risk governance to manage disaster risk, c) priority 3: investing in disaster risk reduction for resilience, and d) priority 4: enhancing disaster preparedness for effective response, and to "Build Back Better" in recovery, rehabilitation, and reconstruction (Afrose, 2017). Noting from the SFDRR, there are two main disaster management phases mentioned--disaster preparedness and response.

Generally, disaster management is in presence to reduce and avoid the potential losses from hazards, assure prompt and pertinent assistance to disaster's victims, and achieve rapid and effective recovery (Warfield, 2008). Disaster management is illustrated under a cycle with four phases: 1) mitigation; minimizing the effect of the disaster, 2) preparedness; planning how to respond; 3) response; attempts to minimize the impact of

the disaster; and 4) recovery; returning the community to normal (Warfield, 2008; Khan, Vasulescu, & Khan, 2008).



Figure 1. The Phases of Disaster Management

Source: <https://home.akitabox.com/disaster-management-cycle-infographic>

Therefore, this article has emphasized an analysis of disaster response that reflects disaster preparedness efforts in the Jinhua flood in 2020.

Reducing Vulnerability to Achieve Disaster Risk Reduction

In a disaster situation, the elderly is always disadvantaged. Therefore, it can leverage the disaster response capacity, primarily when the disaster occurred. However, other social vulnerabilities triggered the worse situation of the elderly during the disaster. Parker & Tapsell (2009) mentioned that social vulnerability could be viewed as a distinct, multifaceted entity with definite attributes. These attributes include livelihood, housing, security, gender, and many other issues.

Aaron and Dom (2013) believe that Disaster Risk Reduction (DRR) is the foundation of community resilience and helps communities cope with shocks and pressures, adapt to changes, and change the risk environment. Second, if communities are well prepared, they will be the first to respond even in a disaster. Thirdly, based on experience, communities and individuals often have knowledge and resources unknown to external agencies to prevent disasters at critical moments (Gao, 2013), and disaster risk reduction is “the systematic development and application of policies, strategies, and practices to minimize the vulnerability of entire societies and disasters and their spread in the context of sustainable development” (UNISDR, 2004).

METHODOLOGY

In this article, a qualitative approach was used to collect data from two primary data: in-depth interviews and other relevant documents related, including policies, laws, and other relevant documents related to disaster management, especially in China and Jinhua City. This article also used purposive sampling to interview the vulnerable groups affected by the flood disaster in Yongkang, Jinhua City. The interviewees consisted of seven elderly females and five elderly males aged between 62 and 71 years old. The questions were mainly related to response during the flooding, local early warning system, local community, and government help in preparedness in accordance with the Sendai Framework target that is interpreted into the Chinese National, Zhejiang Provincial, and Jinhua Municipal government. This study will focus on implementing policy and practice of flood response among elderly under local administrative management in which it is reflected preparedness.

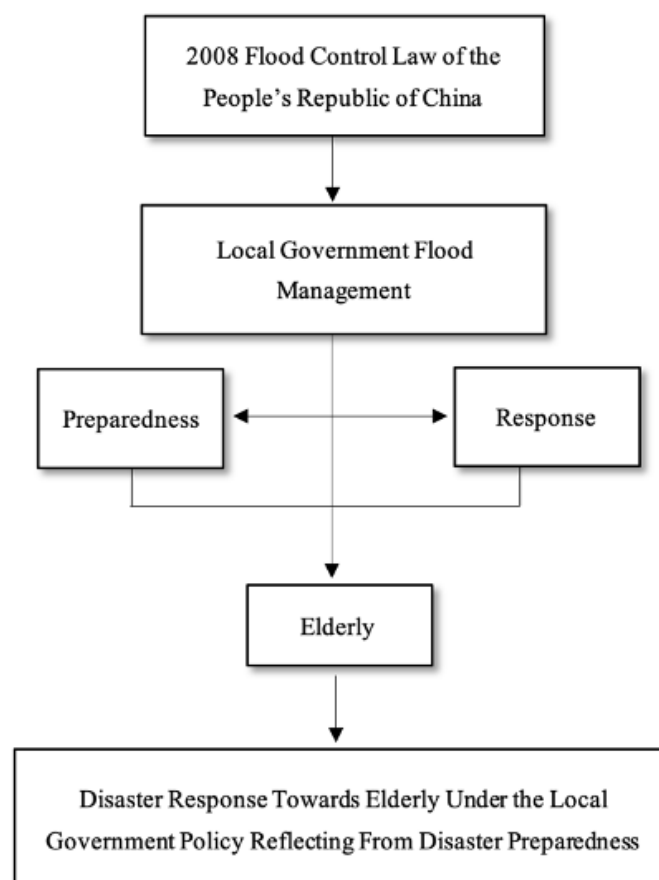


Figure 2. Conceptual Framework

FINDINGS

Vulnerable Group

According to the targeted 12 elderlies affected by a flood event in Jinhua in 2020, based on educational history, two informants completed their primary school, four of them completed junior high school and senior high school, respectively, and two informants graduated from college. They are occupied as farmers for four people, retired for five people and three people for self-employed. Each year, one informant has disposable income less than 10,000 yuan, between 40,000 and 60,000 per year respectively, eight informants' disposable income around 10,000 – 30,000 yuan annually, and two informants received more than 60,000 yuan per year. Here is the table of basic information of the interviewee (Table 4-1)

Table 4-1 Basic information of the interviewee

Basic information of the interviewee					
Number	Gender	Age	Degree of Education	Occupation	Disposable Income/Year
1	Female	62	High school	Farmer	10,000-30,000 yuan
2	Female	63	College	Retired	10,000-30,000 yuan
3	Female	64	High school	Self-employed	10,000-30,000 yuan
4	Female	66	Junior high school	Retired	10,000-30,000 yuan
5	Female	67	Primary school	Farmer	40,000-60,000 yuan
6	Female	67	Junior high school	Retired	10,000-30,000 yuan
7	Female	71	Primary school	Farmer	Less than 10,000 yuan
8	Male	62	High school	Self-employed	10,000-30,000 yuan
9	Male	64	College	Retired	More than 60,000yuan
10	Male	65	High school	Self-employed	More than 60,000yuan
11	Male	66	Junior high school	Farmer	10,000-30,000 yuan
12	Male	67	Junior high school	Retired	10,000-30,000 yuan

Impact of Flooding on the Elderly in Rural Areas

Disasters inevitably cause physical damage and thus material property losses to the elderly. During this interview, the elderly suffered different damage to their houses, farmland, furniture, and electrical appliances.

“Although the village notified us, the flood still caught me off guard. Many of my crops were flooded. Fortunately, the rescue team came in time, and people were not injured.” added informant number 7.

Some of the elderly were more seriously affected because of the particular location of their houses.

“I did not expect that the flood was so severe that the water level of the washed away the front door of my house, and my house was ruined, and it was too difficult to recover for me.” added informant number 6.

Different material possessions have different meanings and emotions for the elderly. The emotional pain of loss that comes with them is more prominent in the elderly population. Specifically, studies have shown that elderly over the age of 60 have a greater sense of despair about objects lost in disaster events (e.g., crops, trees, etc.) and feel difficulty replacing these losses (Xu & Shen, 2012).

Disaster Response from Elderly, Its Link to Disaster Preparedness

(1) Jinhua Municipal Government’s Policy Reviews on Flood Management

At the national level, disaster management is established under the Flood Control Law of the People’s Republic of China (The People’s Republic of China, 2008), adopted by the local policy. In Jinhua’s city regulation on the flood, there are four prominent policies in the other hydro-meteorological disaster of drought. They consist of as follows:

- 1) “Jinhua City Flood Control and Drought Control Emergency Plan,” issued for prevention and treatment of all kinds of natural disasters (Jinhua Municipal People’s Government, 2020);
- 2) “The Emergency Plan for Meteorological Disasters of Jinhua City,” issued for improving the emergency response capacity of meteorological disasters (Jinhua Municipal People’s Government, 2006);

3) “Administrative Measures for the Issue of Flood Warning in Jinhua City (Trial),” issued to organize and guide the Jinhua city’s flood warning release work. (Jinhua City Water Resources Bureau, 2019);

4) “The General Emergency Response Plan for Emergencies in Jinhua City” was issued to improve the government’s ability to respond to an emergency situation (Jinhua Municipal People’s Government, 2016).

(2) Preparedness

The older adults said that the community usually organizes disaster education campaigns during the interview, but they cannot remember due to age.

“The government gives us flood preparedness information, especially early warning and emergency exercises under disaster education campaigns. Unfortunately, I cannot easily remember all steps of the emergency drill,” said informant number 11.

Although they usually see posters on the community bulletin board about disasters, they usually do not study them seriously, and the community does not have disaster drills or education only for the elderly.

“All preparedness programs are given in general. However, some keywords are related to technical terms. Sometimes, it is difficult to understand for elderly like me”, added informant number 5.

Before the flooding, some of the elderly said there was a community radio and T.V. coverage of the flooding. The elderly also received a text message from the weather station. This shows that the government did warn of the disaster. However, since they had little knowledge about floods, they did not think they would affect them much. Therefore, they did not make sufficient preparations to defend themselves against floods.

“We deny the government warning on the flood. It leverages our action, particularly insufficient preparation. So that, during evacuation and staying in the shelter, we did not carry our important stuff for survival or even important documents,” added informant number 6.

“Fortunately, I can understand the instruction of government on the disaster. Therefore, it can help me a lot. I make a note on the instruction, and sometimes I

share my note to my children or grandchildren, in case the flood comes,” said two informants, number 2 and 9.

Since some elderly live alone and are not very knowledgeable about cell phones, text messages are often ignored.

“But for me, I ignored the messages, the important thing I cannot use technology. I live alone, so no one teaches me how to use technology, such as mobile phone,” added informant number 7.

The government has provided the emergency drills exercise, but the elderlies frequently have not participated in this event. Their reason was that the emergency drills exercise uses so much physical activity and not special emergency drills exercise for the elderly.

“The emergency drills spent my physical energy so that we often missed it. Also, because it is for all community levels, we need to have an emergency drill exercise that suits with elderly’s conditions,” said informant numbers 10 and 12.

(3) Response

Due to the continuous rain, the flood spread into the houses. Some elderly could not go out on their own because they were too old. So, they had to call the community or the police for help.

“The burden of physical incapability makes me unable to move faster when the evacuation occurred. Fortunately, the internet was working well so that my family could make a call to the police,” said informant number 4.

The elderly said that they were evacuated through community staff or rescue teams. However, the elderly remained unable to respond to the instruction very well as they do not know about flood rescue.

“The help from the government was in time. However, since we do not have much knowledge of the flood, I could not help myself,” said informant numbers 1 and 4.

In many villages, after the flood, community cadres went door to door to check each family’s damage on the ground and persuade them to evacuate. In one village, the house

collapsed because of its adobe construction. People were quickly helping the old man who could not escape between flooding and collapsed house.

“Becoming unknowledgeable person on flooding rescue made my life in danger. My house was old, and flooding came. I also did not understand the early warning information. Therefore, I got trapped at my house, and I did not know what I should do,” added informant number 3.

Before, the local municipal People’s Armed Forces Department or the relevant persons in charge of each township sat on duty 24 hours a day came, among neighbors helped each other. Moreover, some elderlies were helped by their neighbors to block the entrance with sandbags in advance to reduce flooding.

“Neighbor is always our big help, since our home is not built in the higher construction or resistance to flood, my neighbor whose home has 2nd floor, got us for temporary evacuation until the rescue team came,” added informant number 8.

DISCUSSION

The above information found that most affected people have not participated in disaster drills regarding community disaster knowledge dissemination and popularization. Although there is some knowledge about disasters, it is rather one-sided. Usually, it is through lectures or posters. However, because of the particular group of elderly, their education level determines the extent of their knowledge about disasters. Although the community and other media had warned about the flooding, most interviewees were not aware of the disaster risk because they had a fluke mentality that “disaster cannot happen in my house” and some empirical. Thus, some elderly think it is unnecessary to learn disaster prevention knowledge, which made them not prepare for the disaster in time and caused property loss. The level of emergency response-ability is related to the level of education and physical health. Due to the low education level of the interviewed group and the older age, the emergency response-ability of the elderly is weaker.

Secondly, at present, the main characteristics of the social participation of the elderly in China include 1) From the perspective of the participation in social and cultural activities, including knowledge, interest, public welfare activities, etc., the elderly show three characteristics: individuality, difference, and low participation. Moreover, they show a

strong “dependence on the government.” They are more enthusiastic and active to participate in activities organized by government agencies (Wang, 2011), 2) From the perspective of the participation in social public welfare activities and volunteer activities, the higher the education level of the elderly, the better the economic status, the younger the elderly male participation in social public welfare activities has a higher proportion (Chen & Lin, 2004).

Given the above problems, the author believes that the preparedness program runs effectively because it enhances the adequate response. The local government implemented their policy into the action for reducing the disaster risk. However, a significant factor influencing the worse disaster situation for the elderly is social vulnerability, defined by social attributes, such as gender, education, wealth, etc. In this article, education becomes a challenge of preparedness action. It can be seen that some elderly who graduated from college can understand the instruction from the government, while other elderly have face difficulties in understanding all flood information. Besides, elderlies, especially those who live alone, have difficulty mastering technology usage, which became another problem of early warning dissemination. Therefore, they were acknowledged as the most vulnerable person among other elderly with the family affected by this flood event.

Besides, the physical aspect is a big concern in the emergency drill exercises. Because the government’s policy on elderly sensitivity is urgently established and urged the community to involve; consequently, both of them can work harmoniously to respond to the flood immediately and pertinently. Broadly, the strategies of flood preparedness are required to pay attention on, such as 1) more targeted disaster education and practice carried out to reduce the vulnerability of the elderly population, 2) it is necessary to attach importance to the role of the community, continuously strengthen the organization, guidance and management of civil society activities, and open up channels and information for social participation of the elderly, so that they can prepare for disasters in different ways, thus reducing the impact of disasters on them, and 3) encouraging the elderly’s participation in the formulation of disaster preparedness and mitigation programs, which only be more implementable but also promote the elderly’s attention to the value of individual participation in disaster management for the improvement of the disaster resistance capacity of the whole community.

CONCLUSION

Due to the large elderly populations in Jinhua City, they are more vulnerable to disasters because of their physical and social aspects. These influences preparedness action attempts. Although the government and the community have educated the elderly in disaster prevention knowledge, they have not paid much attention. Nevertheless, in disaster response and recovery, the government and the community are very timely and effective. As a result, the elderly are unable to respond to the 2020 flood event accurately. For instance, sudden floods and unknowledgeable flood response lead to the elderly flood prevention measures not being in place, putting their lives in jeopardy.

As the direct recipient of all kinds of disasters and crises, it is urged to shape the policy of elderly sensitivity. The author believes that in response to these issues should 1) more targeted disaster education and practice, 2) it is necessary to attach importance to the role of the community, and 3) encouraging the elderly's participation in the formulation of disaster preparedness and mitigation programs and focusing on the elderly for flood preparedness to reduce disaster risk. Therefore, the development of disaster management in communities toward elderly sensitivity is a key to reducing vulnerability and enhancing community resilience to effectively deal with and recover from all types of disaster events and sustain development in the future.

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WHOSE PARENTS' DEATH IS NOT RECOGNIZED: THE RIGHTS TO EDUCATION OF CERTAIN CHILDREN ORPHANED BY THE INSURGENCY IN PATTANI, THAILAND

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ABSTRACT

The ongoing ethnopolitical insurgency in Thailand's deep south has been disrupted people of all ages, genders, and religions for almost two decades. The re-emergence of the violence increasingly intensified in 2004, with an estimated more than 7,000 fatalities, 10,000 injured, and 7,000 children have left orphans after losing both parents or one of them. Thus, in 2004, the government has launched the remedial assistance policy to support victims and their dependents affected by the unrest in the deep south. However, over 100 orphaned children in Pattani province have been facing hindrance in accessing remedial assistance in which they are ineligible for the criteria or their parent's death was not recognized as a result of the unrest. In the meantime, orphaned children have been demolished by the violence and insecurity in which the act of atrocity from the conflict also has long-term implications on children's mental health. Besides, these children and families are living in extreme poverty, the inadequate income becomes another challenge for children to pursue a higher level of education resulted in hampering them from going the school. The violent conflict and its consequences have negatively created the deprivation of orphaned children's fundamental rights specifically on education, which is the basic right of all children. Inaccessibility to education would impact a child's development and other related productive skills throughout all stages of childhood to adulthood. Furthermore, education plays a vital role in achieving political, civil, economic, social, and cultural rights. Meanwhile, it is the key determinant to help children realizing and obtaining all kinds of human rights and improve children's capability to evaluate various challenges such as abuse or exploitation and ability to respond to these issues. Accordingly, the research examines the internal and external factors that hinder the

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accessibility to the education of orphaned children residing in Pattani province in accordance with the use of the qualitative method through the in-depth interview with the key informants.

Incidentally, the result of the study would suggest that the educational environments must be safe, child-friendly and healthy physically accessible, and economically affordable to all children including the marginalized. Meanwhile, the collaboration between related stakeholders on providing support would help orphaned children to overcome various challenges like individual struggles or social pressure and strengthening the stakeholders to uphold the rights of children on accessing the education.

Keywords: Right to Education, Orphaned Children, Inaccessibility to Education, Remedial Assistance Policy, Human Rights, Thailand's Deep South, Insurgency.

RESEARCH QUESTION & OBJECTIVE

Research Question:

What are the internal (personal) and external (environmental) barriers that affect the access to education of orphaned children whose parents' deaths were not recognized as a result of the political and social unrest in Pattani province, Thailand?

Research Objective:

- 1) Describe the situation or social environment of orphaned children in orphanage foundations in Pattani province, Thailand, and
- 2) Determine the internal and external factors that prevent these orphaned children from accessing education as part of the government's remedial assistance program.

BACKGROUND

With the ongoing insurgency in the deep south of Thailand, people of all ages, religions, and genders have been affected by the violence both directly and indirectly. The escalation of the violence that occurred since 2004 which was committed by the state security forces and insurgent groups has caused 20,887 incidents involving 7,215 deaths and 13,415 injuries (Deep South Watch Database, 2021). The number of deaths and injuries are included civilians, government officials, and insurgents. Meanwhile, the

families of the deaths have a greatly impact especially children. Consequently, the Southern Border Provinces Administration Centre (SBPAC) indicated that around 9,806 children have been orphaned by losing one either or both parents from the deep south unrest since 2004 (Komolnimit, 2016).

The mounting scale of the violent incidents eventually prompted Thaksin Shinawatra, a former Prime Minister, to launch policies and establish several government agencies in the deep south to control, mitigate and resolve the conflict. On February 17, 2004, Thaksin's government has appointed the Cabinet Resolution and launched remedial assistance policy which aims to provide remedies and compensation to people who affected by the unrest in the southern border provinces; Pattani, Yala, Narathiwat, and Four districts from Songkhla (Policy Research Platform, 2012). Later on in 2005, the government of Thailand was established the Committee on Policy and facilitation of Remedies Affected Due to the Unrest in the Southern Border Provinces¹³⁶ along with the remedial assistance guidelines and its criteria (Rattaborirak, 2012). The below is the remedial assistance eligibility criteria in which victim will be certified by the three-department authorities (police, military, and local administrative):

- a) Thai national with their name in house registration
- b) A legal immigrant with evidence
- c) Person who is affected by the conflict in Southern border provinces (Pattani, Yala, Narathiwat, and 4 districts from Songkhla (Saba-Yoi, Chana, Na-Thawi, and Thepha))
- d) Personal injury, death, and property damage (without insurance) from the unrest

During the same year, the policy was revised by including the program for child development to escalate the children and orphans' opportunities on access to education. The monthly subsistence allowance is provided by the Ministry of Social Development and Human Security while the Ministry of Education offers annual fund scholarships of the formal education system, and both ministries will be responsible for the completion of a bachelor's degree to those children (Wongsamutr, 2018).

¹³⁶ This government agency is called in Thai as “คณะกรรมการนโยบายและอำนาจการเยียวยาผู้ได้รับผลกระทบสืบเนื่องจากสถานการณ์ความไม่สงบในจังหวัดชายแดนภาคใต้ (กยต.)”.

The right to access the remedial assistance policy of orphan children whose parent's death was not recognized by the three authorities as a result of the unrest¹³⁷ have been deprived which caused by the certain eligibility criteria. This group of orphaned children included the orphaned children of a suspected insurgent and orphaned children who were deemed ineligible (Jehasae, Waeteh, Jaesoh, and Nupet, 2016). These children have not yet registered their details in the government's victim database system in which they are automatically excluded from the monitoring and surveillance and unable to be provided assistance and compensation from the government. In 2016 the Deep South Coordination Center (DSCC) revealed that 264 orphaned children have not been remedied by the government and 151 orphans were unclear about the information (DSRR Foundation, 2016).

The orphaned children whose parent's death was recognized by the three-department authorities as a result of the unrest have been provided remedial assistance education fees, living allowance, and psychological support from the government. While another group of orphaned children who were deemed eligible is unable to access the government remedial assistance policy including either monetary and non-monetary support. Moreover, this group of orphaned children is suffering from Severe Post-traumatic stress disorder (PTSD) (Jehasae, Waeteh, Jaesoh, and Nupet, 2016) which they experienced violence such as witness their parents being attacked or killed. In the deep south of Thailand, the poverty line has increased rapidly after the escalation of the violence which people's lives have been disrupted by the unrest both economically and socially.

The inaccessibility to education can be caused by several contributing factors; individual and environmental which these interrelated factors affect each other. With the combination of all these factors, orphaned children in conflict areas become more critically vulnerable especially accessing education.

LITERATURE REVIEW

Several relevant published materials that related to this research were reviewed on the issues of the inaccessibility to education of orphaned children whose parent's death was not recognized as a result of the unrest. The inaccessibility to education can be caused

¹³⁷ The major role of the three-department authorities is to determine and consider together with the guidelines, criteria, and the results from the investigation on providing remedial assistance to those who got affected by the southern Thailand insurgency.

by several contributing factors; individual and environmental which these interrelated factors affect each other.

The Accessibility to Education of Orphaned Children in the Deep South Thailand Conflict and Its Barriers

The major tool to tackle poverty and improve opportunities in life is education (Amah, 2019, p.5). During the peace time, the rights to education of children should be protected (Amah, 2019, p.6) and even in the most difficult situations, the education is the right of all children (Roger, 2002). The availability and accessibility of education in which availability also means that education should be provided to vulnerable groups and minorities on equal and fair basis with other students (McDougall, 2009). Besides, it is very important to consider and ensure the importance of continued education amid armed conflict situations (Roger, 2002, p.4). In 2007, UNESCO and UNICEF announced that “*the right to access to education is regulated by three elements which are; providing educational services at all stages of childhood consistent with education for all goals, creating sufficient learning opportunities and providing equal opportunity for all children to attend school*”.

The impact of the conflict on education can be measured through the reduction of enrollment, school attendance (Nicolai and Triplehorn, 2003) and total number of student of each year (Akresh and De Walque, 2008; Chamarbagwala and Moran, 2009; Merrouche, 2006; UNESCO 2010) in which it would create some risk factors lead to the reignition of the conflict (UNESCO, 2011). There are several barriers that affect to children’s school attendance such as geographic isolation, discrimination, security, poverty (Nicolai and Triplehorn, 2003), psychological problems (Justino, 2014), family influences and state’s policy.

Psychological Effects of Conflict-Affected Children

The violent conflict caused negative impact on child’s mental health (Justino, 2014) and cognitive development in which the literacy, numeracy and critical thinking have been delayed (Nicolai and Triplehorn, 2003) resulted in children’s performance and school attendance (Justino, 2014). The limitation on accessing to school caused by the loss of family members. According to the study of Evans and Miguel (2004), after the death of their parent, young children in Kenya tend to drop out from the school. Moreover, several research touched upon psychological effect of orphans who lost their parent in the conflict in Pattani, Thailand. It can be seen that orphan children who live in conflict areas have

high chance of psychological problems and physical symptoms (Salaemae, 25). According to the psychological treatment of orphaned children who lost the family breadwinner to extrajudicial killings in the unrest are the most severely affected. Due to the limitation of the policy, these children have not received and remedial assistance which affected to their educational, economic and psychological (Center for Conflict Studies and Cultural Diversity, 2014, p.96-97).

Family Economic Hardship

The violent conflict affects to the family of children's income and basic needs in the conflict areas; thus, children need to work and not be able to attend school (Justino, 2014). Among vulnerable groups, poverty is one of a major threat to child development particularly on the education (Shemyakina, 2011). The prolonged violent conflict in Thailand's deep south has long been disrupted the local economy since 2004 whilst the highest poverty rate was evidently shown in 2017. Subsequently, resulted in poor economic development in which the vast majority of those are living in extreme poverty (World Bank, 2020). Furthermore, the conflict-affected children who come from the disadvantaged economic backgrounds are severely deprived from accessing to the education (Nicolai and Triplehorn, 2003). Family may not be able to pay the additional costs of education such as transportation, uniform, books, food and other materials (Nicolai and Triplehorn, 2003; Shemyakina, 2011). In some case, as a result of the violence, the disappearance or severely injuries of husbands, the head of the households, women have changed their roles and replaced their husbands. Most of these women have low education (Neelapaijit, 2009) and limited skills (World Bank 2010) resulting in hindrance to find a job and support their family specifically sponsoring their children's education (Neelapaijit, 2009). When family unable to send their children back to the education during or after the conflict due to inadequate income (Justino 2014) children were forced to enroll for the job while some girls were compelled for early marriage (Nicolai and Triplehorn, 2003).

Family Religion or Beliefs

In the deep south of Thailand, the majority of populations is Muslim. Most of Muslim parents including adult families' members of orphaned children prefer to send their children to religious school. The decision of children particularly on education has influenced by their family (Cervantes-Duarte and Fernandez-Cano, 2016). Parents have the right to choose any form of education that will be provided to their children (Nicolai and Triplehorn, 2003). Due to the remedial assistance policy, any kind of non-formal

education will not be supported by the government. A failure of admitting a school as a school is a challenge (Nicolai and Triplehorn, 2003) and a threat for orphaned children's future.

Family Stress

During conflict time, many families are concerned about the child's safeguard which leads to stress and anxiety for both parents and children. Adult family members in conflict-affected areas encounter greater stress from the fear of violence rather than children (Justino, 2014) which they fear that their children would be attacked along the way to school resulted in preventing children to attend the school (Cervantes-Duarte and Fernandez-Cano, 2016) or access to the education. Furthermore, in the deep south of Thailand's context, the uses of security laws deprived various rights of people in which the state authorities be able to search the house of suspicious person without warrant and conduct the investigation on people in the house including children, without using child expert (Duay Jai Report, 2019). As a result, the consequences of violent conflict have persistently demolished people's sense of security resulted in the refusal of leaving the house including family members.

The Unintended Consequences of the Policy

The remedial assistance policy has been using to help people affected by the southern unrest since 2004. Helping its citizens is the core responsibility of the government but they can also be abuser or perpetrator of violence (Overseas Development Institute, 2017). After launching the policy, it caused the unintended consequences which human rights violations have been occurred in the deep south including the unsolvable issues such as poverty. The criteria eligibility and its recognize policy limit the orphaned children whose parent's death was not recognized as a result of the unrest from receiving government's support and aid (Jehasae, Waeteh, Jaesoh, and Nupet, 2016). Besides, the remedial assistance policy aims to help, alleviate and mitigate the life of the victim and family members who are affected by the unrest in the deep south of Thailand, has generated conflict-affected victim's distrust towards the government (Center for Conflict Studies and Cultural Diversity, 2014). Providing support to children who suffer from the mental health should be government's major concern (Justino, 2014). Furthermore, Tol, Komproe, Jordans, Vallipuram, Sipsma, Sivayokan, Macy and De Jong (2013) state that *"in so far as education and health recovery programmes are concerned, these should focus on each individual as a unique being, rather than implementing universal models and expecting the same results in a broad population group without considering the particularities and/or*

context of each case". Moreover, the state's responsibility is to provide protection to children which the right to education is not only an economic, social and cultural right, but also included civil and political rights of individual and collective rights (Tomasevski, 2001). Children's right to education have enshrined in both conventions and declarations, in which any form of education that build on children's abilities and promote their cultural identity is mandated in the Convention on the Rights of Child (Nicolai and Triplehorn, 2003). Nevertheless, in some case, the government might intentionally limit the access to education for certain groups (Nicolai and Triplehorn, 2003). Several human right violations such as the right to education, right to remedy, right to life, survival and development and right to non-discrimination are still occurred and disregarded through the policy.

METHODOLOGY

This research will be studied by using the qualitative method as the main tool through the semi-structured interview along with the preset open-ended questions.

In order to answer the research questions, the data will be collected from relevant sources such as primary and secondary data. Firstly, the primary source will be retrieved from personal experiences in which the in-depth data collection will be conducted from a field interview. The key informants will be selected base on the experiences, expertise, roles and duty, technical knowledge and skills including parent or guardian of the orphaned children, Civil Society Organizations and government agencies who have been working with orphaned children. Lastly, a secondary source will be studied through books, articles, research, reports, academic journals from either government and non-government organizations which are relevant to this research topic.

FINDINGS

As of now, the finding is collected through the secondary data through literature review and abovementioned sources. According to the literature reviews, the deprivation of orphaned children's right on accessing to education has been influencing by individual and environmental factors. At the individual level, the violence of conflict influenced child's emotional capabilities, witnessing the death or injury of family members may increase the risk to children and make them more vulnerable. The consequences of psychological effects can lead children to drop out of the school. Such personal circumstance would create the limitation of accessing to education. Meanwhile, the environmental factors as

family influences, community context, and state's policy have been major causes of child growth. In the family level, family members strongly influence development of children especially educational achievements. Family socioeconomic status could indicate the child's quality of life. In the deep south of Thailand, most of orphaned children's family live in extreme poverty, at some age they are pressed into work to increase family income and to help lighten the family's expenses. Family beliefs and religion also play a part on child's life and rights. Orphaned children's family prefer to send them to religious school rather than public school. Moreover, community-level dynamics affect a child's development and mental health. The community context plays a vital role in influencing either child and their family on decision-making to determine their well-being and future. In Pattani province's context, since the re-emergence of the violent conflict in 2004, most orphaned children and their families have been facing difficulties caused by surroundings such as poor economy, lack of security, and discrimination. However, at national level, after the government launched the remedial assistance policy, many children have become more vulnerable due to the ineligibility. Hence, they are unable to be provided monetary and non-monetary support. In addition, attending in non-formal education system, orphaned children will be unable to receive remedial assistance from the government. Lastly, the disparity of the conflict-affected orphaned children in accessing to the support caused by the remedial assistance policy including the criteria for eligibility and the three-department certifying policy.

CONCLUSION

In both peacetime and wartime, children are always subjected to exploitation. Being children who live in the conflict area and have lost parents are more severely vulnerable. The orphaned children whose parent's death was not recognized as a result of the unrest in Pattani province have been facing difficulty accessing education, psychological support, protection, and other social welfares. Both individual and environmental factors caused by the conflict have direct effects on child development. The risk factors as the absence of supportive policy, family economic hardship, family's beliefs, and children's mental health have been created the negative outcome for child development while the child's rights violations on accessing the education have been deprived. To uphold the right to access education of orphaned children whose parent's death was not recognized as a result in Pattani province. The potential threat such as individual and environmental factors contributing to orphan child vulnerability on access to education must be reduced and solved.

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BARRIERS TO THE RISE OF WOMEN ACADEMIC LEADERS IN CAMBODIAN UNIVERSITIES

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ABSTRACT

Women's work in the academe is limited to those working as vice-dean, dean, vice-rector, and rector at universities in Cambodia. In 25 universities in Phnom Penh, 18 out of 128 members are women working in the academic field but not in leadership positions.

Cambodia's constitution follows the international instruments signed or ratified by the Cambodian government, including the Convention on Elimination of All Forms of Discrimination against Women (CEDAW). The promotion of women in society through education and programs from relevant institutes are in progress. Moreover, the adoption of international instruments into national legislation like the Constitution of the Kingdom of Cambodia, particularly in Article 31, recognizes and respects human rights. Also, Article 65 mentions the right of citizens to access education. Further, the Constitution of the Kingdom of Cambodia states in Article 38 that "men and women have the same rights and equality of work."

In 2019, Special Rapporteur on the situation of human rights in Cambodia, Rhona Smith, expressed "*other human rights aspects of the Sustainable Development Goals (SDG) have not been carried over to the Cambodian Goals since there was one goal of SDG mention about gender equity and quality education, especially in the fifth goal.*" Women have the right to lead at the decision-making levels in the political, economic, and public life.

This paper examines the advancement and challenges of Cambodian women in achieving leadership positions in the academic field, especially as university leaders. Moreover, it understands more about women in the Cambodian context for other researchers who would like to contribute to future leadership awareness and improve policies.

Keywords: Women, Cambodia, Experiences, Leaders, Academic.

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BACKGROUND

In 2015 the UN member states adopted the Agenda 2030 for Sustainable Development which has 17 goals, including gender equity and quality education. Cambodia accepted this agenda by supporting the UN. According to the fifth Sustainable Development Goal, women have the right to leadership at the decision-making level in political, economic, and public life.

Cambodia's population is over 16 million (World Bank, 2019). In June 2019, according to the National Institute of Statistics from the Ministry of Planning (MoP), the population comprised 48.5% men and 51.5% women. In the same report, the population breakdown by age: the most significant age group was between 15 to 59 (61.7%), while a group below 14 years old had only 29.4%, and over 60 had only 8.9% (MoP, 2019).

Cambodia has 125 higher education campuses under the control of 16 institutes and 76 campuses under the Ministry of Education, Youth and Sport (MoEYS). Also, 13 campuses are public universities, and 63 campuses are private (MoEYS, 2018). However, 41 institutes provide education for graduating students. Yet, only 25 universities put the information on their websites have only 165 faculty (see Annex 1). Eighteen universities provided information on their management structure and have 39 females out of 128 members (CSHL and CHRIJ, 2020, p. 23).

The illustration below shows the number of female and male professors in Cambodian universities. The particular numbers of female professors who hold Bachelor's degrees had 38% of professors teaching at universities in Cambodia, Master's degrees had only 13%, and doctorate degrees had 10% (MoEYS, 2018). The qualification of females working in the academe is carrying certificates.

Table 1: Number of Female and Male Professors in Cambodian universities in 2018

Degree	Total Number	Female
Bachelor	4,569	1,780
Master	10,289	1,393
Ph.D.	1,309	135

Before focusing on the target group in this research paper, understanding women's situation in Cambodia is essential. Linja and Mona (2008) discussed the conditions of

women participating in political parties in Cambodia. Democracy must be fair for men and women. Linja and Mona suggested that the difference in the democratic system between the West and Cambodia includes the discourse of women's participation in the political system (Linja and Mona, 2008, p.56). This article also identified of highest women labor force data in Southeast Asia, yet income remains lowest for women than men at the same opportunity. Women assume the essential role at home, but they could not get into the political arena. Society believed that women are slow in everything, but women are honest, gentle, active, hardworking, humble, and economical. Social norms give focus on the traditional education of women since they were born. Such is the use of "Chbab Srey" or the Cambodian code of women in the form of poetry, which states the rules for the code of conduct for females, males, monks, and others (Linja and Mona, 2008, p.67-70).

LITERATURE REVIEW

In this part, the researcher outlines two areas of literature review. She begins with the advancement of women by showing the factors that support women in academia, such as the importance of having women working as policymakers or leaders, legislation, environment, and creating the opportunity by herself. The second part explores the challenges and structural reasons women cannot reach higher positions, such as the poor implementation of regulations, workplace environment, family support, and lack of courage.

This research is a mix of qualitative and quantitative methods. It discusses the factors supporting women working as leaders in various regions such as Europe, Asia and America, but not applicable to senior leaders in Cambodia. The gaps in the implementation of regulations are limited. There are no institutions responsible for monitoring, unlike in other fields such as monitoring domestic violence and the right of education which have received more attention. The literature review shows the factors and barriers to women concerning norms or social perspective. But it isn't focused on educating the young generation for future changes.

Advancement of Women – How can women reach high positions at universities in Cambodia?

Existing research has discussed factors that support women working in the academic field, challenges they faced before and after they get the achievement. Factors supporting women include legislation, implementation of legislation, and personal skill.

As policymakers, women create networks both personally and professionally with other women since women can understand each other's needs. Moreover, a research report discussed the high impact of having women in office in India that provides evidence of the importance of having women as policymakers (Chattopadhyay and Duflo, 2004). Recent research found that women have better leadership in academic settings as men could abuse women based on their dominance (Maqubela et al., 2019, p.38).

Many countries have existing national legislation and international instruments to promote women in all fields. However, a recent research paper has highlighted that there are many tools, research papers, and regulations that encourage women to engage in society, but the author suggested it is also important to consider gender balance for an organization's achievement (Sultan et al., 2019, p. 227).

Personal confidence is most important to bring women to high positions aside from their education, knowledge, and skills. Fernando has identified personal skill as a factor to support women into a leadership position (Fernando, 2014, p.3). Thus, it demands women to get higher education because it builds on a human resource that becomes better from one generation to the next, increasing self-confidence, skills, abilities, and leadership tasks (Maqubela et al., 2019, p 44).

The working environment must have in place structured support for women to have a positive impact on the achievement of women. Female participants in a management position should enjoy this support, respect, and opportunity, not just salary (Sultan et al., 2019). Existing research from Grummel, Devine, and Lynch (2009) discussed the impact on the management team in Ireland of selecting candidates by board members. The study highlighted that the selection process considered the candidate's expectation, value experience, and previous experiences (Grummel et al., 2019, p. 434-438).

Challenges of Women – Why are there only a few women in the academic field?

Legislation, implementation, and personal skill improvement are factors to support women. The existing legislation has highlighted in part one way to promote women, but the implementation is limited. As a research paper in 2009 wrote, having a regulation does not make it a reality due to different factors (Keren, 2009. p.137).

Still, another research paper found a limited number of women working at the executive management level both because they lack confidence and because of structural issues,

especially the author mentioned conservatism and homosocial within existing perception (Shepherd, 2017) that is the same issue as confidence which include a social perception regarding the man's broad networks (White et al., 2011).

In the case of Hong Kong, Tang (2019) also notice that males are more likely to fill senior positions. Women have a role "as leadership who often feel isolated, pressured, and not trusted, and feel uncomfortable when she is in the meeting and males sit around." This research also found that for the leadership roles in East Asian academe, professional skills are more effective than personal which include marriage and family obligations.

The traditional norms in each country contribute as a barrier to women. It is believed that the ways women and men lead are different. This concept is exemplified by the belief that while women are leading, they share power rather than function as bosses (Eddy, 2009).

Savigny (2017, p.645) raised the lack of role models in university to support young women interested in this field. This article explores the motivation of women working in the academic field to raise their voices and wrote about their experiences. Women are afraid to speak up during public events and concerned that they could be identified by their remarks. "Culture Sexism" remains everywhere. In the United Kingdom, sexism is still a problem in academic institutes (Savigny, 2017). It cited an example where a woman introduced by her boss to another member was asked to bring coffee because it was assumed that she was the secretary.

In the paper, *Barriers to Women Leaders in Academia: Tales from Science and Technology* in 2016, Liza Howe-Walsh and Sarah Turnbull discussed the conditions of women working in science and technology in the United Kingdom. The authors identified a lack of women in this major, with only 36 out of 650 professors. The reasons identified by the few women in senior positions in the subject are issues in the selection process, gender culture and male dominance within the institution, and individual factors such as time taken to have a baby that affects career progression. The key finding in this article is gender discrimination, both direct and indirect. Moreover, male networks dominate the daily working practices, so women feel that opportunities for promotion are limited. Another barrier to women is the lack of opportunity for improving personal capacities. Women still have no enough confidence. Lastly, having a baby becomes a barrier to women as it reduces working hours, having a mental and emotional attachment to the baby. Thus, social perception believes that they could not concentrate on work.

Looking at feminism in Pakistan, Saleem and Ghina talk about work-family balance focusing on women who are aged 50 to 65, have a doctorate and Philosophy, and have been successful in the academe. The findings indicate that these women got support from their fathers because of male dominance in Asian culture. The women could not decide without the approval of the father or husband. However, they did not expect support from their families because they are fully aware that their career choices do not have the blessing of their families. All the participants believe that women are more suited to raise children while men are more suitable for diplomatic problem-solving strategies.

In the universities in Europe and Spain, Cabezas and Martinez (2017) showed the concerns that women lack in the academic field. In the conclusion, two factors that promote women's participation in academic institutes relate to the structure and function of the university system. While there was an improvement in the last two decades in women's participation, men still remain in power (Cabezas and Martinez, 2017).

While there is no research paper or article on women's experiences that focus on specific studies on advancement or barriers in the academic institutes, this paper will make a model or draw key findings to encourage women to engage in academic fields in the future.

LEGAL AND POLICY FRAMEWORK IN CAMBODIA

There are relevant national legislations, international instruments, and supplementary programs to promote women in Cambodia in different fields. The Royal Government of Cambodia has signed and ratified treaties (UNHR-Treaty Bodies) such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) that promotes equal opportunity for women in society. The Constitution also includes the International Covenant on Economic, Social and Culture Rights (ICESCR) and International Covenant on Civil and Political Rights (ICCPR).

Article 31 of the Constitution of the Kingdom of Cambodia states: *"The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants, and conventions related to human rights, women's and children's rights."* Additionally, Article 65 mentions the right of citizens to access education. Further, the Constitution of the Kingdom of Cambodia states in Article 38 that men and women have the same rights and equality of

work. The Ministry of Women's Affairs has encouraged institutions across Cambodia to expand programs to boost the participation of women in different positions and activities, including entrepreneurship, leadership, political representation, legal representation, and other fields.

Although the above legal frameworks include support for women's participation in all fields, the United Nations Office of the High Commissioner for Human Rights remains concerned about the right to education. In 2019, Rhona Smith, Special Rapporteur on the situation of human rights in Cambodia, expressed that *"other human rights aspects of the Sustainable Development Goals have not been carried over to the Cambodian Goals"* (UNOHCHR, 2019).

The Neary Rattanak Strategy from the Ministry of Women's Affairs in Cambodia has addressed challenges to promote women in society. It reports every year about the situation of women, barriers, and opportunities for women. The four challenges generally found in the report are: 1) lower-wage range compared to men, including social protection and safety work; 2) opportunity; 3) capacity development; and 4) work and family life balance. To fill the gap, the Ministry has promoted different programs. The first is to provide scholarships to poor students, especially women, while also including policies on gender inclusion into curriculums and key indicators. Second, provide home-based learning and literacy classes to female garment workers at the community level in 12 provinces, of which 749 girls joined in 2018. The last program is to deliver education and awareness-raising activities to achieve positive change and promote women's rights through videos, radio programs, magazines, public forums, and social media (Neary Rattanak V-2019 to 2023, 2020). Although the Neary Rattanak Strategy has been implemented since 2013, it has not improved the position of women in the academic field yet.

It is not only international and national regulations that are relevant. In general, before any institute's work process, they have the internal rules and human resources to help manage internal controls during implementation. Promoting a candidate to a high position must follow regulations and former leaders' experiences. Implementing legislation is significant for encouraging the participation of women and increasing the number of women working in senior positions. At the same time during implementation, the workplace environment takes the primary role to build confidence for women. Still, women working in the academic field are limited.

During the desk review on existing research papers on the experiences of women working in academic institutions in various countries, the researcher found that the factors for both support and challenges are different. Different feminist movements struggle with social perception and understanding.

Feminist- Missing the Role Model in Academia

Given the differences above, the feminist in Western countries and Asian countries is distinct partly due to varying democratic principles. In simple understanding, feminism promotes equal rights between men and women. J. Scholz (2010) also asked, "*What social roles are they expected to take? What are their liberties or privileges over men?*" and similar sorts of inquiries. Research in South Africa identified that women are blocked at the top positions because of the "*masculine or patriarchal nature of the workplace*" (Maqubela et al., 2019, p.41). The feminist theory developed on the role of women is currently in the contemporary global diversity and politics (Robert, 2016, p.136). Equality, exclusion, and distortion increase due to changes in recent global economic and other issues (Robert, 2016, p.136). Southern feminists are often absent in scholarships or textbooks in European and North American feminist courses. They must be considered a priority to contribute to global democratic principles (Robert and Connell, 2016, p.135). Piedalue and Rishi highlighted the own context of the South rather than adopting new theories (Piedalue and Rishi, 2017, p.533).

Globalization can help to advance the feminist movement. Hong Kong is a Special Administrative Regional of the People's Republic of China but used to be a British colony from 1943 to 1997. The legacy of the British colony's administration was allowing women to have equal rights like men. During that time, without support from the Hong Kong government or politicians, the participation of women in political leadership started in 1960 (Lim, 2015). First, there was an increase in women working in the public sector later. The same is the situation in Indonesia, where international exchanges provided women with opportunities to discuss problems faced by women and share experiences with others. In 1935 the social perspective for women created a new generation of women (Martyn, 2005, p.161). However, feminists in the post-colonies are not engaged, but theories about feminism traced from the West contributed (Katjasungkana, 2012). The first account of the struggle for women's rights was during the revolution in the United States in the eighteenth century, but it has not succeeded until the middle of the 1800s.

It moved to the second wave in 1960 during the uprising of students and civil rights activists. The last wave was in 1990 (J. Scholz, 2010).

There was a significant women's movement in Cambodia during the French colonization from 1953 to 1963. However, research by Rogers in 2019 argues that girls' social perception of access to higher education in Cambodia depends on the belief that women are future wives and mothers. This perception and the lack of support from the community were the barriers to women's access to higher education (Rogers, 2019, p.539).

To be at the leadership in a university, the candidate needs to hold a doctoral degree, have work and research experience for many years, and used to lead in the private or public sector. Moreover, the candidate needs to have a strong personality, connections, and social networks. Jamil et al. (2019) mentioned that women lack confidence and always think that other people have qualifications more than themselves. The study was conducted at five universities in Australia.

In Cambodia, universities announced recruitments for a few positions. The University of Cambodia wants a dean for the College of Education, and the candidate needs to hold a Ph.D. degree in a related field, have a five-year of experience with an academic institution. The Panhasatra University in Cambodia needs an academic instructor who has native-level English skills. The University of Puthisastra, known as a medical educator that provides overseas education, follows the qualification of five-year teaching experience and three-year administrative experience. In late May 2021, the Ministry of Education, Youth, and Sports announced the recruitment of 80 positions for lecture teaching positions with applicants having Bachelor's degrees within a public university. The Ministry encouraged persons with disabilities to apply but did not mention women. Applicants must hold a Master's degree. Many universities require at least three to six years of teaching experience. For senior positions from dean to director of a university, a Ph.D. degree is needed which limits the applicants from women and men as well.

CONCLUSION

The findings from the literature review are most important for future fieldwork for women and men working in academia. Findings show that candidates for university leaders are required to have higher education, solid experiences, and personal skills, albeit the equality of gender stated in national legislation and international conventions.

These high requirements for leadership positions became a barrier for women due to the limited access to higher education. Limited access to higher education is due to stereotypes, lack of personal skills, and others. Feminist movements need to impact the young generation. To address women's lack of confidence, another barrier to women becoming leaders, capacity-building efforts are needed.

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ANNEX 1: LIST OF 25 UNIVERSITY IN CAMBODIA PROVIDED INFORMATION THROUGH WEBSITE

No	Name	Faculty
1	American University of Phnom Penh	General Education Architecture Business and Economics Global Affairs Information Technology Management Law Tourism and Hospitality Management Graduate Studies English Preparatory Program
2	Asia Euro University	Science And Technology Law and Political Science Social Sciences and Economics Arts, Humanities and Languages Business Administration and Tourism Post- Graduate School
3	Beltei International University	Business Administration Education Art and Humanities Law and Social Science Tourism and Hospitality Engineering and Architecture IT And Science Civil Aviation
4	Build Bright University	Economics And Agricultural Sciences Business Administration Tourism and Hospitality Science and Technology Engineering and Architecture Arts, Humanities and Languages Law and Social Science Doctoral Studies

No	Name	Faculty
5	Cambodian University for Specialties (CUS)	Faculty of Social Sciences and Law Faculty of Arts, Humanity and Linguistics Faculty of Science and Technology Faculty of Engineering General overview of The Program
6	Cambodian Mekong University	Arts, Humanities & Foreign Languages Management & Tourism Science and Technology Economics Law Social Science International Program Entrepreneurship Program Associate's Degree (Towards Bachelor)
7	University Of Economics and Finance	Science And Technology Economics and Social Science Arts and Foreign Language Business and Finance Tourism and International Relations
8	Human Resource University	Business Administration and Tourism Social Science and Economics Arts, Humanities, And Languages
9	IIC University of Tecnology	Business Economics Mathematics and Science Social Sciences Arts, Humanities and Languages

No	Name	Faculty
10	International University	Faculty of Social Sciences and Journalism Faculty of Agriculture & Rural Development Faculty of Animal Science & Veterinary Medicine Faculty of Business and Economics Faculty of Dentistry Faculty of Humanities and Linguistics Faculty of Laws Faculty of Medicine and Pediatrics Faculty of Nursing Sciences Faculty of Pharmacy Faculty of Sciences and Technology
11	National University of Management	Management Economics Finance & Accounting Tourism Law Information Technology
12	Norton University (Nu)	Architecture Department Civil Engineering Department Computer Studies Department Electrical & Electronic Engineering Dept Research Department
13	Panhcha Chiet Univerisity	Faculty of Law and Social Science Faculty of Arts, Humanities, And Languages Faculty of It and Engineering Faculty of Commerce Faculty of Economics Faculty of Tourism and Hospitality Managements Faculty of Arts and Musicology Faculty of Education Science

No	Name	Faculty
14	Pannasastra University of Cambodia (PUC)	Arts, Letters & Humanities Business & Economics Law & Public Affairs Education Mathematics, Sciences and Engineering Communication & Media Arts Social Sciences & International Relations Graduate School of Management & Economics Architecture & Design
15	Phnom Penh International University (PPIU)	Faculty of Business & Tourism Faculty of Law & Economics Faculty of Education Science Faculty of Science & Information Technology Post Graduate Programs Vocational Training Center
16	Preah Kossamak Polytechnic Institute (PPI)	Faculty of Electricity Faculty of Civil Engineering Faculty of Electronics Faculty of Information Technology Faculty of Management Marketing College Faculty of Accounting
17	Royal University of Agriculture (RUA)	Faculty of Agricultural Economics and Rural Development Faculty of Agricultural Engineering Faculty of Agro-Industry Faculty of Agronomy Faculty of Animal Science Faculty of Fisheries Faculty of Forestry Faculty of Rubber Science Faculty of Land Management And Land Administration Faculty of Veterinary Medicine

No	Name	Faculty
		Department of Foundation Year Graduate School
18	Royal University of Fine Arts (RUFA)	Faculty of Archeology Faculty of Arts Faculty of Music Faculty of Architecture and Urban Planning Faculty of Dance Arts
19	Royal University of Law and Economics (RULE)	Faculty Of Law Faculty of Public Administration Faculty of Economics and Management Faculty of Information Economics Graduate Program
20	Royal University of Phnom Penh (RUPP)	Faculty of Science Faculty of Social Science and Humanities Faculty of Engineering Faculty of Development Studies Faculty of Education Institute of Foreign Languages
21	The University of Cambodia (UC)	Arts And Humanities Mathematics, Science and Computers Social Sciences Foreign Language
22	University Of Health Sciences	Faculty of Medicine Faculty of Pharmacy Faculty of Dentistry Technical School for Medical Care Other Degrees in Health Sciences Affiliated Hospitals and National Centers
23	University Of Puthisastra	Faculty of Pharmacy Faculty of Medicine Faculty of Dentistry Faculty of Nursing & Midwifery Faculty of English & Employability Faculty of Health Sciences & Biotechnology Faculty of Business Entrepreneurship & Technology

No	Name	Faculty
24	Western University	Arts, Humanities & Languages Social Sciences Management & Hotel- Tourism Sciences, Engineering and Technologies Architecture and Design
25	Limkokwing University	Faculty of Fashion & Lifestyle Creativity Faculty of Architecture & The Built Environment Faculty of Business Management & Globalization Faculty of Communication, Media & Broadcasting Faculty of Design Innovation Faculty of Information & Communication Technology Faculty of Multimedia Creativity Limkokwing Sound & Music Design Academy Postgraduate Centre

COMPARING HUMAN VALUES: SOCIAL ENTERPRISE FOUNDERS, FOR-PROFIT ENTERPRISE FOUNDERS AND THE GENERAL POPULATION IN THAILAND

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ABSTRACT

Along with the growing adoption of the social entrepreneurship concept in Thailand, social entrepreneurship research in the Thai context primarily considers the broader phenomena such as its emergence and development, the laws, and obstacles. However, other dimensions that drive the social entrepreneurship movement at an individual level, such as research on social entrepreneurs' intentions, motivations, and values are still neglected. While social entrepreneurs are regarded as leading agents who develop social ventures to address social problems and increase equality in a society, it is important to understand their underlying beliefs and guiding principles that nurture social entrepreneurs' behaviors. Thus, this thesis aims to study the values as the source of motivation of social entrepreneurs by comparing them with for-profit founders and the general population across different demographic characteristics. The findings derived from a quantitative method and online Schwartz Value Survey showed that the values of Thai social enterprise and for-profit founders were identical. In particular, universalism and benevolence values found as unique values of social entrepreneurs in different studies were comparably high across for-profit and social founders in the Thai context. However, the analysis of values between the founders and the general population showed that achievement and stimulation were significantly higher among the founders. These insights suggest that being an entrepreneur might provide them more opportunities and accessibilities to activate achievement and stimulation values, while the general Thais regarded them as less important. Furthermore, the findings from an analysis of

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demographic characteristics showed that the participants who were married, had children, and grew up outside Bangkok significantly adopted more conformity, tradition, and security values. In the entrepreneurship context, the founders with these demographic characteristics might develop their social venture and react to society in a more collective and group-oriented manner to comply with their underlying values.

Keywords: Human Values, Motivations, Cultural Values, Social Enterprise Founders, For-Profit Founders, Social Entrepreneurs, For-Profit Entrepreneurs.

INTRODUCTION

Entrepreneurship research in different countries explains universal aspects of social entrepreneurs' values. This research finds that social entrepreneurs mainly adopt values that hold onto preserving the welfare and equality for others while for-profit entrepreneurs seek to gain individual accomplishment and freedom (Conger, 2012; Conger, York, & Wry, 2012; McCabe, 2012). However, there are other factors, including distinctive cultural values and demographic attributes that are different across contexts and shape values of social entrepreneurs in a different way (Alon, Lerner, & Shoham, 2016; Hechavarria & Reynolds, 2009; Schwartz, 2007; Shane, 1993, 1995; Swierczek & Ha, 2003). Research on the values of entrepreneurs has been widely developed in the American context, where entrepreneurs have different demographic and cultural characteristics from Thai entrepreneurs (Thomas & Mueller, 2000). Such research might not be able to reflect the values of social entrepreneurs in the Thai context. The cultural and demographic differences might shape how social entrepreneurs from different countries construct their values in founding their organizations differently. Accordingly, we need to question the underlying values of social entrepreneurs in the Thai context and seek to identify how their values are different across demographic attributes. Thus, this thesis proposes research on founders' values in Thailand through a comparative analysis of social and for-profit entrepreneurs' values as well as the values of the general population across different demographic attributes. The research adopts the Schwartz Value Survey (SVS), one of the most reliable and highly adopted value measures across numerous cultures and occupations (Karakitapoğlu & İmamoğlu, 2002; Kusurkar & Croiset, 2015; Spini, 2003). The author argues that such research will reflect values that nurture social entrepreneurship behaviors and help how government agencies and educational institutions should support social entrepreneurs in Thailand.

LITERATURE REVIEW

Human Value Theories and Values of Entrepreneurs in Different Countries

Research on the values of entrepreneurs from different countries adopts different human value theories to examine entrepreneurs' values. Schwartz Value Theory has been one of the most widely adopted theories used to explain the values of entrepreneurs across different countries. According to the theory, values construct the motivations and behaviors of individuals and reflect desirable goals they seek to achieve in life. In the context of entrepreneurs, the theory can also describe the value-based motivations of entrepreneurs in founding their enterprises.

Research from different countries points out similar aspects about the personal values of entrepreneurs (Conger, 2012; Conger et al., 2012; Fayolle, Liñán, & Moriano, 2014; McCabe, 2012; Miller, Grimes, McMullen, & Vogus, 2012). Entrepreneurs from the research are categorized by considering their values with different degrees of individual and social welfare orientation. For-profit entrepreneurs with economic orientation tend to adopt values to gain individual gratification and achievement, while entrepreneurs with social orientation tend to adopt pro-social values to create equality for others. They are strongly influenced by a sense of accomplishment, health, family security, and freedom measured by Rokeach Value Theory (McCabe, 2012). In the Schwartz Value Theory, they are dominated by the self-enhancing value whose subset values include power, achievement, and hedonism (Conger, 2012). Achievement and a sense of accomplishment values from the different theories have similar motivational goals which are to gain personal success. When considering Schwartz and Rokeach Value Theory, it can be said that hedonism value in Schwartz Value Model share motivational compatibilities with freedom value in Rokeach Value Model since they have common motivational aims to obtain self-gratification and independence thoughts. Similarly, power and security are found to be the values located close to each other in Schwartz Value Model as they share compatible motivational goals (Schwartz, 2007). Thus, the first hypothesis that describes the values of for-profit founders can be stated as mentioned below.

Hypothesis 1: the most influential values of for-profit founders are achievement, power, hedonism, and security.

In terms of social entrepreneurs, they are found to be dominated by some common values shared in for-profit entrepreneurs that include a sense of accomplishment, health, and

security of themselves, and their families (McCabe, 2012). However, some values are found to be unique qualities of social entrepreneurs throughout different studies which are equality, universalism, other-orientation (Conger, 2012; Conger et al., 2012; McCabe, 2012; Miller et al., 2012). They are described as being ambitious, courageous, honest, broad-minded, group-welfare oriented like the characteristics of for-profit entrepreneurs, but they are more imaginative and other-oriented to embrace more possibilities for social changes and equality of others (McCabe, 2012). The latter values adopted by social entrepreneurs are found to be more influential and prioritized than other values. The values of equality, other orientation, and welfare of the group found in the previous research can be comparable with universalism and benevolence values from the Schwartz Value Theory. Universalism can refer to a social entrepreneur whose social enterprise aims to benefit beyond their group but society at large while benevolence describes the founders who have the purpose of their enterprise to benefit the welfares of their groups. For other dominant values including security and achievement, they might still be influential for the founders but less likely adopted than universalism and benevolence values. Accordingly, hypothesis 2 might illustrate the most influential values of social entrepreneurs as stated below.

Hypothesis 2: the most influential values of social entrepreneurs are universalism, benevolence, security, and achievement, respectively.

Cultural Values and Its Influence on Entrepreneur

Cultural values are found to be consistently related to the rates of entrepreneurship and entrepreneurial activities throughout different countries. Many studies adopt the dimensions of cultural values developed by Hofstede (1984) to research how these different values might differently support or undermine entrepreneurship across different countries (Alon et al., 2016; Hechavarria & Reynolds, 2009; Shane, 1993, 1995; Swierczek & Ha, 2003). Many researchers hypothesized that high individualism and masculinity, low uncertainty avoidance, and low power distance cultural values support entrepreneurship in their countries (Alon et al., 2016; Hechavarria & Reynolds, 2009; McGrath, MacMillan, Yang, & Tsai, 1992; Shane, 1993, 1995; Swierczek & Ha, 2003; Thomas & Mueller, 2000). On the other hand, collectivism and conservative cultural values can impede the development of entrepreneurship activities and innovation in a country (Alon et al., 2016; Hayton, George, & Zahra, 2002). However, these arguments are not consistently convincing in their research conducted in a different period. Shane (1993) found that individualism and power distance were positively related to the national rates of

innovation and supported entrepreneurship in 1975 but not in 1980 (Hayton et al., 2002). Uncertainty avoidance was also negatively related to innovation, and masculinity had no relation to innovation (Hayton et al., 2002). Moreover, collectivism value is positively associated with the early stage of entrepreneurship in the society that encourages their members to emphasize on creating innovative solutions (Alon, Lerner, & Shoham, 2016). Thomas and Mueller (2000) also raised a compelling argument that the concept of entrepreneurs could be nominated by the precedent entrepreneurship research developed in the American context. Cultural values in the American context that highly focus on individualism and masculinity might shape the values of entrepreneurs in the country, but these cultural values might not be influential for entrepreneurs in other countries. Accordingly, it is important for future research to investigate cultural characteristics that might influence entrepreneurs in different countries. Yet, a few studies have been conducted to examine Thai cultural values and their relation to entrepreneurship.

To investigate cultural values in Thai organizations, Jirapornkul and Yolles (2010) have adopted the model of six generic values - respect, honor, synergy, allegiance, learning, and sensibility initiated by Yolles (2006) to analyze the culture coherence in a corporation. Overall, the studies show that Thai people are collective, compromising, and respect group harmony and seniority. They are influenced by materialism, seek economic wealth achievement, image and status preservation, and higher job positions. Also, the studies of cultural values in Thai organizations and Thai SMEs (Jirapornkul & Yolles, 2010; Swierczek & Ha, 2003) indicate how Thai entrepreneurs, managers, and employees are influenced by Thai cultural values and reflect them through entrepreneurial directions and goals in their organizations. These values can be precisely described as the tradition, conformity, and security value by building alignment with the Schwartz value model. This leads to the third hypothesis of this paper.

Hypothesis 3: Thai enterprise founders, including both for-profit and social enterprise founders, adopt a significant degree of tradition and conformity value.

RESEARCH METHODOLOGY

Research Questions

The first and second research questions aim to investigate the values of enterprise founders and the general population and identify how values among founders and the general population are different. This thesis also analyzes the value differences of Thais,

including founders and the general population, across different demographic characteristics. The research questions and methodology developed in this chapter are discussed as follows:

1. What are the value differences between Thai social and for-profit enterprise founders?
2. What are the value differences between Thai enterprise founders and the general population?
3. What are the value differences across Thai demographic characteristics?

Research Method and Data Collection

This thesis conducted a quantitative method through a close and open-ended online questionnaire that seeks to examine the values of social enterprise and for-profit founders in Thailand. In terms of the participant selection method, this thesis used the non-probability sampling methods: convenience sampling and voluntary response sampling. This was due to the limitation of resources, time, and epidemic circumstances that affected the capacity to reach out to the high number of participants. Moreover, this thesis aims to conduct the research with the exploratory purpose and build an initial understanding of for-profit and social enterprise founders. Thus, this thesis is feasible to adopt these sampling methods due to the purpose and limitations mentioned. The total number of responses from founders was 75. Twenty-eight (28) were social enterprise founders. Forty-seven (47) were for-profit founders, 33 of which identified themselves as a start-up.

Questionnaire and Analysis

The online questionnaire included two parts: the demographic questions such as age, marital status, the number of children, gender, education, and their hometown province, and the questions from the Schwartz Value Survey (SVS) to examine the values of for-profit and social enterprise founders. In terms of data analysis, this thesis adopted IBM SPSS Statistics for Windows Version 21 to analyze the data. This thesis used descriptive statistics, including the average scores of different values and ranking of the average scores to find the most weighted values of the founders, and used the one-way analysis of variance (ANOVA) to identify the differences in founders' values.

RESULTS AND DISCUSSION

The first research question aims to identify value differences between for-profit and social enterprise founders. The analysis only pointed out that the universalism value of social enterprise founders was significantly higher than for-profit start-up founders. According to Schwartz Value theory, universalism value is a subset of self-transcendence value that reflects high social-oriented motivational goals and a pursuit of social welfare of people. Frequently found as one of the most significant values of social entrepreneurs across different studies, the high universalism of social enterprise founders reported in this thesis might not provide a different conclusion. However, universalism was not the highest only among social enterprise founders but across all types of founders. Thus, this value among social enterprise founders might be higher than for-profit start-up founders, but it is not distinctive enough to describe how the motivational goals of social enterprise founders are different from for-profit founders. This finding provides insight into how Thai founders hold onto similar personal values despite the different organizational missions.

In particular, for-profit and social entrepreneurs in the Thai context emphasize self-transcendence values, including universalism and benevolence, more than entrepreneurs in different countries. Compared to other studies in the literature review, research on the values of entrepreneurs suggest the most significant values widely found among entrepreneurs include a sense of accomplishment and individualism in the American and Western contexts (Hayton, George, & Zahra, 2002; McCabe, 2012). These values could be aligned to self-enhancement values in Schwartz Value Theory. Using Rokeach Survey, McCabe (2012) in her research suggested that social and traditional entrepreneurs shared small values' differences. And 56% of them were Anglo from United States, United Kingdom, and Australia, while the others were from other regions. While a sense of accomplishment was the most weighted and second most weighted among social entrepreneurs and traditional entrepreneurs respectively in McCabe's study, Thai for-profit and social entrepreneurs in this thesis ranked universalism as the most important value of all. Also, Hayton, George, and Zahra (2002) pointed out that research on values of entrepreneurs that were mostly conducted in American and Western contexts found individualism and uncertainty avoidance as significant values among entrepreneurs. Furthermore, Thai entrepreneurs in this thesis also placed more importance on benevolence value while there is no strong motivation to gain security and benefits for family expressed through entrepreneurs' interviews in research on exploring the nascent

of social entrepreneurs, conducted in the New Jersey, the United States (Germak & Robinson, 2013).

As suggested in the literature review, the findings support the importance of contextual, cultural, and social factors that lead to different motivations and values of entrepreneurs across countries (Hayton et al., 2002; Thomas & Mueller, 2000). In this case, Thai entrepreneurs had a high-value congruence even though they have founded an enterprise with different purposes. Mainly, universalism was the highest one across the different groups of participants. The results refused the first hypothesis that identifies the dominant values of for-profit entrepreneurs in the opposite direction to the values of social entrepreneurs but supported this thesis's second hypothesis. Also, Conger's theory that classifies different types of entrepreneurs based on their dominant values: economically-oriented entrepreneurs, socially-oriented entrepreneurs, and rationally-oriented entrepreneurs, might not be relevant in the Thai context as their values are highly identical due to their cultural and contextual influence in the country. Thus, this thesis highlights the importance of avoiding a perception that some values are merely unique to and represent a specific type of entrepreneur is not relevant in the Thai context and leads to a fundamental attribution error. According to Gawronski (2007), the fundamental attribution error refers to the tendency when people overemphasize personal characteristics over contextual or situational factors when explaining the behaviors of others. For example, people tend to develop a presumption that social entrepreneurs and for-profit entrepreneurs are opposite in their motivational goals: for-profit entrepreneurs are economic-oriented people seeking wealth, power, and achievement, while social entrepreneurs are social-minded people with a strong passion for reducing people's suffering and creating equality.

Nevertheless, there were some differences in values across different types of participants in this thesis. The comparison of values between the founders and the general population shows that the founders emphasized achievement and stimulation more than the general population while considering hedonism as less important. In the Schwartz Value Model, achievement and stimulation values reflect the two higher-order types of values: Self-Enhancement and Openness to Change. These values promote the motivations related to gaining personal success following social standards, pleasure, excitement, and challenges in life. According to his theory, values would contribute to actions when value-relevant situations well activate them. Thus, founding an enterprise and conducting entrepreneurial activities might provide the founders with more opportunities and

accessibilities to pursue these values, found less important to the general population. This insight also aligns with other value studies that suggest values of entrepreneurs commonly reflect achievement orientation, risk-taking, and low uncertainty avoidance as their motivational goals. However, universalism, self-direction, benevolence, and security were still the most weighted values of the Thai general population and founders. These values identify the value congruence of Thais across the two groups. The high adoption of universalism value among the Thai general population might result in the degree of universalism value that became sharply high among social enterprise founders who formally expressed social-oriented motivation through their occupation.

In terms of the relation of demographic characteristics and the values of Thai participants, most of the findings support Schwartz Value Theory except for the ones derived from an analysis of gender and education. According to the literature review on values and education, universalism value increases when people receive higher education, while the study on gender suggests collective values such as universalism and benevolence found among females more than males. Thus, the precedented studies on the values regarding education and gender influences might not be relevant in the Thai context. On the contrary, universalism and benevolence values are comparatively high across all groups regardless of levels of education and gender. Another interesting finding is that different provincial contexts where the participants grew up reflect some differences in values. In particular, the results suggested that participants who grew up outside Bangkok placed more importance on security and conformity values. To react to their values, participants who lived outside Bangkok are likely to pay more attention to harmony among groups, social norms, and expectations than the different groups. When considering these demographic factors in the entrepreneurial context, entrepreneurs' values might alter and shift in priority according to their current life stage and background context. The changes in values might lead to a new source of motivation and shape how entrepreneurs react to their organizations. For example, those who grew up outside Bangkok might develop their enterprise while seeking to preserve harmony and relationship among groups that are less likely to happen for those who grew up in Bangkok. These insights reveal how the two groups might interact with society differently based on the values influenced by individual demographic characteristics.

CONCLUSION AND RECOMMENDATIONS

This thesis provides explorative insights that reflect the comparative values of different founders and the general population while analyzing their demographic attributes in the Thai context. The quantitative approach of this thesis might help the other agencies, such as the government, understand a broader trend of the values of social entrepreneurs and for-profit entrepreneurs in Thailand, and acts as a baseline for a qualitative approach to study values on a deeper level. Also, the results from this value study could help the government agencies and educational institutions nurture social entrepreneurs in Thailand. This thesis argues that pro-social values such as universalism and stimulation value dominate all types of entrepreneurs with different demographic attributes. These values reflect their social standards and guiding principles to protect and preserve welfares of all people and nature while seeking independent thoughts and actions. It could be said that these values will not be a factor that determines the motivations in pursuit of social entrepreneurship among people but complement such motivations instead. Thus, the government could help support social entrepreneurs in Thailand by building a supportive social entrepreneurship ecosystem or supporting grassroots entrepreneurs. In terms of educational institutions, they might take leadership on developing and providing skills and knowledge that are important to foster entrepreneurs, such as management, marketing, finance, and innovation creation.

Nevertheless, there are some elements that future research should consider to build more concrete findings and help extend more understanding of the values of entrepreneurs from different dimensions. For example, a larger sample size could help strengthen the analysis and findings of value differences of entrepreneurs across different groups. The survey questions that focus on more entrepreneurial context might help future research acquire deeper insights directly related to the motivations in founding organizations of entrepreneurs.

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ISOLATION MEASURES, MEASURING INEQUALITIES: COVID-19 CONTAINMENT MEASURES FOR MIGRANT WORKERS IN MALAYSIA, SINGAPORE AND THAILAND

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ABSTRACT

The COVID-19 pandemic exposed and amplified vulnerabilities, mainly of marginalized sectors of society. One of those disproportionately affected are migrant workers, who are subjected to precarious work that multiplies their susceptibility to health risks. Therefore, host countries in the region of Southeast Asia, such as Malaysia, Singapore and Thailand, have enacted isolation measures or containment policies to curb the spread of the virus among the migrant workers. These measures came in the form of movement restrictions and detainment of irregular migrants by host governments. Heavily neglecting the needs of this population, isolation measures have negatively impacted the human rights of workers, specifically their rights to an adequate standard of living, work, freedom of movement, rest and leisure. This paper is a preliminary study on the COVID-19 containment policies and the impacts on the migrant workers, in the host countries of Malaysia, Singapore and Thailand.

Keywords: COVID-19, Migrant Workers, Southeast Asia, Human Rights.

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INTRODUCTION

The burgeoning COVID-19 pandemic has impacted the whole world. It has exacerbated existing inequalities, especially for marginalized sectors of society. For migrant workers, with their lack of job security, limited access to basic social services, and poor living and working conditions, they became more susceptible to the virus, experiencing COVID-19 outbreaks (Human Rights Working Group [HRWG], 2020). Southeast Asia, as an active exporter and importer of labor and human capital, was severely impacted by the pandemic on both ends. With massive lay-offs and restrictions on mobility in host countries due to the pandemic, countries of origin had to deal with the return of migrant workers and the decline in remittances.

While the region provides almost ten percent of the world's migrant workers, it also hosts labor migration hubs of Malaysia, Singapore and Thailand (Testaverde et al., 2017). Governments of these host countries enacted containment policies or isolation measures distinct to the migrant worker population. These come in the form of lockdowns, movement control orders and strict observance of their respective immigration acts, in order to contain the virus. In this light, this paper is a preliminary study on the pandemic management of host countries in Southeast Asia (Malaysia, Singapore, and Thailand), specifically COVID-19 containment policies and the impacts on the migrant workers. While these measures were implemented for the sake of public health and safety, these had far-reaching implications on the lives and livelihoods of migrant workers. Containment policies and measures have intensified the institutional neglect that migrant workers face in their host countries. This entails neglecting their needs, subjecting them to harm and risks, through the policies of the institution, or the lack thereof. Due to the lack of state support, containment measures have led to the curtailing of their basic human rights, including their right to work and right to healthcare. While the COVID-19 pandemic has profound impacts on the marginalized and vulnerable, government responses remain to be disproportionately unequal.

MIGRANT WORKERS IN SOUTHEAST ASIA

The International Organization for Migration (IOM) (2008) defines labor migration as the “movement of persons from their home State to another State for the purpose of employment” (p. 1). Migration is mostly caused by economic factors, as it is characterized as a “multigenerational poverty reduction strategy” (McAdam, 2020). In Southeast Asia,

labor migration has long been a significant aspect of the countries' economy and development. The region serves to supply and host migrant workers.

There are three broad migration streams in Southeast Asia, namely, skilled labor flows, unskilled and semi-skilled labor flows, and irregular labor flows (Kaur, 2009). Skilled labor flows entail the hiring of professionals, with high demand and salaries. The semi-skilled labor flow is the most usual, with workers being employed for doing manual work in the agricultural, fisheries, construction and service sectors. They are usually classified as 'temporary guest workers,' with work permits, and recruited through agencies or under a sponsorship system. For those who cannot pay the agencies for the processing of their documents, they result to irregular or illegal migration. They are still hired by employers, but are subjected to labor-intensive work and extremely low wages (Kaur, 2009).

As of September 2019, Malaysia hosts 1.98 million migrant workers, comprising mostly of semi-skilled workers needed for its rapid urbanization (International Labour Organization [ILO], 2019). Likewise, semi-skilled workers mostly make-up Singapore's migrant worker population, which has reached 1.4 million in October 2020. A significant number of these workers, specifically 300,000, are employed as construction workers (HRWG, 2020). Thailand employs the greatest number of migrant workers, totaling 2.8 million as of August 2019. It depends on semi-skilled workers from neighboring countries to advance economic productivity (ILO, 2019).

Semi-skilled and irregular migrant workers are subjected to a precarious position in their host countries. Precarious work is defined by the presence of low wages, short fixed-term contracts, employment intermediaries and lack of security. It also heightens their vulnerability to various risks to their security and well-being. Their state of precarity also dictates the quality of political, social and economic protection they have and receive from their host and origin countries. This can be illustrated through their lack of legal redress, political participation, and collective representation (Chin, 2019).

With regard to migrant health, on top of individual factors and community influences, the more overarching determinants for their health are their living and working conditions, as well as the general socio-economic, cultural and environmental conditions. Poor living and working conditions, characterized by the lack of access to clean water, hygienic housing, occupational health and living wage, make workers more susceptible to illnesses. Furthermore, the general conditions they are subjected to, such as strict immigration

policies and the lack of social protection, have made migrant workers even more defenseless towards health risks (Commission on Social Determinants for Health, 2008). As Mosca et al. (2012) mention, the “health of migrants is to a large extent determined by factors outside the health sector” (p. 6), which was further brought about by the COVID-19 pandemic.

The rapid and infectious spread of COVID-19, an illness caused by severe acute respiratory syndrome (SARS-CoV-2), has led to its declaration by World Health Organization of COVID-19 as a global pandemic. In the first semester of 2020, countries in Southeast Asia started to report cases of the virus, as well as outbreaks from its migrant worker population. As stated by Wahab (2020), “in many countries that receive millions of migrant workers, migrant populations serve as the epicentre of the pandemic.” To address this, as a part of their wider COVID-19 response, the national governments of the host countries of Malaysia, Singapore and Thailand implemented containment measures, which are directed towards the migrant workers. These came in the form of restrictions on movement, lockdowns, and detainment of irregular migrants.

HOUSING INEQUALITIES: SINGAPORE’S MIGRANT WORKERS

Migrant workers in Singapore comprise mostly of low-wage workers in construction, maintenance and shipping, who live in purpose-built dormitories (PBDs), shipping containers, and temporary housing on work sites (Yea, 2020). At the start of the pandemic, the government allowed workers to travel to their place of work. However, the lack of observance of social distancing measures led to a COVID-19 outbreak among them. Their lack of access to healthcare, coupled with their poor and unhygienic living and working conditions, have eventually served to transmit the virus among these workers (HRWG, 2020).

About 200,000 migrant workers live in these PBDs. These facilities are usually overcrowded, with twelve to twenty people in one room, making social distancing impossible. Dormitories also have inadequate facilities, with no air conditioning, no ventilation, pest infestation and filthy toilets. The outbreak of disease in these dormitories is not a new phenomenon, as these workers have witnessed how susceptible they are to dengue and other waterborne diseases (Yea, 2020).

At the start of the COVID-19 outbreak in Singapore, the Ministry of Manpower (MOM) advised dormitory authorities to sanitize their premises and to look after the personal hygiene of their occupants. However, there was a lack of follow-through from the ministry. Thereafter, the first positive case of a migrant worker was recorded on February 9, 2020, which also led to the infection of their four other workmates. While the MOM issued guidelines to avoid infection in dormitories, these were hardly implemented due to the existing cramped and unhygienic conditions of the PBDs (Yi, et al., 2021).

In order to prevent the further spread of the virus, the government passed the COVID-19 (Temporary Measures) Act and initiated the “circuit breaker” lockdown on April 7, 2020. Under this policy, migrant worker dormitories were transformed into “isolation areas” to cater to the COVID-19 infected patients. On the same day it was enacted, three dormitories that housed 24,000 migrant workers were put under quarantine and tested for the virus. While they were monitored for symptoms, swab testing was not widely conducted for occupants or close contacts of positive patients (Transient Workers Count Too, 2020). Despite one’s COVID-19 status, all migrant workers were cramped into these dormitories together, sharing facilities, which eventually increased the risk of infections. While they were provided with basic necessities such as food, they were excluded from the government’s distribution of masks and sanitizers (HRWG, 2020).

As of December 2020, while the cases remain low for the local population, migrant workers comprise 93% of the infections in Singapore. Nearly half of the migrant workers housed in dormitories have been infected with COVID-19 (Illmer, 2020). Due to the continued infections in the dormitories, lockdown restrictions have continued even after a year, with migrant workers likening their isolation experience to being imprisoned (Paulo & Grosse, 2021).

DETAINING THE VIRUS: THAILAND’S IMMIGRATION DETENTION CENTERS

In the case of Thailand and Malaysia, strict implementation of their respective immigration policies has led to the detention of undocumented migrant workers. To contain the virus, the national government of Thailand closed eighteen border points with its neighboring countries on March 23, 2020. The national shutdown led to a mass exodus of migrant workers, approximately 310,000 returnees, that decided to head home, due to the fear of the pandemic, fear of losing their job and fear of their work permit expiring (ILO Country Office for Thailand, Cambodia and Lao PDR, 2020).

However, with the easing of movement restrictions in the country last June 2020, migrant workers have been trying to cross the border to find employment opportunities in Thailand. Local authorities like the Immigration Bureau and the police have heightened their surveillance and control over these borders, detaining and deporting these migrants. Those who are caught entering and staying in the country illegally are brought to immigration detention centers (IDCs) (HRWG, 2020). In provinces where there is a considerable migrant worker population, COVID-19 outbreaks were blamed on the undocumented workers.

Across Thailand, as of June 2020, there are twenty-two immigration detention centers housing a total of 2,498 migrants, which includes undocumented workers, refugees and asylum seekers. While these centers are designed for short-term stays of up to fifteen days, some are detained for years, resulting to overcrowding, with some detainees having to take turns sleeping or sleep standing up. The cramped living spaces and the lack of access to healthcare, food, water, sanitation and hygiene, all contributed to the high transmission of COVID-19 (Chia, 2020).

In 2020, the various IDCs saw the widespread infection of detainees, with 42 positive cases at Sadao IDC (Chia, 2020) and 65 in Songkhla IDC (Phasuk, 2020), after an immigration officer, who was found infected, visited the center and transmitted the virus. While the government has aided the testing, isolation and treatment of these detainees, infections continued to rise due to the nature of these centers. In March 2021, positive cases among the migrant detainees in Suan Phlu and Bang Khen reached 300 cases. With the rise in cases, the Immigration Bureau Commissioner Pol. Lt. Gen. Sompong Chingduang eventually admitted that the IDC's overcrowding and cramped conditions have caused COVID-19 transmission (Ngamkham, 2021).

COVID-19 CRACKDOWN: MALAYSIA'S DORMITORIES AND DETENTION CENTERS

The COVID-19 response in Malaysia included containment measures for both regular and irregular migrant workers in dormitories and detention centers. Corporations are mandated by law to provide centralized accommodation for their workers that passes government regulations, according to the Workers' Minimum Standards of Housing and Amenities Act 1990. However, ninety percent or 1.4 million migrant workers stay in non-compliant accommodations, making them vulnerable to COVID-19 transmission and other diseases (Channel News Asia, 2020).

Top Glove, the world's largest producer of rubber gloves, became one of the largest contributors to the COVID-19 cases in the country. As of December 2020, 5,083 employees have tested positive, comprising of local and migrant workers. Top Glove's centralized accommodation houses eight to twelve workers per room, sharing one bathroom. The government designated a task force that monitored the screening and quarantine of employees. Dormitories of these workers were subjected to the Enhanced Movement Control Order, enclosing their premises with barbed wire fencing, prohibiting the occupants to go out for two weeks (Hassan, 2020).

Labor activists have noted that this case is just the 'tip of the iceberg,' with other workers having to live in even worse conditions. Construction workers are forced to live in kongsi houses or makeshift living quarters made out of plywood, occupied by forty to eighty people, who share only three restrooms. Occupants of the kongsi are more susceptible to diseases, due to the poor and unsanitary state of their living quarters (Yee et al., 2017). Meanwhile, other migrant workers who lost their jobs were forced to transfer to smaller, more cramped dormitories or rental houses. A lot of these workers are undocumented and cannot lodge a complaint to the government regarding their living conditions (HRWG, 2020).

Due to a spike in infected cases among undocumented migrants, the Malaysian government initiated a crackdown, justifying that this was for the preservation of the law, prevention of travel, and the containment of the virus (Bernama, 2020). Massive raid operations, which commenced on May 1, 2020, were conducted in several areas where majority of these workers lived and worked, including Jalan Masjid India Kuala Lumpur and Klang Valley (Wahab, 2020). They were arrested for overstaying, having false documentation and lacking identification. They were then brought to immigration detention centers or special prisons by the government's Home Ministry (ILO Regional Office for Asia and the Pacific, 2020). As a result, other undocumented migrants went into hiding and avoided going to public health facilities to get tested and treated.

There were more than 18,000 irregular migrants who were detained by the Malaysian government (Theng & Romadan, 2020). Like the dormitories, the detention centers soon became a hotspot for the COVID-19 virus. As of June 2020, there were 465 positive cases from four detention centers, as a result of the lack of physical distancing and cleanliness in these centers (HRWG, 2020). Some migrants who tested negative for the virus were deported to their countries of origin (Free Malaysia Today, 2020).

UPROOTING INEQUALITIES: INSTITUTIONAL NEGLECT TOWARDS MIGRANT WORKERS

The COVID-19 pandemic brought to light the poor state of precarious work conditions and health of migrant workers. However, this aspect is only a manifestation of the institutional neglect towards migrant workers in these host countries (Yea, 2020). This entails neglecting the migrant workers' needs, subjecting them to further harm and risks, through the policies of the institution, or lack thereof.

Due to institutional neglect, these containment measures in Singapore, Thailand and Malaysia subsequently denied migrant workers, particularly unskilled and undocumented, of their human rights. The Universal Declaration of Human Rights (UDHR), which promotes that the most fundamental rights are enjoyed by all, indicates the principle of equality and non-discrimination. However, containment measures were unique to the migrant workers and effectively isolated them from the rest of the local population. Furthermore, undocumented and detained migrants were treated with "lesser" rights and status as they are not covered by legal protection measures and could not engage in processes that affect their lives. Migrants were also seen as "spreaders" of the virus, causing discriminatory acts against them. Moreover, containment measures hindered them from fully claiming their rights to an adequate standard of living, freedom of movement, rest and leisure, and work (HRWG, 2020).

An adequate standard of living must provide for basic necessities such as food, housing, medical care and social security. Migrant workers were excluded from adequate humanitarian aid and subsidies, leading to hunger and malnutrition. In Singapore, food provided was of poor quality and insufficient quantity (Transient Workers Count Too, 2020). In Malaysia, migrant workers under lockdown areas were not distributed food assistance because of the shortage of supply and prioritization of locals over them. Crackdown on undocumented migrant workers hindered them from accessing food supplies (Wahab, 2020). Food rations given in detention centers are known to be meager and unhealthy (Lovelock, 2021).

Containment measures also constricted migrant workers' freedom of movement. Irregular migrant workers in Thai IDCs are subjected to prolonged detention and are only allowed to move out of their cells a few hours each day (Lovelock, 2021). In Singapore, prison-like surveillance and isolation measures are still enacted even a year after. Under the COVID-

19 Act, migrant workers are only allowed to go out for work and one free day for a maximum of three hours. As their movement is constricted, their right to rest and leisure was also affected. The lack of coping mechanisms available and the strict measures have led to a sedentary lifestyle, with most of them feeling depressed (Paulo & Grosse, 2021).

In regard to the right of work, while there are international labor standards that ensure basic worker's rights, including safe working conditions, fair wages and job security, these are hardly implemented and monitored. Migrant workers are the most vulnerable to job lay-offs, since they do not have access to benefits and social security in their host country. The Malaysian Ministry of Human Resource has also advised employers to terminate foreign workers first if they needed to cut down on employment (Reuters, 2020). In Singapore, job security was heavily dependent on their employers, who are responsible for their work permits.

Reduced working hours due to movement restrictions have led to a decrease in income. Undocumented migrants who risked overstaying their visa or crossing the border were rid of any chances to get a job once they were detained. With the lack of government oversight on their employers, migrant workers remain anxious about their job security. Companies also hardly observe measures for occupational health and safety, and barely provide quality healthcare for its workers.

Several World Health Assemblies have called for migrant-sensitive health policies, but as the pandemic revealed, healthcare remains largely inaccessible for migrant workers. While there are laws that mandate employers to compensate for medical care of their workers, there have been cases where employers refuse to pay or punish the worker for getting tested and monitored (HRWG, 2020). With the COVID-19 outbreak, governments have been avoiding shouldering the costs to provide adequate medical assistance for their migrant workers (Chia, 2020). Positive patients were usually just isolated in their dormitories and quarantine facilities, rarely taken to the hospital (HRWG, 2020). Immigration detention centers only have one clinic, with one nurse on duty, to serve thousands of detainees. There was also a lack of mental health care assistance for those isolated migrant workers.

CONCLUSION

While migrant workers serve at the frontlines in providing crucial services for the local population, they continue to be on the fringes of society. With poor living and working conditions, as well as the general conditions of host countries that they are subjected to, they remain vulnerable to the various risks the pandemic pose. Containment measures have only revealed the institutional neglect of the host countries of Singapore, Thailand and Malaysia towards their migrant workers, with the curtailment of their rights due to the measures imposed on them. Isolation measures have violated their basic human rights, including their right to work and right to accessible healthcare. While migrant workers fill the gaps in the workforce and economy of their host countries, national governments have only served to widen inequalities among the migrant workers and the local population during the pandemic.

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CHALLENGES IN RESETTLING INTERNALLY DISPLACED PERSONS IN THE KACHIN STATE OF MYANMAR IN 2017-2020

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ABSTRACT

There are millions of people around the world without a home. Some are Internally Displaced Persons (IDPs) who are forced to leave their homes due to armed conflicts and natural disasters. This research is designed to examine and analyze the specific challenges faced by the government for IDP resettlement in Kachin state during the last three years (2017-2020). The research uses a qualitative approach and analyzes the data from secondary data sources which include in-depth interviews, semi-structured interviews, and focus group discussions with IDPs or other relevant stakeholders. The sources of secondary data are NGOs' and governments' reports, articles, blogs, and international media available online publicly. Following data analysis of the secondary data, two main challenges faced by the government have been identified: (1) the government cannot guarantee the physical safety and security of IDPs and (2) it cannot set the resettlement and fulfill the restitution rights of IDPs regarding land ownership and properties left behind. The finding helps the government to be aware of the challenges in looking for a durable solution for the IDPs in the future. Furthermore, this research recommends the government solve the underline causes which are hindering the IDP resettlement progress in Kachin state, such as guaranteeing physical safety and security of IDPs. Moreover, it also supports integrating the existing mechanisms more exclusive for providing restitution packages to IDPs, including the guarantee for land ownership and compensate for the properties lost during the conflict to make sure that IDPs could safely return with dignity and have everyday lives in their homes again.

Keywords: Government, Challenges, IDPs, Resettlement, Myanmar.

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INTRODUCTION

Myanmar is a country with 55 million people comprised of 135 “official” ethnic groups and other “non-official” groups. The country has become one of the least developed countries after 50 years-long totalitarian administration. The world’s longest civil war between the Tatmadaw (Myanmar Military) and Ethnic Armed Groups has resulted in hundreds of thousands of IDPs in different regions of the country. In general, Myanmar has more than one million IDPs and refugees: the IDPs in Kachin, Shan, Rakhine, Kayin, and Chin States and the refugees in Thailand and Bangladesh.

As a result of decades-long armed conflicts between Tatmadaw and Kachin Independence Army (KIA), over 100,000 people have been internally displaced in Kachin state, the border of Shan State, and living in 169 IDP sites (UNOCHA, 2020). Thousands of civilians have been severely affected by the war and gross human rights violations, including killing, maiming, sexual violence that have been committed by Tatmadaw. The underlying cause of the armed conflict is the fact that successive governments of Myanmar have failed to fulfill the Panglong Agreement¹⁴² made between several ethnic groups and general Aung San, the father of Daw Aung San Suu Kyi. This agreement took place before the Independence from the British which included granting self-determination, autonomy, and equal rights to the ethnic people.

As the situation in the camps has been worsening due to the lack of supports from the government, the shortage of humanitarian assistance funding for IDPs takes place. As a result, most of the IDPs want to return home as no more fighting in their villages which have become under Tatmadaw-controlled areas. A Kachin Women Group’s representative said that the IDPs wanted to go back home rather than staying in IDP camps because it is strenuous to be alive in the camps due to the blockade of humanitarian aids by the authority. Some have not been provided supports by NGOs (Htoi, 2018). Since 2017, the civilian elected government has made some progress in closing IDP camps, and developed the “National Strategic Plan for Closure of IDP camps” and held several meetings at the state and regional level but it has ultimately failed to implement the plan after three years due to many challenges. Thus, this research is designed to examine the specific challenges faced by the government by analyzing different and reliable secondary sources.

¹⁴² Panglong Agreement is the agreement among the ethnic groups (Kachin, Shan, and Chin) and the Burmese government under General Aung San for full autonomy in internal administration, which was signed in Panglong township, Southern Shan state on 12 February 1947.

It also provides some possible recommendations on how the government should overcome those challenges for the resettlement of IDPs in the Kachin State of Myanmar.

LITERATURE REVIEW

Myanmar is one of the top five countries in the world that produces which is creating Refugees and Internally Displaced Persons through conflicts and civil wars (UNHCR Refugee Statistics, 2019). Although the government has focused on the resettlement of IDPs, it is not progressing for many challenges. One of the main challenges of delayed IDP resettlement is an ongoing conflict between ethnic armed organizations and Tatmadaw. In the Sri Lanka's IDPs context, for example, IDPs resettlement was not successful before the ceasefire agreement in 2002 due to unresolved armed conflicts and other related issues (Shamini, 2012, p. 68).

Moreover, due to ongoing conflict in the region, the physical security of IDPs including landmine risk is one of the phenomena that leads to the delay of IDP resettlement. Although the fighting was stopped in the Southern region of Myanmar, the landmines which were planted by all armed groups have not been removed. Thus, the risk of landmines remains a significant threat to security in many conflict-affected areas (South and Jolliffe 2015, p. 227). Therefore, resolving the underlying causes of armed conflicts is paramount important to ensure the safety and security concerns of returning IDPs before the resettlement.

Moreover, to guarantee the safety and security of IDPs, the government should not only solve to achieve a peace deal between Tatmadaw and KIA but also bring justice for the victims of sexual violence committed during the armed conflict (and punish the perpetrators). Brunnstrom (2014) mentions that Tatmadaw has still used rape as a weapon in war even under the nominally civilian government, which was elected in 2010. Even children as young as 8-year-old living with her grandparents were not safe. Thus, many IDPs raised questions about their safety such as protection from sexual violence or reprisal by Tatmadaw. For instance, a Karen IDP young woman who joined Free Burma Ranger from the Southern part of Myanmar said, "If they can return home one day, they [IDP women] do not want to be targeted for having spoken out or have their families targeted" (Free Burma Ranger, 2019).

Moreover, a female camp leader from Kachin state expresses that to get a real solution for IDP resettlement, the Tatmadaw should go back to where they belong so that they [IDPs] can live in their own place freely and with dignity (Progressive Voice, 2019). Therefore, the government should include a justice mechanism for the victims of sexual violence committed by the security forces of Tatmadaw during the previous conflicts. It is well known that the Tatmadaw uses rape as a tactic of war to defeat its enemy, the armed ethnic groups for decades. Without accountability for these crimes, the resettlement of IDPs is not possible as the IDPs always raise the concerns of their previous traumatic sexual violence.

In Iraq, the failure of relocating IDPs was that the government did not have the willingness to develop a mechanism to adjudicate the property disputes and to enact appropriate protection for private property (Lischer, 2008, p. 116). Likewise, the lack of restitution mechanism, emerging land disputes, discrimination against women, and non-recognition of customary rights prevent many returnees from returning to their original homes and lands in Sudan (Leckie, 2006, p. 53). The Principle 28 of the United Nations Guiding Principle on Internal Displacement (1998) also includes that the government has the duty and responsibility to establish the conditions for return or resettle, such as assisting in obtaining lands or properties as part of compensation. Therefore, restoring restitution rights of IDPs such as housing, lands, other properties that they lost during the conflict are very challenging for the government. This challenge delays or hinders the implementation of the resettlement of the IDPs.

RESEARCH METHODOLOGY

The research applies a qualitative method and conducts desk-based research by using different secondary data sources. The secondary data are reliable because it includes in-depth interviews, semi-structured interviews, key informant interviews, and focus group discussions with IDPs and other key stakeholders. The secondary data sources are publicly available data such as NGOs' reports, articles, government reports, other scholars' findings, and media.

FINDINGS AND ANALYSIS

The central unit of analysis of this research is the challenges of government for IDP resettlement in Kachin state. The research presents the finding and analysis of secondary data for the challenges of the Myanmar government for the IDP resettlement in Kachin state.

No Guarantee of Physical Safety and Security of IDPs

One of the main obstacles hindering the resettlement of the IDPs is that the government cannot guarantee the physical safety and security of IDPs when they go back to their places. The government could not set the ceasefire agreement between KIA and Tatmadaw during the last three years. This challenge has obstructed the achievement of Kachin IDP resettlement. Moreover, landmines risk as most of the planted mines has been yet cleared by all armed groups. Additionally, the government also failed to punish the perpetrators of sexual violence during the conflict. In general, the government cannot guarantee the safety and security of IDPs for their returns due to the aforementioned challenges.

(1) Failure to Reach a Ceasefire Agreement

After the government has exerted many efforts and held several meetings with the armed groups or KIA, and the Tatmadaw, it still failed to reach a bilateral ceasefire agreement. Consequently, this failure had become a significant challenge to guarantee the physical security and safety of IDPs when the government tried to resettle the IDPs. One of the main reasons the government failed to achieve a peace deal with KIA is that it could not guarantee to establish a Federal Union, which has been demanding by all ethnic armed groups, including KIA, since the 1960s based on the Panglong agreement. Senior Official from Kachin Independence Organization, General Gun Maw said, “we ethnic armed groups demanded a promise that the country will be established as a federal Union, but they [Tatmadaw and the government] did not say that they would establish a federal Union” (The Irrawaddy, 2019).

Amid a lack of peace deal between KIA and Tatmadaw and frequent fighting, the government has planned to send back the IDPs to their homes. However, it did not progress well because of the IDPs’ concerns for their safety and security which include land-mine risk and fear of unpunished sexual violence. Many IDPs’ representatives expressed that a significant challenge for the IDPs to decide whether to return home or not is the fear of further clashes and the presence of landmines near their villages. Thus,

the IDPs demanded the government to clear all landmines from their villages before they return and to sign a ceasefire in an effort to restore peace in the region (BNI Network Media Group, 2020). The KIA spokesperson Naw Bu said, “We will only resettle people once there is a ceasefire” (Myanmar Now, 2020). Therefore, reaching a ceasefire agreement between Tatmadaw and KIA is very crucial to start the resettlement that ensures the physical safety and security of IDPs in their resettlement places.

(2) Landmine Risks

Another safety issue for IDPs to return to their original places is the landmines planted near their villages. The government including its military failed to remove all the planted landmines because it has failed to reach a ceasefire agreement between KIA and Tatmadaw. As the fighting sometimes occurs, it is impossible to clear the landmines without the participation of the two main armed groups. Thus, this has become one of the IDPs’ main concerns for their personal safety. A displaced woman in St. Paul IDP camp from Myitkyina township who decided to remain in the camp when the others registered to go back home expresses that she really wants to return as her family has also been in the camp for nearly nine years. However, landmines near their village are the main concern for a safe return (Zaw, 2020). Thus, she decided not to go back for now. Therefore, the lack of clearance of landmines from the residential or agricultural lands of IDPs has become one of the significant challenges to guarantee the physical safety and security of IDPs in resettling them to their original places by the government.

(3) Failure to punish the perpetrators of Sexual Violence against Women during the conflict and justice for the victims.

Based on the report on the experiences of the women displaced by armed conflicts in Kachin State released by Oxfam and Trocaire in 2017, the interviewees requested the military troops currently stationed in or near their home villages to move from those places to ensure the safe return of IDPs. The IDPs women are afraid of Tatmadaw and recall their past nightmares from sexual violence during the conflict. Many pieces of evidence highlight that the Tatmadaw have used rape as a weapon of wars in the ethnic areas for decades, including Kachin state. Even after the IDPs were sheltered in camps of church compounds, they often become the target of Tatmadaw for sexual violence. According to the report, a grandmother who sheltered in a church near the Kachin-China border was gang-raped and prolonged torture by about ten Burmese troops, beat her with rifle butts,

stabbed her with knives, stripped her naked, and gang-raped her over, a period of three days (Network for Human Rights Documentation Burma, 2016).

Tatmadaw has a long history of sexual violence in armed conflicts in ethnic areas, which were well documented with evidence. For those crimes, the perpetrators are never punished by successive governments according to law and regulations. Therefore, there is always a sense of fear of sexual violence among IDPs based on their past experiences. Thus, the IDPs want "big brother" [military troops] not to stay nearby their original villages as they feel not safe when they will be resettled there (Oxfam and Trocaire, 2017). The government also failed to address these IDPs' concerns for the past sexual violence when it was trying to resettle the Kachin IDPs. The IDPs would not feel safe if those perpetrators are remained unpunished and deployed in the nearby areas of IDPs' original places.

Lack of Restitution Rights (Land ownership, housing, and properties)

Another reason for the government's failure to resettle the IDPs is that it could not provide restitution rights of IDPs, such as customary land ownership, housing, and properties that belonged to IDPs before the conflict. The IDPs had left their lands, houses, and properties when they had to flee during the conflict, and some houses were destroyed and burnt down by the military troops. The UN Guiding Principle 21, session 3, states that property and possessions left behind by IDPs should be protected against destruction and arbitrary and illegal appropriation, occupation, or use. Based on this principle, the government has the primary responsibility to protect the IDPs' properties which they left behind.

However, when the government was trying to resettle the IDPs, it did not properly address these issues and did not include any plan for how the restitution rights of IDPs will be compensated including customary lands that are directly linked to the livelihood and food security of IDPs to rebuild their lives again with dignity. The government neglected to support 17 families of IDPs who were resettled under the escort of the military in Nam San Yang village in 2019 for infrastructure, sustainability for livelihoods. Among the returnees, one IDP whose house in the village was burnt down during the conflict expressed her frustration on the lack of support from the government, "No one is helping to repair our houses that were destroyed during the conflict and they should at least have fixed our houses before we returned" (Frontier Myanmar, 2019).

As most of the IDPs came from rural villages, the land, in particular, agricultural land is everything for them as they mainly depend on agriculture for their livelihoods. The

Tatmadaw seized the lands of IDPs for their extension of military institutions on the lands of IDPs after they fled. In the meantime, the government enacted a law called “Vacant, Fallow and Virgin Land Law,” which has been used increasingly by the state and private companies to confiscate unregistered lands, even where local communities have used it (South and Jolliffe, 2015). Although the government ordered all people to register the customary land, the IDPs did not have a chance to register as they could not go back to their places. In this way, IDPs have lost their customary lands.

Moreover, among all confiscated lands, some lands were used for extracting natural resources. One interviewee detailed a case where his land was used for gold mining operations, “I came to know that businessmen were doing gold mining at our original village... I saw that much of our farmland was devastated because of the gold mining. As we did not have authority and money, we couldn’t do anything about it. Although we went to report the case to village-level authorities, no action was taken” (Oxfam, 2018). “There are only laws that legalize all that has been taken from us while our lives have been frozen in IDP camps,” an IDP who is a former landowner raised (The Transnational Institute, 2020). Another IDP from Kachin State mentioned that “IDP policy on land restitution should be defined as more than just return or resettlement, but the full restoration of our social life and our right to decide and construct our social life in a way of our own choosing in the lands that our forebearers to us” (The Transnational Institute, 2020). The government has neither a policy nor protect the restitution rights of the IDPs. Therefore, this has become a challenge to implement IDPs resettlement in Kachin state of Myanmar.

CONCLUSION AND RECOMMENDATIONS

The government strategy to implement the IDPs resettlement in parallel with the efforts of negotiating for the ceasefire is a complete failure. Without addressing the concerns of KIA to reach the ceasefire agreement, it could not reach a ceasefire agreement that is crucial for the IDP resettlement. The government has not succeeded in its resettlement plan to move forward yet due to the lack of guaranteeing physical safety and security of IDPs and restitution rights in terms of land rights and properties based on the findings above. One of the examples is Nam San Yang village, where 17 families of IDPs have been resettled under the escort of Tatmadaw without any consultation with other stakeholders and any addressing of IDPs concerns. Therefore, the government would need to reintegrate its plan to resettle the IDPs by identifying and addressing the underlying causes. The failure to address the underlying causes and IDP’s concerns contribute to the

failure of IDP resettlement in Kachin. The government failed to bring justice for the victims of sexual violence and failed to clear the land mine and provide restitution rights in line with international standards.

The research recommends that the ceasefire agreement or genuine peace deal between the Kachin Independence Army (KIA) and Tatmadaw (Myanmar military) should be done first. After that, the government and all the armed groups, including Tatmadaw should provide the guarantee of psychical safety and security of the IDPs, including the clearance of land mines. The restitution rights package for the IDPs should be included in the resettlement plan including repair of damaged houses, building new infrastructures for IDPs who lost their houses during the conflict, and resolve the claim of lands. Moreover, the government should bring justice for the past crime of sexual violence and punish the perpetrators not to repeat those crimes in the future. And it should also guarantee any reprisal of speaking out by the victims of sexual violence to achieve a sustainable and durable solution for the IDPs.

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INCLUDING THE EXCLUDED: ASSESSING DISPLACED ADOLESCENT PARTICIPATION IN AN ALTERNATIVE LEARNING SYSTEM PROGRAM IN POST-CONFLICT ZAMBOANGA CITY

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ABSTRACT

Guaranteeing genuine participation of adolescents in developmental programs continues to be a challenge in post-conflict situations. Adolescent internally displaced persons (IDPs) are often excluded and marginalized in crisis response, even as they are categorized as a vulnerable group at high risk of abuse, exploitation, and human rights violations. Protracted displacement has long-term repercussions not just on the individuals but also their families and succeeding generations. Their access to education is crucial to their development and protection. However, politics and power dynamics stymie the already convoluted processes behind the bureaucratic, centralized, and corrupt provision of aid and education. This paper offers significant findings from an exploratory case study on adolescent development and participation of the displaced in educational programs in the 2013 Zamboanga Siege. Data came from online interviews and focus group discussions with twenty key informants. The key informants interviewed were program implementers, partners, and displaced and non-displaced youth and adolescent beneficiaries of the Sugpat Alternative Learning School for Peacebuilding and the Arts (ALSPA). Interviews with the displaced adolescents revealed past experiences of prejudicial and discriminatory practices in the family, school, and local community that prevented their participation in the educational system and community before the ALSPA program. Activities in the ALSPA program involved the families and local community of the adolescents. Support from the families and local community encouraged the beneficiaries to overcome these initial inhibitors to participation. This paper underscores the importance of support between and among the displaced adolescents and other members of the society – families, local community, and government sector - in achieving inclusive

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participation. This paper concludes with recommendations for future programs for the development and participation of displaced adolescents.

Keywords: Participation, Adolescents, Displacement, Support, Education

INTRODUCTION

The 2013 Zamboanga Siege caused one of the longest cases of displacement in Mindanao, the southern region of the Philippines. Concomitant with the continued rise of conflict and disasters in the area is the increased demand for humanitarian and development aid. Though international and national efforts to respond to crises have improved significantly, the inclusive and genuine participation of all stakeholders in the design and implementation of these programs remains problematic. Multiple actors and stakeholders in society have long planned and conducted disaster response programs with the dominant trend in programming being expert-driven, top-down, and bureaucratic (Alalami, 2019; Asian Institute of Journalism and Communication, 2015). Literature shows that these approaches lead to exclusive, discriminatory, and ineffective coordination outcomes much to the dismay of the displaced (Alalami, 2019; Wessells, 2015). Additionally, the centralized and authoritarian power dynamics and patron-client politics stymie the already convoluted processes behind the bureaucratic, centralized, and corrupt provision of aid and education.

Looking at these processes, it is crucial to assess the effectiveness of aid provision particularly in education during displacements. Contrary to the premium placed on education for its role in alleviating the social and economic challenges brought about by conflict, it remains as one of the least funded sectors in disaster response. Education is neglected in humanitarian aid (Bessler, 2019) with only few educational programs catering to children at the primary or elementary level. Among the displaced, the adolescents of ages 10 to 19 are even more vulnerable to human rights violations. Internally displaced adolescents, also referred to as displaced children with special needs, are invisible both in global and national data (Cazabat, 2019) and face an increased risk of sexual abuse, drug addiction, exploitation, forced labor, and abduction or coercion to join militant groups. Unfortunately, adolescents are often regarded hidden in plain sight and overlooked in the provision of educational opportunities especially in displacement (Cazabat, 2019; Ferris and Winthrop, 2011; Criswell and Gow, 2004). On the one hand, the international community categorizes education as a long-term objective under the responsibility of the

national government and development agencies (Bessler, 2019). But on the other hand, educational programs and alternative credential-granting mechanisms designed to cater to marginalized groups, including the displaced, receive only one percent of the total budget allocated to education (Igarashi et al., 2018). Bridging the humanitarian development divide on education is essential to ensure inclusive and sustainable development for those left behind and reaching those furthest behind.

Ensuring access to education for displaced adolescents is crucial as schools provide a sense of continuity and stability amidst the chaos brought about by disaster. This paper presents relevant findings from an exploratory case study on adolescent development and participation in educational programs for those displaced due to the 2013 Zamboanga Siege. Data was obtained from online interviews and focus group discussions with twelve adolescent beneficiaries, five program implementers, and three partner agencies involved in the Sugpat Alternative Learning School for Peacebuilding and the Arts (ALSPA). Data from the displaced adolescents revealed past experiences of prejudicial and discriminatory practices in the family, school, and local community that prevented their participation in the educational system and community before the ALSPA program. Activities in the ALSPA program involved the family and local community of the adolescents. Support from the families and local community encouraged the beneficiaries to overcome these initial inhibitors to participation. This paper underscores the importance of support between and among the displaced adolescents and other members of the society - families and local community - in achieving inclusive participation.

This paper is divided into four sections. The first section describes the context of the study and summarizes the issues faced by the displaced adolescents in the 2013 Zamboanga Siege. The second section defines participation and illustrates the processes behind aid provision and education. The third section presents an analysis of the key findings from the case study. The paper concludes with recommendations for future programs for the development and participation of displaced adolescents.

ABOUT THE ZAMBOANGA SIEGE AND DISPLACED ADOLESCENTS

The Zamboanga Crisis, also known as the Zamboanga Siege of 2013, is a known case of displacement and development aid in Mindanao. The Zamboanga Siege was an armed confrontation between the Moro National Liberation Front (MNLF) fighters under Ustadz Habier Malik and the military forces of the Philippines (Rood, 2014). The 23-day siege destroyed over 10,000 houses and displaced over 118,000 people (UNOCHA, 2015;

Medina, 2016, p.20). Taking into account the city's role as a berthing area of major local shipping companies and its geographic proximity to Malaysia and Indonesia, national and international actors were quick to respond to the casualties and damages incurred by the armed conflict. Notwithstanding the grave economic and social losses caused by the siege to the city population at that time, the sporadic fighting affected the displaced the most. At the same time, in-city fires, floods (Medina, 2016, p.21 and p.25), and more pressing disasters like Typhoon Haiyan in the country redirected attention and resources away from the IDPs of Zamboanga City (Thomas, 2014, p.2). The damage brought about by the conflict alone was grave yet resources and services were inadequate to address the rising demand of the displaced as the event was eclipsed by new and graver disasters.

Sadly, however, there is no national legal framework for internal displacement in the Philippines. Instead, the state refers to Philippine Disaster Risk Reduction and Management Act of 2010 (PDRRMA 2010), which Bermudez, Temprosa, and Benson (2018, p.44) refer to as bereft of a rights-based foundation. The authors state: "It [PDRRMA 2010] is principally about structures rather than rights and standards, about response actors rather than displaced people, and this does not translate into systematic, efficient response..." (Bermudez, Temprosa, and Benson, 2018, p.44).

A large proportion of the displaced population comes from minority Muslim indigenous groups who lived in the barangays (local communities) and villages in the eastern coast of Zamboanga City. These include the Tausug, Badjao, Sama, and/or Yakan tribes (Protection Cluster Philippines, 2014, p.2; UNOCHA, 2015).

Within the displaced population of Zamboanga City, children account for more than half of the population (Protection Cluster Philippines, 2014, p.5). Though accurate figures are difficult to ascertain, all available profiling reports depict those aged below eighteen as the majority, with most of them belonging to the female sex (UNOCHA, 2014, p.5, UNOCHA, 2015, UNHCR Mindanao, 2018, p.9). Almost all the children did not have access to education due to the lack of functioning schools near their homes, lack of financial means, and the need to support their families through acts of labor (UNHCR, 2018, p.9). Also, reports constantly indicate their high risk and vulnerability to human trafficking, military recruitment, drug abuse, and child prostitution (Protection Cluster Mindanao, 2013, p.4; UNHCR, 2018). Beyond composing the majority, these groups are highly vulnerable and in most need of support and security in the context of disaster. These attributes should be taken note of as age and gender can compound the issues faced by displaced members of a community.

Although strides towards increased access to education have improved in the past, far too many people of all ages and identities remain undereducated and unable to finish schooling to this day. The Philippine Statistics Authority (PSA), in its 2019 Functional Literacy, Education and Mass Media Survey (FLEMMS), reports that the country still has over 24.8 million out-of-school children and youth (OSCY) (PSA, 2021, p.20). The reasons cited by adolescents for not going to school are employment (either employed or looking for work), being married and/or having children, and having no interest in finishing school (PSA, 2021, p.20). Reports on educational programs in post-disaster contexts usually explore quantifiable aspects (i.e., number of people who participated, number of goods and services distributed); however, the quality of these programs remains unexplored.

Narrowing down the scope, the period of adolescence is one of the most complex transitions of life and characterized as a challenging period in a child's transition into an adult. Adolescent IDPs are among the marginalized and commonly excluded groups in displacement and aid response. More often than not, displacement can effectively stop adolescents from going to school or finishing their studies due to the economic loss and social impact that it brings to families (Criswell and Gow, 2004; Ferris and Winthrop, 2014). Studies on participation emphasize the importance of supporting a child's freedom to express and right to be heard, both of which promote positive child and adolescent development (Todres and Diaz, p.699). The authors add that there is a potentially significant intrinsic value in allowing children to participate and have a role and sense of control (Fitzgerald et al., 2010 as cited in Todres and Diaz, p.699). Therefore, understanding the challenges they face during crises and transitions as they themselves undergo a period of transitional processes is essential to ensure inclusive development for the disadvantaged and displaced. Genuine participation of all stakeholders directly correlates to the effectiveness of the program. Therefore, it is imperative to measure the extent of participation of aid beneficiaries as their involvement, or lack of, in the decision-making processes shapes the overall effectiveness of the post-conflict response.

PARTICIPATION AND EDUCATION IN THE PHILIPPINES

Participation is a widely applicable and complex concept relative to an extensive array of disciplines. For the purposes of this paper, this subsection explores literature on participation in relation to planning and programming. This section limits its scope to adolescent participation.

In defining adolescent participation, Roger Hart (1992, p.5) uses the term to refer to “...the process of sharing decisions which affect one’s life and the life of the community in which one lives. It is the means by which a democracy is built, and it is a standard against which democracies should be measured. Participation is the fundamental right of citizenship.” Thus, participation entails involvement between and among all stakeholders, especially in decision-making processes in programs. In addition, to ensure inclusive and genuine participation, mechanisms and platforms which enable and promote adolescents to voice out their opinions and ideas should be present.

There are four key points that Hart (1992) raises regarding the framework. First, the framework should not be used to assess the quality of any program as several factors are at play in the design and implementation of a program. Second, a child’s ability to participate varies and it is greatly influenced by their development and the context. Third, he recognizes that genuine participation is not necessarily found only at the highest rungs of the ladder. Accordingly, Hart (1992, p.11) said that “different children at different times might prefer to perform with varying degrees of involvement or responsibility.” Fourth, ensuring children’s participation in the design and implementation of programs requires analysis and reflection, which Hart (1992, p.15) refers to as ‘research’. Finally, Hart (1992, p.7) argues that through participation in community projects young people engage in collaborative activities with older and more competent adults, which teaches them the responsibilities that come along with rights.

Moreover, Hart (1992, p.10) lists four requirements for a project to be truly participatory: (a) the children understand the intentions of the project; (b) they know who made the decisions concerning their involvement and why; (c) they have a meaningful (rather than ‘decorative’) role; (d) they volunteer for the project after the project was made clear to them. Overall, what Hart (1992) rightfully points to in his essay are the freedom and choice that comes with the opportunity to participate. Participation, it can be said, is not only defined by the context but determined by the child's choice. All in all, Hart believes that

“the important principle again is one of choice: programs should be designed which maximize the opportunity for any child to choose to participate at the highest level of his ability (Hart, 1992, p.11).”

In the Philippines, the Department of Education (DepEd) is considered as the state’s biggest bureaucracy and has been ineffective in delivering equitable access to education. Although the Philippine legal framework recognizes every child’s right to education, the

educational system proves to be inefficient and inadequate in its delivery. As a right education is key to empowerment and development, especially for marginalized and vulnerable groups during post-conflict response and rehabilitation. As an empowerment right, the right to education enables a person to experience the benefits also of other rights. However, it is important to keep in mind that access to education is only a step towards inclusion and empowerment. It is the quality of educational programs that leads to the promotion and protection of any human right, especially of marginalized and vulnerable groups. Unfortunately, the provision of education remains a daunting challenge in the developing country of the Philippines, especially in conflict-afflicted and calamity-prone areas.

INHIBITORS AND ENABLERS OF ADOLESCENT PARTICIPATION

Among the programs and activities implemented in response to the siege, AdZU Sugpat was one of the teams which catered to the displaced adolescents. An assumption held before data collection was that due to the grave impact of the siege on the city, the displaced adolescents and their families stopped going to school. However, among the twelve beneficiaries interviewed, only two dropped out due to the effects of the siege. All the other ten informants left school before the Zamboanga Crisis. Findings resonate with the argument put forth by Bradley et al. (2016), whose study on displacement highlights the correlation between displacements and pre and post-disaster socioeconomic conditions of the displaced.

Analysis of the responses of the displaced adolescents emphasizes how past experiences in schools formed initial inhibitors to involvement in activities and programs. The five reasons cited for leaving school were bullying, addiction, financial constraints, family problems, and administrative issues with authorities. Additionally, prejudice and discrimination against adolescents that dropped out of school are prevalent in society. Often considered as “failures” or “delinquents”, a lot of adolescents that left school feel a grave sense of shame. This shame manifests itself as low self-esteem, further limiting their willingness to participate in programs. Hart (1992, p.31) emphasizes self-esteem as the most crucial component affecting an adolescent’s ability to fully participate and characterizes it as a sense of competence that comes along with the approval of others. When these needs are not obtained, research has shown how these children develop coping mechanisms which distort their sense of being (Hart, 1992; Batan, 2010). This sense of shame and low self-esteem is shaped by the adolescents’ experiences in social groups and is based on social values of acceptance and support within a community.

Additionally, this prejudice against the displaced adolescents translates to limited employment and educational opportunities. The inability to find work and earn an income for their families worsens the sense of shame the adolescents feel, usually leading them to depression and unhealthy coping mechanisms that may involve addiction to drugs and computer gaming. Both the low self-esteem of the adolescents obtained from past experiences in school and the social prejudice against them consequentially led them to inactivity.

Adolescent behavior hinges upon group acceptance and support as these provide a sense of security for the child. Moreover, Weisner (2001) highlights the importance of “obligation” in adolescent development. He asserts that familial relationships and systems of moral beliefs as pivotal to an adolescent’s idea of success and development (Weisner, 2001). Any phenomenon that threatens this “embeddedness” (Bulatao, 1964, p.431) in a group through “failing an obligation” (Weisner, 2001) damages a child’s self-esteem and gravely affects him or her psychologically and psychosocially. A child would avoid any activity which poses a threat to his or her self-esteem and acceptance into a group. In most cases, children choose silence over possibly being shamed or shunned. In essence, much of a young person’s self-esteem and ability to participate are shaped by social and cultural perceptions of children in a community.

Conversely, the participation in the ALSPA involved the displaced adolescents and their families in the program’s planning, implementation, and evaluation. Though participation is lower in the design and implementation of the Sugpat ALSPA, adolescent feedback was largely positive for addressing initial inhibitors to participation at the individual and communal levels. At the individual level, the informants reported that participation in ALSPA engendered overcoming their low self-esteem through high levels of motivation, encouragement, and critically, their acceptance in the community. Curriculum design and learning approaches were highly contextualized as needs assessment and collaborative multi-stakeholder involvement were employed. The program provided multiple opportunities for the adolescents to develop multiple skills, including but not limited to communicative skills, perspective-taking, problem-solving, critical thinking, creative design, and project management. Additionally, the interaction between the adults and adolescents in ALSPA facilitated a collaborative partnership between the beneficiaries, Sugpat program implementers, and various sectors within the local community. Involving other young persons from the university like the university student government, law

professors, and club representatives, exposed the adolescents to various experiences that piqued their interest.

At the communal level, the empowerment of the displaced in their schools and communities were largely due to Sugpat ALSIPA successfully addressing two key issues - prejudice against out-of-school adolescents and the lack of a safe and enabling environment for the adolescents (connecting them to job opportunities) also involving their families in the program. By educating and training the displaced adolescents, the beneficiaries developed the self-confidence and competence that they needed to pursue further opportunities in society. Their experience not only transformed the mindset and skillset of the displaced adolescents but also transformed society's negative views of those out-of-school. The Sugpat ALSIPA consistently promoted the power of the displaced and out-of-school to demonstrate that leaders are found in all sectors of society, even and especially among the marginalized and excluded.

All the adolescent informants responded positively to whether the program catered to their needs and interests. Most of the displaced beneficiaries were able to obtain jobs and/or pursue further education through the ALSIPA program. For those with low socioeconomic status and those gravely affected by disaster, education cost proves more to be a liability than a source of profit or benefit for the child and the family.

CONCLUSION

An analysis of adolescent participation in the Sugpat ALSIPA reveals how past experiences formed inhibitors to participation. These inhibitors limit the willingness and stagnate the potential of the adolescents to participate at the level which actualizes their competency. Evident in the responses is how societal prejudice gravely compounds their struggle with poverty and their search for an activity that uplifts their self-esteem. All these instances illustrate the complexity of how power dynamics in social situations at school and home affect the self-esteem of the youth. The Sugpat ALSIPA then helped the youth develop their competence and empowered them through a diverse array of activities that uphold participatory capacity-building. These activities helped the adolescents gather the confidence that they need. Furthermore, support from their families and local community encouraged the adolescents to continue their education.

All of the respondents similarly approved how the program was designed and conducted, with many citing ALSIPA as the best program that they have ever participated in. When

asked about possible improvements to the program, most of the respondents found it difficult to respond as they unanimously express that the Sugpat team and its partners did not have any shortcomings. However, some adolescents pointed out that the program could include a wider array of themes in their training to be of benefit to other displaced adolescents that have different interests.

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HOMELAND ATTACHMENT THROUGH TRANSNATIONAL ACTIVITIES: THE KAREN DIASPORA IN WESTERN COUNTRIES DURING THE 2021 MYANMAR COUP

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ABSTRACT

Drawing from the multi-faceted notion of belonging, this article analyzes the diverse perspectives of Karen refugees in the Western diaspora towards their home attachment, and the performance and importance of transnational activities in the context of the political crisis from the military coup at home. With many historical upheavals and the authoritarian rule of the Myanmar military, Myanmar has not yet reached unification. Faced with persecution and brutality, many ethnic minority groups including the Karen people in Myanmar fled to neighboring countries as asylum seekers, and have applied for resettlement in third countries. Once arriving in their host countries, Karen people tend to confront the dilemma between social integration and social ties with their homeland. In other words, Karen people not only form diasporic communities and new social networks with native people, but also support and maintain relationships with their family and friends in Myanmar through transnational activities. Experiencing different situations of growth and social integration abroad, diasporic communities perceive multi-layered identities and places of belonging. Therefore, it is significant to place emphasis on understanding homeland attachment and the belongingness of Karen people, which influence their engagement in political mobilization and transnational activities against military-led regimes in Myanmar.

Keywords: Diaspora, Karen Refugees, Myanmar Military Coup, Transnational Activities, Homeland Attachment.

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INTRODUCTION

Karen people, fleeing from Myanmar in order to reach destination countries, often struggle with social integration into new communities, as well as maintain social networks in their homeland. Generally, the Karen community as an ethnic minority group go through a process of fragmentation and transformation before resettling in their respective host countries. In new communities, Karen people, like other refugees, often grapple with a range of issues including language barriers, lack of social services and social discrimination (McMichael et al., 2011). Furthermore, they face a dual challenge of finding ways to maintain their existing relationships with family, friends and communities in their homeland while adapting to existing and establishing new social networks. In the same way, refugees often struggle with transnational sentiment, being caught between two or more senses of belonging and finding themselves in the 'betweenness' (Levitt & Glick-Schiller, 2004).

In addition to social integration and possible social exclusion, Burmese refugees still support their homeland through transnational practice in economic, social and political spheres (Brees, 2009). Clearly, the increased capacity and network of diasporic communities of refugees in third countries have provided great potential to influence peace-building, development and conflict resolution in their homeland. The focus of this research is on transnational activities carried out by Karen diasporic communities based on their homeland attachment and multiple identities, after a period of social integration and resettlement in host countries. During the military coup in 2021, transnational activities have become more urgent and necessary for those who are displaced internally and those who escaped to Thailand. It is argued that homeland attachment and transnational activities among Karen refugees are enhanced due to the humanitarian crisis in Myanmar caused by the military junta.

A small sample of Karen refugees resettling in Western countries was examined to investigate how strong their homeland attachment is, and what contributions they have made to the social movement against the junta, and to internally displaced people in Myanmar. The main question for this quantitative analysis is: *How have the homeland attachment and transnational activities of the Karen diaspora in Western countries been enhanced during the military coup?* This is supported by two more questions: (1) *How have Karen people shaped their identity and perceived homeland attachment after social integration and resettlement in host countries?* and (2) *How have Karen people carried*

out transnational activities to support social movements during the military coup in Myanmar?

DIASPORA AND HOMELAND

The study of diasporic politics has provided us with an understanding of political relationships and influences that individuals and groups living abroad possess in connection to their country of origin. Most existing work is focused on the host country. The ability of people abroad to politically contribute to their country of origin is not solely due to the political opportunistic structures in the host country, such as a favorable political environment, attitudes towards citizenship, freedom of speech and movement, but also homeland attachment and issues impacting political mobilization and transnational activities. Although scholars have been paying attention to the relevance of the homeland context, there is still little research on how domestic politics can shape transnational activities in diasporic communities. Of course, there are exceptions; recent studies from the Middle East, Turkey and Sri Lanka exemplify the importance of examining the political situation at home and how it influences transnational activities.

In the research on the Kurdish diaspora, Baser (2017) indicated that diasporic communities often are interested in solving issues in their homeland. The author demonstrated that Kurdish refugees also want to participate in transitional justice mechanisms in Turkey, as these will give them a sense of justice and belonging. Although domestic actors in Turkey had acknowledged the presence of the diaspora and had also sought support from them, they did not systematically reflect the needs of the diaspora formally in their policy making procedures. The author also suggested a novel and comprehensive approach in order to reveal the diverse expectations on the peace process, including stories of suffering and exile, which differ from those of compatriots in their homeland.

Analyzing the complex attitudes of Iranian migrants towards their homeland, Cohen & Yefet (2021) highlighted the dynamic nature of the Iranian diaspora's relationships with their homeland, which has been changing over time. There have also been differences between and amongst migration waves. As a community divided by ethnic, religious, political and class boundaries, the Iranian community faces challenges to any perception of community ties and solidarity based on common cultural and ethnic references. Despite heterogeneity and fragmentation, the author's research indicated that native Iran occupies

an important place in building biased identity even though its influence is weakening according one's length of residence in host countries.

Baser & Halperin (2019) analyzed the political mobilization of the Middle Eastern diaspora. The authors stated that the diaspora have formed advocacy networks, lobby homes and organizations at the local, national and international levels. They also influenced political processes in their home country by means of external voting or by becoming agents of development. Political mobilization was manifested through protests, petitions and use online platforms. Whatever happens in their homeland affects their identity formation and advocacy patterns. In this way, they are able to participate in the political mechanisms of their homeland.

In research on the Sri Lankan Tamil diasporic community in Toronto, Canada, Thurairajah (2017) concluded that second-generation migrant communities not only identified with being Tamil, but they also identified with their homeland. Their connection to the national identity allowed them to feel a shared responsibility not only to their Tamil identity, but also to native peoples as a whole. However, this responsibility and urgency to protect or preserve the common identity of the Tamil people are most evident in times of conflict. Moreover, while the community has an understanding of their Tamil identity, it had made them more loyal and responsible to their homeland.

There are many different ways in which diasporic community members can participate in transnational activities while resettling in host countries. This includes, providing remittances and knowledge for development and political reforms, and spreading information about violations and issues to the world (Brees, 2009). Furthermore, remittances are also critical for humanitarian aid and economic recovery after conflicts and crises (Koser & Van Hear, 2005). More significantly, political transnational activities are carried out safely to reveal human rights violations by the Myanmar military against ethnic minorities, particularly when refugees flee their homeland. Upon arriving in the destination countries, refugees no longer are subjected to the coercive jurisdiction of Myanmar. They are then able speak out strongly about the persecution in Myanmar, and bring together people in the same situation to initiate transnational social movements.

THE SENSE OF BELONGING AND HOMELAND ATTACHMENT

In the context of forced displacement and migration, sustained violence and persecution can cause refugees to suffer detachment from their homeland, and trigger obstacles to social integration in host society (Ager & Strang, 2008). On the one hand, refugees may be tied to a sense of belonging with their homeland when maintaining relationships and undertaking transnational activities. On the other they feel the need to shape their identities and establish social networks in new communities. The concept of the sense of belonging is difficult to define clearly and convincingly. Yuval-Davis (2006) used a three-tiered framework covering social locations, identifications and emotional attachments; and ethical and political values systems to define the sense of belonging. Antonsich (2010) adapted Yuval-Davis' framework to focus on place-belonging, as well as the politics of belonging to frame one's sense of belonging. This paper adopts Antonsich's (2010) concept of place-belongingness to identify homeland attachment among informants;

“Trying to describe how feelings of belonging can extend beyond boundaries of time and place and into spaces characterised by yearnings, obligations, memories, and political attachments to homeland and social media connection.”

Antonsich (2010) aligns homeland attachment with a sense of familiarity and safety that can be identified on many levels and multiple identities. Homeland attachment, in this sense, is represented by cuisines, traditions, religious practices, revolutions and national flags, habitats, landscapes and myths that are created to preserve and/or cultivate cultural identity and national spirit. These aspects can be expressed in families, neighborhoods, communities, countries or diasporic communities. Antonsich (2010) indicates six factors that attach people to their homeland (place-belongingness):

- auto-biographical (past experiences and histories that associate people with a place);
- relational (personal and social ties with a given place);
- cultural (language, traditions and religions attach to a feeling of home);
- economic (the importance of work to maintain livelihoods in a place);
- legal (citizenship and legal status providing opportunities for social integration and inclusion); and
- length of residence.

RESEARCH METHODS

This study uses qualitative methods to analyze homeland attachment and transnational activities of Karen people from the Western diaspora. In-depth interviews are important in order to capture and understand multiple identities, homeland attachment and transnational activities of Karen refugees. Due to the outbreak of Covid-19, social networking sites have served as practical platforms for finding research participants through online administrators, building rapport, and observing public posts related to transnational activities, narratives and political sharing.

The informants in the study are people who have integrated and settled in the host countries for more than 10 years. Seven (7) informants were born in Myanmar and three (3) were born in Thai refugee camps. Most informants considered Karen state in Myanmar as their homeland. All ten (10) informants are aged ranging from 25 to 40 years old, including 6 males and 4 females. Most informants did not complete their childhood in Myanmar or this period lasted no more than 10 years. Furthermore, all informants had lived and experienced refugee camps in Thailand.

FORMATION OF MULTIPLE IDENTITIES

In the case of Karen people, diasporic communities go through a variety of circumstances to reach their destination countries or temporary shelters. The following exploration has been indicated by Bird, Cox and Brough (2016):

“Some Karen were born in Burma, and for many decades lived as exiles in the Burmese jungle or in Thai refugee camps before resettling to third countries. Some were born in refugee camps, never knowing their Karen homeland but having nostalgic ties to it through their parents’ and grandparents’ collective memories. Some Karen were born in host countries, never knowing the camps or Burma, and are forging belonging to the Karen homeland and camps particularly through family left behind.”

In this light, homeland attachment among Karen is multi-layered based on multiple identities and complexities. In addition, it can be complicated to understand how Karen people have shaped and are shaping their identities and perceived nationalism when they were forced to flee their homeland and have resettled in host countries.

After a certain length of settling abroad, all informants have become naturalized citizens in their host countries. In the early days when leaving refugee camps to integrate into Thai society or resettle in third countries, informants faced common difficulties as other refugees. It can be attributed to language barriers, cultural differences, lack of access to social services and discrimination. However, with personal efforts and support from civil society organizations and host country governments, most of the informants ended up enjoying an acceptable life in the host countries.

Despite receiving citizenship and social benefits in host countries, Karen informants generally endorse sentiments about their homeland, Karen State. More specifically, western countries offered them legal status with basic rights and obligations. Still, Karen State is considered as ancestral land with social and relational ties for generations. Therefore, they seem to be stuck in between. For the 3 informants who have been granted citizenship in Myanmar as Burmese, they still want to be perceived as a Karen because they want to assert their ethnicity and be differentiated from the rest of the world. The other five do not have citizenship in Myanmar, but have been accepted to resettle in the US, Australia and Norway. They see themselves to be mixed identities. Specifically, they do not want to deny that they have Karen blood, but they also want to integrate as a citizen of the host country. The other two interviewees considered themselves a foreigner to Myanmar because of their formal citizenship and social networks in the host countries.

HOMELAND ATTACHMENT

Referring to Astonich's (2010) determinants of homeland attachment, participants responses showed that the Karen people are influenced mainly by 3 out of 6 factors, namely auto-biographical, relational and cultural. Most informants have family members, relatives and other relationships residing in the homeland. Therefore, they often nurture these relational ties through remittances or undertake social projects to develop local communities. During the recent coup, these transnational activities have become stronger and more collective through fundraising activities, sharing information on social movements on social media, and participating rallies to call for international pressure and sanctions on Myanmar's military. Likewise, for most informants who resettled in Western countries, despite their well-integrated and well-adapted cultural diversity, cultural and religious practices of their homeland still play an important role in their spiritual life. These are why Karen diasporic communities regularly gather to celebrate anniversaries and maintain outstanding cultural practices abroad. More importantly, there are Karen people,

especially second-generation refugees, who have never lived or experienced life in their homeland. Hence, auto-biographical narratives told by word of mouth through relatives create a vague but sentimental linkage between those Karen people and their homeland. They are able to feel the pain and loss in the past. They are also able to recognize themselves as insiders in the process of fighting for the liberation of their homeland. Some participants only knew their cousins through pictures or stories. It was not until later, when they had settled abroad in their 30s, that they get to meet their relatives in person for the first time.

Some people who grew up in Myanmar or grew up in refugee camps along the Thailand-Myanmar border find a connection to their homeland through cultural concepts such as food, musical instruments, and the countryside, which are not available in their host countries. Moreover, they are impressed by the local cuisine of their homeland. The Karen natives often use vegetables, plants and herbs for their dishes, and even include some animals found from the forest. After fleeing Myanmar or leaving refugee camps to adapt to different locations, it can be difficult to find a familiar taste in Karen dishes. Furthermore, the scenery of rustic villages is also an indispensable memory of the homeland among those who experienced their childhood in Karen state. In contrast, some informants are able to recollect bitter narratives of their families' suffering brought about by the military junta. Their family members could be tortured, hunted down or arrested as they stood up to fight against the Tatmadaw military. Likewise, they felt a sense of resentment when told that the Karen villages had been burned down and forced them to flee their ancestral lands. Although they have not witnessed it first-hand, they still feel the pain of their people, as well as feel anger and indignation towards the Myanmar military leader

TRANSNATIONAL ACTIVITIES

Fundraising activities

Most Karen refugees approached for this research feel helpless when they are unable to participate strongly in social movements and rescue people inside their homeland. Due to geographical limitations, remittances and donations are the most practical and effective tools for them to support the affected people in the country. Although before the military coup, they still maintained social ties with relatives in Karen State, remittances did not play an important and urgent role when people in the homeland still had enough resources to live. However, with air raids and skirmishes between Tatmadaw and the Karen army after the coup, internally displaced people needed urgent support with shelter, food,

medicine, and humanitarian aid. During this time, the role of the Karen people in Western countries became more prominent. They used all their economic resources and ability to raise funds and send remittances as quickly as possible. These funds can come from monthly income, cultural programs and fundraising concerts, sale of items, or direct donations in refugee or diasporic communities. Some people reached out and connected with Burmese immigrant communities or Karen diasporic communities to raise funds and send them to community organizations in Mae Sot. Furthermore, some informants have raised funds through the sale of food or traditional Karen clothing, while struggling with residency and taxing status in the host countries. They think that these activities could attract the attention of foreigners about the situation of the Karen people in Myanmar.

Humanitarian aid

During the coup, Karen people living in refugee camps or near the Thai-Myanmar border had many favorable conditions for direct and active humanitarian assistance. The coup d'etats destroyed villages, homes, schools and roads in Karen state. Many people have to hide in forests, bunkers or cross borders to find temporary shelter in Thailand. In such extreme conditions, humanitarian aid is urgently needed to ensure the safety and health of internally displaced persons. The Karen people who lived and integrated in Northern Thailand act conduits in pursuit of rescuing, assisting and providing aid to refugees near the border. They often receive donations from international organizations and people, and Karen diasporic communities in Western countries. More specifically, the internet was severely restricted and social media was banned during the coup. Therefore, information about the situation could only be updated through a network of freelance journalists, KNU soldiers and volunteers. Informants shared that the Karen people in Thailand served as bridge and communication channel to know the whereabouts and safety of their family members in the homeland. The work of those on the front lines is quite dangerous and arduous.

News Sharing and Updates

During the military coup, there were certain restrictions on internet access and a ban on social media in Myanmar. This is a malicious trick by the military to conceal and justify their violence and cruelty towards civilians. This led to news blackout both within the country and abroad. Fortunately, thanks to social media and digital technology, visual content on various issues is spread and shared in a snap. Not only were the Burmese in general persecuted and openly murdered in big cities like Mandalay or Yangon, the Karen people were also hit hard by air raids, village burning, and skirmishes between the KNU

and Tatmadaw. Therefore, members of the Karen diaspora believe they should not be indifferent to such abuses. In addition, they also share photos and stories of internally displaced people with their friends and colleagues in host countries to help them become aware of what is happening in Myanmar. More importantly, four informants in the state of Minnesota, USA participated in demonstrations in front of city halls to protest against the coup and lobby for economic sanctions against the entities owned by the Myanmar military. They do not think that tough sanctions will be implemented immediately, but it is one of the things they can do to give their voice to the peace, freedom and human rights of people inside the country.

Education and Knowledge Training

As insiders, young informants understand the lack and inadequacy of informal education in refugee camps. Although they were fortunate to be accepted for naturalization in the US, they still want to use their potential resources, social capital and freedom to improve education in refugee camps through training sessions, presentations, curriculum design and English lessons. This can be seen as essential skills for the young generation in refugee camps to obtain credentials for admission to higher education or for the right to resettle in third countries. During the coup and the covid-19 outbreak, training and knowledge sharing activities have been carried out in the form of Zoom meetings.

CONCLUSION

Exploring the diversity that characterizes Karen home attachment in Western diasporic communities reveals contexts, personal experiences, cultural factors, social ties, and political crisis, which have affected their identity and transnational activities. Forming an identity was not an easy process for Karens, as they spent their many years of their lives in exile in refugee camps in Thailand before resettling in third countries. Regardless of their identity and citizenship, they are still aware of their affection towards their homeland, and respect for spiritual values . Most informants have carried out activities to support people at home or in refugee camps since their resettlement. More importantly, the level of participation and contribution to transnational activities has been enhanced during the military coup, which is still causing human rights abuses and humanitarian crisis in Karen State.

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THE PERSISTENCE OF POLITICAL IMPRISONMENT DESPITE REFORMS DURING THE POLITICAL TRANSITION (2011 - 2020) IN MYANMAR

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ABSTRACT

Political reforms such as the institutional changes made for a quasi-civilian leadership to govern Myanmar in 2011 came as a revelation. Following the installation of a new government, a number of political prisoners were released. However, the government continued to prosecute journalists, activists, students, civilians, and farmers and the numbers steadily increased from 2015 onward. Why did the government that was to lead Myanmar in its transition to a fully-fledged democracy still utilize the tactics of the military junta? The increasing numbers of arrest and detention on political charges confounded observers and civilians. Despite emphasis on political reforms, the shortcomings of the government in the phase of political transition between 2011 and 2020 remain inadequately unexplored. This paper addresses why many people continued to be criminalised, arrested and imprisoned on political charges in Myanmar during the said transition. Through documents analysis, this paper explores why political imprisonment was sustained. This paper argues that the authoritarian structure of the military regime was not truly dismantled during a period of the purported political change. As the authoritarian cultures are not withdrawn, the culture of repression serves as a justification to limit freedoms similar to the case in past regimes. Taking political imprisonment in a time of democratic transition in Myanmar as a case study, this paper contributes to understanding the causes of repression during regime change.

Keywords: Political Transition, Liberalization, Political Imprisonment, Political Prisoners, Myanmar.

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INTRODUCTION

After nearly five decades of direct military rule, Myanmar's government ushered in its transition with a series of startling reforms in 2011. One of the salient features of the reform process was the release of hundreds of political prisoners¹⁴⁶. According to the Assistance Association for Political Prisoners (AAPP), a number of political prisoners were freed following the installation of a new government in 2011. Nevertheless, the government continued to prosecute activists, students, ordinary citizens, farmers, and journalists and the numbers steadily increased in the lead-up to 2015. The increasing numbers of arrests and detention of individuals on political charges perplexed observers and civilians, questioning why there were a number of political prisoners under the democratic stewardship. Despite much focus on the shortcomings of political reforms, the reasons why the governments continued with the practice of imprisoning many people on political charges remain crucially underassessed. This paper addresses why many people continued to be criminalised, arrested and imprisoned on political charges in Myanmar during 2011-2020.

Through analysing documents such as publicly available reports, journals, newspapers and media content, this paper revisits the literature on political reforms and explores the issues of political prisoners such as those who are more likely to be incarcerated, the common grounds for imprisonment, and laws under which political prisoners are charged during the transition in order to better understand why political imprisonment was a sustained practice.

This paper finds that the authoritarian structure of the military regime was not completely dismantled, undermining the purported political transition. Despite limited steps to liberalise political spaces, the governments continued to limit political freedoms and civil liberties. Indeed, partial liberalization was not a bona fide aim to move towards a full-fledged democracy, and was therefore crippled from the outset. The flawed reform process weakens the transition, which consequently leads to the perpetuation of political imprisonment. When examining the reform process further during the periods between 2011 and 2020, many incarcerated on political charges primarily because of the shortcomings of the non-bona fide liberalization process, complex relationships, and a number of repressive and outdated laws. The paper proceeds as follows: first, it briefly sketches political imprisonment during transition, and then explores the reasons why

¹⁴⁶ A political prisoner is a person incarcerated for his or her political beliefs or actions.

political imprisonment is sustained from 2011-2020, and finally it discusses the factors that influence political imprisonment.

POLITICAL IMPRISONMENT DURING TRANSITION

In the years following political reforms in 2011, almost one thousand political prisoners were freed: 330 in 2011, 463 in 2012 and 144 in 2013. These releases were mostly on the basis of presidential pardons, and few on the completion of their sentences (AAPP, 2013; Huang, 2017). The number of political prisoners incarcerated was less than a hundred in 2013 (Buschmann, 2016). Remarkably, the U Thein Sein government enacted a series of laws, which give citizens access to unprecedented rights under Myanmar law (Egreteau, 2016). In pursuit of political opportunities, people can become bolder in criticizing the state and bureaucracy and voicing demands that have been long repressed under previous regimes (Egreteau, 2016).

During the initial period of transition, the greater tolerance for socio-political pluralism allowed for the normalization of contentious politics in the forms of cyclical protest movements, boycott campaigns, and strikes (Bünthe, 2014; Huang, 2020, p.118). Despite not being particularly reactive to the movements and criticism at the outset, arrests and detention of individuals who instigated protests and expressed divergent opinions surged again in 2014 (Bünthe, 2014). Journalists and reporters were often hunted down and criminalized when critiquing the military (Morrison, 2014, p. 281; Egreteau, 2016, p.88). The military did not hesitate to resort to violence in its form of imprisonment towards the activities that impede the interests of the military. For instance, Letpaduang Copper Mine project and the National Education Law were contentious issues where the state used violent repression (Huang, 2017, p.32; 2020, p.121). Thuzar (2017) contends that the military seemed less tolerant of criticism and dissent, evidently no longer accepting criticism as in the early months of the transitional process. The lead-up to the 2015 elections, as Amnesty International (AI, 2015) points out, became far more cautious, often resorting to authoritarian tactics on selected targets, leading to the creation of a new generation of political prisoners.

When the National League for Democracy (NLD) led government came to power in 2016, civilians and observers cautiously hoped that politically motivated arrest and incarceration would be put to an end as many NLD leaders were themselves imprisoned on arbitrary grounds when opposing the military. When in power, the NLD-led government dropped

charges against 235 political detainees in 2016 and granted presidential pardons on several occasions: 198 in 2016, 89 in 2017, 36 in 2018, and 25 in 2019, and 10 in 2020 (Martin, 2019; 2020). Notwithstanding freeing political prisoners periodically, activists, students, workers, farmers, journalists, and civilians continued to be criminalized and imprisoned on political charges (Dean, 2017; Martin, 2019; Athan, 2019; Buschmann, 2019; Huang, 2020). Notably, individuals of certain ethnicities and religions were more likely to be subject to politically motivated detentions under the NLD-led government (Dean, 2017; Huang, 2017, pp.31-32; 2020). It can be said that the number of political arrests and detention actually increased under the NLD-led government. According to AAPP, there were more than 600 individuals criminalized, arrested, and imprisoned on political charges in 2020.

In terms of the larger numbers of political prisoners, extant literatures (Martin, 2019; Athan, 2019; Huang, 2020) stress the shortcomings of the reform process and a series of laws that undermine civilian freedoms. Transitional studies (for instance, Egreteau, 2016; Huang, 2020) claim that the reform process is flawed as liberalization does not necessarily trigger democratization. Though institutional changes have been made for a quasi-civilian leadership to take over, the long-standing entrenchment of the security mindset and apparatus within the government has continued to influence the administration. Consequently, there has been no impact on the way the governments have treated dissenting voices. Similarly, several extant literatures (Dean, 2017; Buschmann, 2019; Article 19, 2019; Athan, 2019; Martin, 2019) assert that there are a series of problematic laws that enable the prosecution and imprisonment of political prisoners. Current studies usefully point out some reasons why there remained a number of political prisoners during the transition, but do not further explicate the key factors that have impacted on political imprisonment.

Despite liberalising political spaces at the initial period of transition, civil liberties and political freedoms are often curtailed. On the other hand, following political openings, people pushed for further changes and sometimes crossed the boundaries. As the authoritarian cultures were not reformed, the regime responded to dissents in an authoritarian manner, consequently leading to political imprisonment. In that sense, political imprisonment was sustained during transition. When taking a closer look at the whole reform process, it can be said that due to the shortcomings of the non-bona fide liberalization process, complex relationship among military, government and EAOs, and a number of repressive laws, many people were incarcerated on political charges during

transition. How those factors have influential impacts on political imprisonment will be further discussed as follows.

SHORTCOMINGS OF THE NON-BONA FIDE LIBERALIZATION PROCESS

Following the reform process, there were a series of scholarly political debate about whether Myanmar's liberalization was meant to move towards liberal democracy, or whether the military was merely institutionalizing a semi-authoritarian form of governance with greater domestic and international legitimacy (Wilson, 2014, p.12; Egreteau, 2016). Despite appearing to engage in a democratic transition, Myanmar's transition was not designed to embrace democratization. Instead, the military was merely institutionalizing a semi-authoritarian form of governance (Egreteau, 2016). Political reform in 2011 was primarily meant to safeguard the interests of the military. The military planned and orchestrated liberalization to rule the country with greater legitimacy through shifting their role from the absolute ruling class to the ruling elite (Egreteau, 2016; Brenner and Schulman, 2019). Rather than being a straightforward transition from military rule to civilian, the political change in 2011 illustrated how a military institution moves down the scale of praetorian intervention (Egreteau, 2014; Blažević, 2016). The military withdrew from the political agenda in order to maintain its power and foster the regime's international leverage and legitimacy (Huang, 2017; Stokke and Aung, 2019, p.3). Despite the orchestrated mutation of its political role, the military still plays a significant role through the institutionalization of a power-sharing agreement between civilian and military elites under the 2008 Constitution (Egreteau, 2016; Bunte, 2021).

Despite stressing economic reforms and a reassessment of international relations, liberalization does not promote rule of law and justice (Dean, 2017). Moreover, it failed to strengthen a longer-term deepening of democratic participation and accountability (Mullen, 2016). It can be said that the progress of transition towards a real version of democracy seemingly reshuffled in 2013 (Bunte, 2014; 2016). For instance, there are several shortcomings in the implementation of the policies. The government was not able to adjust to its newly introduced rules. Rather, the government implemented new rules to limit civil liberties, and silenced government detractors like the regimes in the past.

When the NLD-led government came to power in 2016, it was expected that the NLD-led government would usher in a new era of civil liberties and would trigger democratization. Contrary to expectation, the reform process itself was affected by the fragile power-

sharing arrangement under the 2008 Constitution which maintained the military as a key player in every political sector (Huang, 2020). Despite winning with the landslide victory in the 2015 election, the NLD-led government was bound to cohabitate politically with the military in accordance with the 2008 Constitution (Lubina, 2018). Since the NLD-led government had the limited power to make a better change, it was unable to trigger a fuller version of democracy and greater political autonomy in its new form of government (Simpson and Smits, 2018; Ko Ko, 2018). On the other hand, the NLD-led government failed to lead according to democratic norms (Roewer, 2017, p.8; Huang, 2020). In spite of purporting to be more democratic than its predecessor, Huang (2020, p.144) argues that the NLD-led government also resorted to both liberal and illiberal tactics to silence critics and government detractors on the social-political front. The initial expansion of socio-political pluralism introduced during the U Thein Sein office term continued to dwindle under the NLD-led government (Huang, 2020).

Observers (Athar, 2019; AAPP, 2019; Article19, 2019) pointed out that political freedoms and civil liberties noticeably deteriorated under the NLD-led government. Following the decline of civil and political freedoms, Myanmar remained as an authoritarian regime according to Economist Intelligence Unit (EIU) Democracy Index (2019) and it was rated as a partly free and not free country according to Freedom House ratings¹⁴⁷ during 2011-2020. That shows how the reform process was flawed. Despite a purported political transition, partial liberalization made no move towards a full-fledged democracy. This is evident when examining the limitations of the implementation of new policies and laws designed for a democratic nation and lack of political will to lead the country in accordance with democratic norms. As the transition was designed to safeguard the interests of the military and to prolong its rule, it is no wonder that illiberal practices were not withdrawn, consequently leading to a number of political imprisonments.

COMPLEX RELATIONSHIPS

Another example as to why many people were imprisoned on political charges during this period is the complicated relationships among military, government and ethnic armed organizations (EAOs). Despite the promising political reforms in 2011, the tensions between the military and EAOs re-emerged following the adoption of the 2008 Constitution, in particular Section 338 of the 2008 Constitution which states that “all the armed forces in the Union shall be under the command of the Defense Services”.

¹⁴⁷ freedomhouse.org

According to Section 338, the military holds the absolute power over armed forces and only its recognized forces seem to be the lawful forces in Myanmar. Hence, some EAOs like Myanmar National Democratic Alliance Army (MNDAA) and Shan State Army-North showed strong opposition to Section 338 (Egreteau, 2016, p.101). Worst, in the midst of the 2011 transition, the seventeen-year-old ceasefire agreement between the military and Kachin Independence Organization (KIO) was broken, resulting in escalation of armed conflicts in many parts of Kachin State (Egreteau, 2016, p.102).

In order to lessen such tension, as the key reformist agenda, the U Thein Sein government reached out to ethnic nationalities and convinced them to sign the National Ceasefire Agreement (NCA). In the new atmosphere of optimism and reform, several ethnic nationalities were also willing to negotiate with the U Thein Sein government (Egreteau, 2016, p.103). Developing the document together, fifteen armed groups signed the first draft of NCA in March 2015; however, only EAOs¹⁴⁸ signed the final document on 15 October, 2015. Whereas some EAOs, including KIO and United Wa State Army (UWSA), were reluctant to sign due to internal disagreements, the government and the military deliberately excluded some groups such as the MNDAA (Egreteau, 2016, p.107; Antoni, 2015). The Lahu Democratic Union (LDU) and New Mon State Party (NMSP) joined later on February 13, 2018. For the NCA members, the governments removed them from the list of illegal organizations upon their signing of the NCA (Antoni, 2015). Seven non-NCA members¹⁴⁹ and the rest remained as illegal organizations.

The existence of a number of unlawful organizations had severe impacts on arbitrary arrest and imprisonment. Most civilians in the conflicted areas, including those who travel in those areas, are often arrested on accusation of association with EAOs under the Unlawful Association Act. Using this law, the government declared some EAOs “unlawful associations”. This law has been used by successive governments to arrest people without specific grounds. For example, U Zaw Zaw Latt and Daw Pwint Phyu Latt, interfaith activists, were arrested for participating in an interfaith peace trip to territory controlled by the Kachin Independence Army (KIA) in 2015 under the Unlawful Associations Act (Oliver, 2017)

¹⁴⁸ All Burma Federation's Student Unions (ABSDF), Arakan Liberation Party (ALP), Chin National Front (CNF), Democratic Karen Buddhist Association (DKBA-5), Karen National Union (KNU), Karen National Liberation Army (KNLA), Pa-O National Liberation Army (PNLA), Restoration Council of Shan State (RCSS)

¹⁴⁹ United Wa State Army (UWSA), Kachin Independence Organization (KIO), Myanmar National Democratic Alliance Army (MNDAA), Shan State Progressive Party (SSPP), Ta'aung National Liberation Army (TNLA), and Karenni National Progressive Party (KNPP)

Declaration of EAOs as unlawful organizations merely heightened tension not only between the Tatmadaw and EAOs but also between the government and EAOs. Despite prioritizing national reconciliation, both the U Thein Sein government and the NLD-led government did not engage well with EAOs. For instance, the NLD-led government declared Arakan Army (AA) as an unlawful association on 23 March 2020 (Global New Light of Myanmar, 2020). In such case, it created tension rather than national reconciliation. Indeed, the 2008 Constitution is the root of the problems. It guarantees the military's continued influence in the political sector and it safeguards the interest of the military (Huang, 2020). How problematic this was becoming clearer under the NLD-led government. As the NLD-led government was not able to bring the military under civilian control, the power-sharing struggle between the NLD-led government and the military created further tensions, which increased political arrest and imprisonment. For example, they could not amend some provisions without the military's legislative votes, as they did not have a parliamentary majority for constitutional amendments. On the other hand, the NLD-led government also failed to amend the repressive laws which lay within its capacity and sometimes silenced government detractors.

REPRESSIVE LAWS

In terms of the existence of political prisoners, extant literature and reports (Buschmann, 2016; 2019; Dean, 2017; Article 19, 2019; Athan, 2019; Martin, 2019; Huang, 2020) primarily stress the laws, arguing that the undemocratic problematic laws created a number of new political prisoners. The laws that the authorities mostly use to silence dissenting voices are the 1860 Penal Code, the 1908 Unlawful Association Act, the 2011 Peaceful Assembly and Peaceful Procession Law, the 2013 Telecommunication Laws, and the 2017 Law Protecting the Privacy and Security of Citizens. Interesting to note, most of the said laws have been newly introduced during transition in 2011 onwards. To open up political spaces, the U Thein Sein government enacted a series of laws which allowed certain civil and political rights.

Additionally, the authorities attempt to limit the rights by using the said laws in conjunction with other laws. The authorities maintain law and the use of court procedures to immobilize and silence people (Cheesman, 2015, p.276). When using the laws to silence dissenting voices, the government and authorities often cite national security, public order, community peace and tranquility, public morality and national solidarity in Myanmar (Venkiteswaran et al., 2019, p.64). When examining the statistics about who has been

detained and why, there are a variety of justifications for arrests and detentions. Commonly, the reasons range from crimes relating to criticism against the policies, military and government, anti-war movements, demonstrations to dramatize land, labor and human rights issues (Huang, 2017; Dean, 2017; Athan, 2019; Martin, 2019; 2020).

However, political prisoners are frequently convicted on the charges of weapons, treason, terrorist acts, and criminal offenses often based on trumped-up charges. The authorities interpret individuals' behavior and decide which laws may be used to incarcerate them, and then claim that prisoners are serving their sentences in violation of a specific existing law. The governments often used various laws to keep populations living in a state of fear with the aim to repress and silence all dissidents. Rather than effectively amending the laws that imprison individuals on political grounds, the governments employ laws as instruments to silence dissenting voices when facing criticisms (David and Holliday, 2018; Huang, 2020). Dean (2017) argues that the patterns of undercutting political activities remained as in the earlier days of the previous regime. Repression merely shifted from high intensity force to low intensity coercion of lesser visibility, with shifting targets and modes of performance (Dean, 2017, p.503; Venkiteswaran et al., 2019). The tools of containing dissenting voices seem more legitimate, less repressive and therefore more politically acceptable (Buschmann, 2019; Venkiteswaran, 2019). As long as the undemocratic laws remain in force, as Human Right Council (HRC, 2016) and several reports point out, there will always be a risk of perpetuating political imprisonment.

CONCLUSION

Why political imprisonment was sustained in a time of democratic transition in Myanmar is much related to whether the transition process of the country is genuine or not. Despite an appearance of a purported political transition was being illustrated to Myanmar's domestic and foreign audience, partial liberalization was not a bona fide aim to move towards a full-fledged democracy. The reform process was flawed from the outset. Political reforms were merely designed to safeguard the interest of the military and to prolong its rule. Additionally, the NLD-led government, purported to be more democratic than its predecessor, also failed to address the laws which continued to uphold democratic norms when in power. In fact, the authoritarian structure of the military regime was not truly dismantled during the transition. Thus, the authoritarian cultures were not withdrawn and the transition process created further tensions and challenges. It can be argued that the 2008 Constitution, which was designed to guarantee the military's role in every

political sector, is the reason for all shortcomings of the reform process. Following the 2008 Constitution, the military initiated the transition with the elections, the elected governments and political reforms. As it was an undemocratic constitution, it merely reinforces undemocratic practices, worsens the protracted ongoing civil-conflicts, and maintains the authoritarian culture, consequently leading to a number of political prisoners.

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TRANSFORMATION OF BANGKOK THAI-MUSLIM IDENTITY THROUGH THE FRAMEWORK OF ARABIZATION

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ABSTRACT

Thailand is home to more than seven (7) million Muslims, which make them the largest religious minority group in the country. The Thai – Muslim community has a key feature of Thai history dating back to the Ayutthaya period, serving in the royal courts and participating in the economy through trades. Despite much research done on the Muslim population and communities, Muslim communities in Bangkok remain largely understudied. Globalization has fostered an environment where information and ideologies travel at a much faster rate further intensifying the transference of ideas and influences from one culture to another. In Thailand, those influences have manifested in the transformation within the Muslim communities. This paper examines the process of “Arabization,” a term coined by Baladas Ghoshal, which refers to the process of cultural and ideological changes that take place in a non-Arabic Muslim community outside of the Arabian Peninsula. This is mainly due to the influence from Arabic culture and ideologies, mainly regarding Islam. It adopts such concept and framework to gain a better understanding of the transformation of the Thai-Muslim community in Bangkok, and to assess the potential impacts it has on the population within the community. It explores changes on three dimensions: physical, sociological, and ideological. Its scope is based on data from field observations within the Ton Son Mosque community, interviews with its residents, and analysis from archival evidence such as photography and record from the mosque itself.

Keywords: Arabization, Socio-cultural, Transformation, Muslim, Thailand.

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INTRODUCTION

Home to more than seven million Muslims or about 12% of the population, according to the statistic reported by the Royal Thai Embassy in Riyadh, Saudi Arabia, Muslims consist the largest religious minority in Thailand. The history of Islam in Southeast Asia and Thailand can be dated back to as early as the 9th Century, when people of the Southeast Asian peninsula made contact with Muslim Arab and Persian merchants (Scupin, 1980). Despite this trade-based interaction, Muslims did not settle in the region until much later in the 13th century.

According to Scupin (1980), factors such as the invasion of Mongol in Baghdad in 1258 A.D. which caused the fall of the city and sparked the exodus of scholars to other parts of Asia and the popularity of Sufism¹⁵¹ contributed to the establishment of Muslim communities within Southeast Asia. For centuries, the Muslim community had been transformed local customs and traditions, which integrated with the core Islamic values and faith.

The demography of the Thai-Muslim populations is unique when compared to the Muslim populations of the other Southeast Asian country. The Thai-Muslim population consists of multiple ethnicities living in integrated communities, except for Malay Muslims in the Deep south. Thus, the study of the Muslim population in Bangkok and the North must be conducted outside of the ethnographic framework. The researcher has identified a significant gap in research in which Muslim communities in Bangkok are significantly understudied. Transformation of the Muslim community through the process of Arabization is the focus of the study conducted. Arabization is a process in which a non-Arab Muslim society integrates elements of Arabic culture and society into its own. This often happens as an accompaniment to Islam, as it spread into the Middle East, North Africa, and Asia. This concept, in this case, refers to the Arabization of Islam, or the process in which the Islamic culture has adopted elements of Arabic culture and transmit those elements to the non-Arab Muslim communities outside the Arabian Peninsula. This also includes changes in usage of language, and values of non-Arab Muslim communities (Ghoshal, 2010).

¹⁵¹ Sufism is a sect of Islam that has more mystical elements, or as Scupin said "eclectic enough to accommodate itself to indigenous mystical and spiritual patterns", which allow Islam to eventually be adopted widely in Southeast Asia (Scupin, 1980)

The paper is based on the researcher's review on the process of Arabization that occurred in Muslim communities around the world, focusing on the phenomena occurring in Thailand. In doing so, the paper aims to allow better understand of the history of Muslims in Thailand and their identity as Thai Muslims.

BRIEF HISTORY OF ISLAM IN THAILAND

Islam in Thailand can be dated back to the late Ayutthaya period. Islam came into Thailand from three directions: South, Central, and North (Yusuf, 2007, p. 5). Thus, these regions are where the three largest Muslim communities reside to date. These Muslim communities are of different ethnic origins. Southern Thai Muslims are of Malay ethnicity, originating from the Pattani Kingdom that reigned the South before the British colonial rule in the region. The Muslims in the north are of Hui/Haw descent. The Haw population spread throughout the upper Burma and Northern provinces of Thailand, in Chiang Mai and Chiang Rai (Forbes, 1982).

Muslims in Central Thailand traced their history back to the old Siam kingdom. Raymond Scupin (1980) identified trade to be the leading factor for the settlement of Muslims in the kingdom of Ayutthaya in the 17th Century (Scupin, 1980). This resulted in the unique make-up of the Thai-Muslim population in the Central part of Thailand. Muslims have been actively participating in politics and the economy from the time of late Ayutthaya period. Being the center of trade and politics, Ayutthaya, and subsequently, Bangkok attracted Muslims from all directions. This resulted in the Muslim population in Bangkok and Thonburi today consisting a mixture of ethnicities; Malay Muslims from the South, Javanese, Cham, Persia, Chinese, and Indians (Scupin, 1980). Therefore, it is important that the study of Muslims, especially in the Bangkok region be conducted in light of intersecting religious, ethnic and historical identities and experiences.

METHODOLOGY

For this paper, the researcher conducted an extensive literature review related to three aspects. The first set of the literature tackle the history of Islam in Thailand. The second set of literature review focus on the existing body of knowledge of the study of Islam in Thailand, particularly anthropology and security. Both heavily focus on the Southern Muslim population, or the Malay Muslims in Pattani, Yala, Narathiwat, and Satun, four

south-most provinces of Thailand, often referred to as the deep south. The last set of literature shed light on the Arabization processes, based on case studies and expert critique. The authors of this literature mainly looked at causes and impact of the process on the country, with respect to the spread of Wahhabism that came along with Arabization.

STUDY OF ISLAM IN THAILAND

Despite the long history and active participation of Thai-Muslims in the larger Thai society, most research on the topic concentrated on two main aspects; security and anthropology. Security literature dwelled heavily on the fragile situation of the Deep South of Thailand. Surin Pitsuwan, a Thai-muslim political scientist, wrote *Islam and Malay nationalism: a case study of Malay-Muslims of southern Thailand* in 1985. He closely analysed the Malay Muslim identity and their complicated relationship with the Thai State. Pitsuwan concluded that at many points in history, the Malay Muslims in South got into a state of political struggle and conflict with the Thai state authority when the latter attempted to integrate the community but disregarded the diversity of its citizens. This long history of leadership conflicts contributed to the constant turbulent situation in the deep south (Pitsuwan, 1985). In 2004, southern Thais faced another wave of instability due to a series of terrorist incidents starting.

Joseph C. Liow, whose research interest is in Muslim political movement in Southeast Asia and Geopolitics, wrote multiple works highlighting the state of conflict in Thailand's South. His two works, *Local Networks and Transnational Islam in Thailand (with emphasis on the southernmost provinces)* (2009) and *Muslim resistance in Southern Thailand and Southern Philippines: religion, ideology, and politics* (2006) critically compared and examined local political networks of Muslim political movements within Thailand and the Philippines. Liow concluded that Islamic groupings and alignments serve both the religious function and cultural, institutional function as well (Liow, 2009). He has also found that the local networks are not connected to the transnational organization. Therefore, it is likely that the political movements within southern Thailand and the Philippines are the results of internal conflict between citizens and the state. His 2006 work found that conflicts originated in "territorial and ideational boundaries," which did not align with the ideology of the Malay people residing in both locations and often are forced upon the population in the name of nation-building (Liow, 2006).

This review shows that both security and anthropology literature have significant overlaps. They focused particularly on the Deep South, and examined conflicts from an ethnoreligious perspective. The works of Chaiwat Satha-anand (2005) and Rajeswary Ampalavanar Brown (2014) offer a more modern perspective on the lives of Thai Muslims. Satha-anand's "The life of this world: Negotiated Muslim lives in Thai society" documented a series of interviews and research on the negotiation of religious values, identity, and the modern world, based mainly in Pattani and Bangkok. Some issues highlighted from the interviews are the interplay between religious values and economic trade-offs that many Muslim business owners are required to make to maintain sustenance, as well as exploration of attitudes that the Thai and Malay communities that live side-by-side in the south has on each other.

Rajeswary Ampalavanar Brown's "Islam in Modern Thailand: Faith, Philanthropy, and Politics" provides an understanding of economic decisions that Muslims make based on religious obligations (2014). The concept of *Waqf* or religious obligation for endowment, mosque politics, and financial decisions of Muslims were extensively explored in this work.

However, these works are still limited in a sense that they heavily focus on the economics and politics of a particular point in time. Works that focus solely on the Thai-Muslim identities are far and few in between. There are not many works done on the Bangkok Thai-Muslim community that document the transformation that took place within a community. Future research is imperative to not only explore the unique identity of Thai-Muslims beyond just the static documentation of history, but also highlight dynamic changes and influences the community has gone through.

In her work titled "Understanding the Identity of the Thai Muslim community of Kudi Khao in Thonburi, Bangkok" Penchan Phoborisut discussed the identity of Muslims in the Kudi Kao or Bang Luang Mosque community by examining multiple aspects of the community like shared history and fluidity in assimilation between the community and its neighbors. She concluded that this kind of relationship in the existence and integration of community has been the defining feature of Thai culture. In her words, "*Kudi Khao* symbolically represents a society where we can see different cultures and faiths mingle and co-exist" (Phoborisut, 2008). It is critical to conduct more research of this kind that could contribute to the understanding and appreciation of the existing culture and relations of different communities. Though if changes that are currently occurring within the community have

the potential to disrupt the smooth assimilation of the community, the after effect remains to be seen.

ARABIZATION

In his work “Arabization: The Changing Face of Islam in Asia” Baladas Ghoshal, a South Asian scholar, examine the history of Islam in South and Southeast Asia and identified the various aspects of Arabization of Islam that has occurred within the region (2010). Islam was found to be unique from the other major religions, in that the governance of the doctrines are localized. There is no central governing body of religious doctrines, unlike the Vatican council for Roman Catholicism. The decision-making on religious matters is diverse according to *Ulamas*¹⁵², or Islamic scholars who oversee the interpretation and transmission of religious knowledge, doctrines, and laws. With the current global population of over 1.6 billion Muslims worldwide and over two hundred million within the Southeast Asia region, there is a power void over uniting the global Muslim population and form a leadership position that could potentially gain influence over a gargantuan population.

The Arabization of Islam, according to Ghoshal, took many forms. There are also varying degrees in which a community has been Arabized. Ghoshal (2010) observed that “Arab culture is seen as synonymous with Islam.” Thus, it is natural that these correlations between the two have influenced many Muslim communities globally to undergo some degree of transformation (Ghoshal, 2010). Hence, there are multiple degrees of Arabization. The first sign of Arabization is use of the Arab language. In countries like Tunisia, the promotion of MSA or Modern Standard Arabic in governance, media and educational spaces over the local dialect was heavily caused by the Arabization process (Daoud, 1991). In South and Southeast Asia, this means the adoption of loan words, phrases, and sayings. Words of greetings and names are significant makers of Arabization. Along with words, customs of greetings and daily lives among the Muslims in the non-Arabic community are also signs of Arabization. The second sign is clothing. The increasing prevalent use of hijab and niqab¹⁵³ among non-Arab Muslim women, as well as those for men are signs of Arabization according to Ghoshal (2010) and arguably a reaction to Modernization according to Akbar S. Ahmed (2004). Ahmed (2004) asserted

¹⁵² Religious scholars (Graham, 1993)

¹⁵³ Hijab and Niqab are head covering/ scarf and face covering accordingly. These are items of clothing of Muslim women. The covering of certain parts of the body is mandated upon all Muslims. Though the concept of hijab also include modesty in addition to physical covering, and thus is often a subject for debate and interpretation.

that the changes in clothing reflected the reaction of the Muslim world when confronting rapid changes caused by modernization. It is also a glimpse of the struggle to create and solidify the Muslim identity of non-Arabic Muslims (Ahmed, 2004). In addition to Arabization, another significant and growing movement within the Muslim world is the Islamic reformation, which encourages stricter adherence of personal devoutness among Muslims worldwide. Though the Islamic reformation argument shed light on the increasing usage of *hijab* and *niqab*, it does not offer a lot of explanation on the increasing usage of “Islamic” clothing like *thobe* and *abaya* which are originally Middle eastern in style. The last sign of Arabization that Ghoshal observed is the changes in architecture. As evident in mosques in Bangkok as well as the Southern part of Thailand, the style of architecture has drastically changed. In Malay Muslim communities in the south, the prominent architecture has been influenced by the Javanese style with its signature slope roof. However, in recent years, a new mosque or reconstruction of an older mosque usually ordained with domes and arches of Arabic architecture.

The beginning of Saudi’s influence overseas started in the 1970s along with the oil boom. This sudden economic prosperity allowed Saudi Arabia to take part in Economic Diplomacy (Li, 2019). Yi Li stated that the role of Saudi as aid provider has improved of the credibility Saudi leadership in the eyes of Muslims worldwide, along with the promotion of Wahhabi doctrines, which is a less secular and restrictive branch of Sunni Islam as well as heavily influenced by the Arabic culture (Li, 2019). With this literature, the 1970s catalyzed a wave of changes that are happening in Muslim communities worldwide.

Martin van Bruinessen (2014) and Jeff Haynes (2018) shared a view that Arabization is the reaction of a relatively conservative religion like Islam to a rapidly changing, modern world. This set of literature explains the widespread, seemingly sudden Arabization that takes place in a country not already receiving Saudi foreign aids. Van Bruinessen's (2014) work examines the reformist and traditionalist branches of Indonesian Muslims. This is comparable to the Khana Kao and Khana Mai, that Satha-anand mentioned in his work. The reformist, or Khana Mai, is influenced by new-age Muslim scholarship from Egypt and the Middle East. They favor the application of Islam in a form that has not been influenced by local customs and practices. Traditionalists, on the other hand, are devoted to the traditions and localized practice of Islam. Van Bruinessen identified rapid social and economic changes and the root cause that prompted the search for true Islamic identity (van Bruinessen, 2014).

Jeff Haynes (2018) studied trends of secularism. He identified post-modernization and globalization as factors that brought back religion, which was once deemed a private matter. This shift has blurred the line in the secularism of the public sphere which prompted religious reforms in a once secular society. Secularization has then been viewed as the “breaking down of moral behavior” and that religion is the better alternative to that modernity has failed (Haynes, 2018).

This later set of literature on Arabization has provided better understanding on the intersections between globalization and modernity. It paralleled the rapid global changes and localized changes within the community. This intersection of concepts allows for a more critical understanding and explanation of the changes that are happening within local, Thai- Muslim society.

CONCLUSION

More than seven million Muslims call Thailand their home. Their identity as Thai Muslim and Malay Muslim has been constructed through long shared history alongside their Buddhist counterparts. The history of assimilation of Muslims in the early days of Islam's arrival in the Southeast Asia region has given birth to the unique identity of Muslims in the region. In Thailand, this uniqueness contributes to a rather smooth assimilation and shared history between Thai-Muslim communities and their counterparts, as evidenced in the Kudi Khao community case. Furthermore, Arabization is a significant force that cannot be ignored. It has the potential to reshape the ideology and identity of Thai-Muslims, though the clear impact is yet to be seen. Based on the literature review and the documentary research, it is evident that both aid politics and global movements like globalization have significantly impacted the identities of Thai Muslims, especially when looking through the framework of Arabization. This research has revealed that there needs to be closer examination between the relations of assistance outside of the traditional governmental aid relationship. Further research on the impact and extent of Arabization in Thailand is strongly encouraged.

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PLATFORM DELIVERY WORK IN BANGKOK: A CRITICAL ANALYSIS OF INFORMALITY AND PRECARIETY

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ABSTRACT

The gig economy in Thailand is on the rise. Platform delivery drivers have become ubiquitous on Bangkok's streets, and they have played a pivotal role in keeping the economy moving during the COVID-19 pandemic. However, recent protests by delivery drivers in Bangkok illustrate the precarious and insecure working conditions drivers experience. Mainly focused on the Global North, most scholarly research considers the gig economy as part of the process of precarisation and the slow erosion of the standard employment relationship. The academic discourse thus mainly focuses on issues of labour protection arising from the classification of gig workers as subcontractors or partners. However, the same frame of thinking does not necessarily apply to the Global South since precarious work is nothing new but rather a staple of most labour markets.

Examining the case of delivery drivers in Bangkok, this paper argues that the gig economy in the Global South should be examined in the framework of informality. However, departing from the traditional dichotomy of formal and informal this paper considers informality beyond the mere absence of government regulation. Informality is placed in a larger context of capital accumulation which denies simple formalisation calls. The paper demonstrates that existing forms of informality and precarious work in Thailand show many similarities to platform delivery drivers in Bangkok, albeit with the difference that the latter's working lives are governed by digital technology. This paper thus contributes to the discourse on the gig economy by providing an alternative analytical framework for the analysis of the gig economy in the Global South.

Keywords: Gig Economy, Digital Technology, Labour Relations, Informality, Precarisation.

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INTRODUCTION

Accelerated by Covid-19, the gig economy is on the rise in Thailand and globally. One of the key characteristics of the gig economy is the fact that gig workers are not employed by the platform they work for but are instead classified as independent 'partners' or 'sub-contractors'. Due to this precarious situation of workers that the gig economy is often discussed as part of a process of precarisation. Precarisation describes the trend of flexibilization of employment and accompanying increased insecurity of workers vis a vie the traditional expectation of life-long employment and social benefits in western countries (Standing, 2011). The precarious working conditions in the gig economy are thus understood as deterioration of or deviation from the ideal of the standard employment relationship. However, while in the global north the precarious and informal working conditions of gig workers present a new phenomenon which stands in stark contrast to the norm of the standard employment relationship in countries such as Thailand informal and precarious work is nothing new. Instead, the situation of gig workers resembles the ILO's definition of informal workers as they "do not have secure employment contracts, worker's benefits, social protection or workers' representation'." (ILO). Globally the majority of people work in the informal economy, over 2 billion in 2018 which are 61.2% of total employment (ILO, 2018). Thailand officially defines informal work as those who are not covered under the social security scheme (Hewison & Tularak, 2013). According to most recent government data more than half (56%) of Thailand's workforce being employed informally (National Statistical Office, 2016). The majority of informal employment in Thailand is concentrated in the agriculture sector (National Statistical Office, 2016). However, informal employment in manufacturing and service sector has expanded following the 1997 Asian financial crisis, as overall employment in agriculture has fallen (Hewison & Tularak, 2013). Therefore, it can be argued that the gig economy is just one more iteration of informal and precarious work that provides the livelihoods for the majority of people in the Global South.

Taking these considerations into account, this paper argues that an examination of the gig-economy should start with situating it within the context of already existing informal forms of work. To this end this paper will give an overview of the development of the concept of informality to then examine two case studies of informal work in Thailand. These case studies will then serve to contextualise the emergence of platform-based transportation services in Bangkok. The paper will conclude with thoughts on the implications of this discussion for further research and labour rights.

THE CONCEPT OF INFORMALITY

The concept of informality in employment has its roots in the first half of the 20th century when it was perceived as the remnants of a traditional economy that would be gradually absorbed into the formal economy thus defining the formal as the norm and the informal as marginalised and excluded type of work (d'Alençon et al., 2018). Following an influential ILO report in the 1970s, the concept of the informal sector entered the international policy dialogue. While this conceptualisation recognised linkages between the formal and the informal sector, the informal was still defined in opposition to the formal. (Tokman, 2007). In the early 2000s the conceptualisation of informality further expanded to include a wider range of workers and firms. The ILO defined the informal economy as “all economic activities by workers and economic units that are- in law or in practice- not covered or insufficiently covered by formal arrangements” (ILO, 2015). The conceptual move from the informal sector to the informal economy responded to the ongoing erosion of the formal sector following multiple economic crises and 30 years of neoliberal economic policies (Tokman, 2007). A trend that encompasses the rising gig economy.

While the concept of informality has been widened over the last few decades the definition of informal employment as the absence of the formal arrangements and regulations associated with the standard employment relationship still portrays the latter as the norm. This normative judgement is reflected in policies regarding the informal economy that often rely on one form or another of a formalisation process (ILO, 2015, 2018). However, the standard employment relationship in its context of well-developed welfare states, strong labour rights and labour movements is the exception rather than the norm in capitalist economies (Neilson & Rossiter, 2008). In response, recent scholarship in urban studies has focused on a broader definition of informality to better understand the realities of people that live in ‘informality’. One way of conceptualising informality in this way is to understand informality “as a strategy underpinned by power relationships” (d'Alençon et al., 2018). This way of thinking goes beyond seeing informal arrangements as purely an absence of state regulations and rather sees them as fluid practices that negotiate socio-political inequalities (d'Alençon et al., 2018).

HOME-BASED WORK

Some scholars who challenge the proposed novelty of the gig economy have highlighted the similarities between gig work and home-based work found during earlier periods of

capitalism (Alkhatib, Bernstein, & Levi, 2017; Finkin, 2016; Flanagan, 2019). Thus, home-based work seems a fitting starting point for the examination of informality in Thailand. While there are no official estimates of the number of home-based workers in Thailand, among workers represented by the labour rights NGO WIEGO they make the largest share of which about 72% are informally employed (Poonsab, Vanek, & Carré, 2019). Home based work has long been a feature in Thailand, specifically in the garment and manufacturing sectors (Campbell, 2016b; Mead, 1982). What characterises these workers is that they work from home under a daily or piece rate payment system and are in most cases responsible for securing the means of production (e.g.: sewing machines etc.) by themselves (Bonnet, Carré, Chen, & Vanek, 2021; Stanford, 2017). Tulaphan (2008) describes how these conditions put workers in precarious positions. The piece rate payment system forces workers to work overly long hours to make a living and the responsibility for securing the means of production requires investments from workers that they cannot afford pushing them to take up loans. However, these investments from the workers do not guarantee their income which is entirely dependent on continuing demand from the company. This shows how home-based work shifts the risk from the employer to the employee. Not only is the company able to reduce their overhead costs by paying drastically reducing their labour and capital costs they also are flexible with their level of production leaving the workers to deal with the consequences of economic downturn.

The flexibility for employers allowing them to easily expand or constrict production is the main driver of the increase in home-based work arrangements in Thailand (Campbell, 2016b). The high mobility of capital and fluctuations in demand in the globalised economy offers strong incentives for companies to increase the flexibility of their work force to retain profits. This has been evident in the increasing use of home-based work following the Asian crisis in the 90s (Hewison & Tularak, 2013) and again during the Covid-19 pandemic during which home-based workers were among the hardest hit (Parks, Chatsuwana, & Pillai, 2020; WIEGO, 2021). The use of home-based workers further allows companies to counter collective action among workers. The individualisation and spatial separation of workers in home-based work leaves little room for unionisation and other forms of traditional labour rights movements. Campbell (2016b) thus argues that the return of home-based work can also be attributed to heightened organisation efforts of workers in the 1980s.

One major drawback of home-based work for the employer is the lack of supervision of their workers (Campbell, 2016b; Mead, 1982). Braverman (1998) theorised that this lack of control over the labour process was one of the dominant factors for the shift from putting out to factory-based production. In Marxist traditions this shift has long been understood as unidirectional, marking the emergence of the capitalist mode of production with the full subsumption of labour under capital (Campbell, 2016b). While, the importance of home-based work in Thailand and the deep integration of home-based workers into global supply chains (Harvey, 2019) clearly speaks against such a homogenous understanding of the development of capitalism, the issue of a lack of control over the labour process remains a nuisance for employers.

MOTORCYCLE TAXIS

Vin drivers are an integral part of Bangkok's transportation system. Parked at the entrance of Soi's, sky train stations, and other nodes of transportation in their iconic orange vests they provide a crucial service to connect Bangkok's main streets and public transportation system to people's homes and workplaces (Phun, Kato, & Chalermpong, 2019). Vin drivers first emerged as an informal form of transportation in the 1980s (Ratanawaraha & Chalermpong, 2015). In the wake of 1997 Asian financial crisis, the number of vin drivers boomed absorbing workers that lost their job in factories or people from the countryside who faced dwindling returns from agriculture (Phun et al., 2019). Operating outside of state regulation, motorcycle taxis developed their own system of governance. Groups around certain locations emerged with a local leader and increasingly coloured vests that identify riders belonging to certain stands (Sopranzetti, 2013, 2021). Local influential people soon recognised the earning potentials of this form of transportation and brought local motorcycle stands under their influence. These influential people would take part of the vin drivers' income in form of a rent or entrance fee in return for the use of the location, arrangements with local police and control of competition (Ratanawaraha & Chalermpong, 2015). The social-embeddedness and divergence from a free market model of vin drivers mirrors findings by other scholars of informal transportation (Rekhviashvili & Sgibnev, 2020)

Their working-class background and integration in informal networks of governance created a common perception of vin drivers as a low class and mafia like profession. In the early 2000s prime minister Thaksin Shinawatra's administration started an initiative aiming to curb the influence of influential people and informal networks. Vin motorcycles

quickly became a focus area of this “war on dark influences” denouncing the informal system of governance in place for distorting the market and inhibiting the individual rider’s potential as free entrepreneurs (Sopranzetti, 2021). Eventually vin motorcycles were officially recognised as a form of public transportation and brought under state regulation under the Motor Vehicle Act 2004 (Oshima, Fukuda, Fukuda, & Satiennam, 2007). However, this attempt to curb the informal structures that govern vin drivers and organise the sector on a market-based form of organisation largely failed (Phun et al., 2019; Sopranzetti, 2021). The campaign however succeeded in giving recognition to the crucial role vin drivers play in Bangkok. In conjunction with their embeddedness in informal networks this laid the bedrock for vin drivers to evolve into a powerful political actor (Sopranzetti, 2013).

PLATFORM BASED TRANSPORTATION SERVICES

The same social embeddedness which has made vin drivers a political power in Bangkok made them vulnerable to a competitor that does not rely on government regulations or local social relationships for its operation. When the first platforms Uber Moto and Grab started operations in Bangkok, their services were considered illegal resulting in police crackdown on platform riders (Sopranzetti, 2021). While Uber Moto ceded operations in response Grab ignored the legal challenge to their business leaving its riders to deal with the consequences. The introduction of platform-based delivery and ride hailing services further provoked sometimes violent backlash from vin drivers (Fullerton & Jirenuwatin, 2019). Despite the illegality of their business and the backlash by established vin drivers Grab and later other platforms expanded their operations in Bangkok rapidly (Phun et al., 2019).

While Grab and Co offer virtually the same services as vin drivers their organisation is fundamentally different. Where Vin drivers rely on informal social networks that govern everything from daily operations to prices and competition, the newly established platforms introduced digital technology and market-based rationales. In short, digital platform companies were successful where the Thai government has failed, formalising and rationalising the motorbike transportation sector. An effect which has been observed in other instances of the introduction of platform-based transportation services (Rekhviashvili & Sgibnev, 2018).

This raises the question how platforms were able to establish themselves despite the legal and political opposition from vin drivers and government. A crucial aspect of their success is a change of perception by consumers and potential workers.

Digital platforms have replaced the socially embedded informality of vin drivers with the apparent transparency of digital technology. Consumers are able to track their riders, see their names and ultimately easily rate them, which creates a feeling of accountability and safety driving demand for platform-based services (Sopranzetti, 2021). Furthermore, the ease of entry and the at least initially relatively high payment made working for a platform attractive to people that would not consider working as vin drivers, allowing them to quickly expand the number of riders to meet rising demand (Teerakowitkajorn & Tularak, 2020).

Additionally, without the flexibility to rapidly expand their workforce at very little cost the rapid expansion of these services in Bangkok would not have been possible. The ad-hoc nature of rider's relationship to the platforms made it possible for the companies to introduce their operations against legal and political opposition with little risk. However, in contrast to home-based work platforms are able to employ a hyperflexible workforce without relinquishing control. There is a large body of literature documenting the various ways in which platforms exert control over the labour process (Duggan, Sherman, Carbery, & McDonnell, 2020; Veen, Barratt, & Goods, 2020; Wood, Graham, Lehdonvirta, & Hjorth, 2019; Wu, Zhang, Li, & Liu, 2019). The use of digital technology thus enables capital to employ a super flexible workforce while retaining control over the labour process.

CONCLUSION

The analysis of informal employment in Thailand next to the emerging gig economy shows that the gig economy did not emerge in a vacuum but rather in the context of already existing forms of informality with which it shares defining characteristics. Within this context the classification of workers as partners follows the same economic rationale flexibility as home-based work. Furthermore, platform-based riders find themselves in the same precarious conditions as home-based workers or vin drivers. However, despite their similarity's platform-based labour is distinguished by the use of digital technology. The introduction of digital technology is not merely a minor change in the organisation of informal work but it has large consequences. First, it allows capital to overcome the barrier of lacking control over the labour process inherent in other forms of home-based labour.

Second, similar to the introduction of industrial production in early capitalism, digital technology has dismantled the social relationships that governed the motorcycle taxi sector allowing for the direct subsumptions of new sectors under capital.

It is this dialectic between similarities and differences to other forms of informal employment that makes the gig economy an interesting field of study to explore the implication of new forms of work. Its similarities to other forms of informal employment suggest that the labour relations found in the gig economy are not an exception from the norm of the standard-employment relationship but rather an extension, or in the eyes of capital an improvement, of existing informal employment. Further research of the gig economy should thus utilise and build on the rich scholarship of informality. The differences of the gig-economy to other informal work, namely the reduction of informal social networks and introduction of control, on the other hand point towards possible trends in overall labour relations. These differences can be ultimately traced back to the introduction of digital technology for the management and organisation of labour. Work akin to work in the gig economy are thus likely to increase with increasing development and proliferation of digital technology, a trend we can already observe. Further research examining the impacts of digital technology on labour relations should be conducted.

However, while this study has highlighted the constraints and hardships placed on gig workers due to their precarious working conditions, it is important to not overlook the potential of worker agency. There is a large body of literature that highlights the capacity of gig workers and other informal workers to come together in solidarity and even attempts of collective action (Campbell, 2013, 2016a; Ford & Honan, 2019; Tassinari & Maccarrone, 2020; Teerakowitkajorn & Tularak, 2020; Wells, Attoh, & Cullen, 2021) However, contrary to traditional union-based labour movements these attempts to organise and resist are characterised by small-scale bottom-up nature initiatives building on shared grievances and mutual aid. Further research is necessary to understand how these new forms of solidarity and resistance emergence and how they can be nurtured.

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THE KAREN COMMUNITY'S HUMAN SECURITY AGAINST FOREST FIRES IN CHIANG MAI, THAILAND

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ABSTRACT

Natural disasters lead to massive damage to human beings, such as population displacements and the destruction of livelihoods, crops, and other food sources. Furthermore, Thailand is a relatively sensitive country to climate change. This paper focuses on the case of the forest fires in Northern Thailand that began in April 2020, as one of the devastating natural disaster cases in Thailand.

Chiang Mai is a place that many ethnic minorities inhabit, and one of the major groups is Karen people as hill tribes. Regarding the forest fires in Chiang Mai, Karen people are the ones who are directly affected by the forest fires as they inhabit the forest. As one of the most socially deprived and discriminated groups in Thailand, Karen has limited access to basic socio-economic services. The government implemented a zero-burning policy against local villagers who use their knowledge of fires that have been passed by many generations. This policy generates negative perceptions of fires, and this could be the reason to blame local villagers, who are thought to cause fires and not manage them properly in the eyes of people who do not live in the forest.

This paper examined what are the conditions and factors to reduce the Vulnerability and enhance the Capability to respond to the forest fires to protect the Karen community's Human Security, to assess conditions and factors to reduce the Vulnerability and strengthen Capability to respond to the forest fires to protect Human Security. In this paper, I focused on Food security out of 7 types of Human Security. This research was conducted by using a qualitative research method by interviewing 10 Karen villagers who have experience with the forest fires in Chiang Mai in 2020.

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The study showed that having a good relationship with the government is a condition, and mutual communication is a necessary factor for the Karen community to guarantee their food security while preserving their livelihood and traditions. Though the collected data showed that food is overall sufficient for the Karen community even when a forest fire occurs, protecting food security by themselves during wildfire-related activities is a condition to enhance the Capability. Also, to preserve and cultivate their rare herbs and plants that disappear due to forest fires is an important factor not only to strengthen Capability but also to protect their Health Security and tradition.

INTRODUCTION

Natural disasters lead to massive damage to human beings, such as population displacements and the destruction of livelihoods, crops, and other food sources. According to Global Climate Risk Index 2019, more than 526,000 people died as a direct result of over 11,500 extreme weather events, and losses between 1998 and 2017 amounted to around US\$ 3.47 trillion (David et al,2018).

Thailand has exposure to several as the nation is a relatively sensitive country to climate change. We can find the devastating forest fires in Northern Thailand that began in April 2020, as one of the natural disaster cases in Thailand. As of the 12th of April 2020, the fires had already burned through 120,000 rai of land in the north alone (WWF,2020). With a total of 159,490 rai burned in all of Thailand, 14.3-billion-baht worth of damages were accounted for in 2020 with fires in the North making up more than 75% of all fires in the country (WWF,2020).

Chiang Mai, the place where the aforementioned forest fires occurred in northern Thailand, is a place that many ethnic minorities inhabit, especially Karen people as hill tribes. According to the Australian Karen Foundation, there are about 1 million Karen people live in Thailand, and many Karen people live along the Myanmar-Thailand border, especially in the North. Regarding the forest fires in Chiang Mai, they are the ones who are directly affected by the forest fires as they inhabit the forest. According to The Karen Hilltribes Trust (KHT), even though Thailand has made significant improvements in social and economic development over the last four decades, those improvements are largely focused on the urban areas (KHT, 2020). KHT also states that inequality is continuing to pose significant challenges, especially for ethnic minorities across the rural provinces of

Northern Thailand. As one of the most socially deprived and discriminated groups in Thailand, Karen has limited access to basic socio-economic services (KHT, 2020).

Natural disasters themselves come without distinction between borders, people, and ethnic groups, but the impact of natural disasters affects certain demographics more than others. Vulnerability is registered not by exposure to hazards alone but also resides in the sensitivity and resilience of the system experiencing such hazards (Winser et al, 2004). Hence, in the practice of natural disasters, focusing on the case of the forest fires in Chiang Mai, how is the human security of Karen people, the most affected population, protected?

In this paper, to assess conditions and factors to reduce the Vulnerability and strengthen Capability to respond to the forest fires to protect Human Security, I am going to figure out that What are the conditions and factors to reduce the Vulnerability and enhance the Capability to respond to the forest fires to protect the Karen community's Human Security, using a qualitative research method by interviewing Karen villagers who have experience with the forest fires in Chiang Mai.

LITERATURE REVIEW

To understand the contexts of forest fires in Chiang Mai, I will start my literature review by focusing more on controlled burning as cultural knowledge and government policy as it's an important piece in the context of Chiang Mai and associated with the negative perception towards local people and utilization of fires. Next, I will conduct a literature review on the Karen community in Thailand. Lastly, I will focus on Human Security as an important concept in this paper.

The non-burning policy in Chiang Mai

Forest fires are a common occurrence in Northern Thailand every dry season. Though there are many repeating fires in Chiang Mai, we can find one of the most devastating ones in April 2020 as I mentioned in the introduction.

Regarding forest fires in Chiang Mai, we cannot ignore the complexity of the non-burning policy and controlled burnings. Rakyutidharm describes well how the locals and the government see fires differently. "A basic problem is a conflict over the interpretation of fire. The local people consider fire as a tool, controlled by traditional techniques, for

managing resources (Rakyutidharm, 2002).” However, the provincial governor considers all these fires to be “forest fires” that spread and destroy ecological systems. The state rejects local knowledge and management techniques. The zero-burning policy and forest lockdowns were implemented under the government’s top-down approach (WWF,2020). Under a lockdown policy to achieve zero-burn, forest officials can seal off forest areas and arrest forest dwellers without respect for their traditional farming system and ancestral land rights (Ekachai, 2019). While government and city people believe that a zero-burn policy is an answer to toxic haze and deforestation, Rakyutidharm describes a different perspective of one local villager. She introduced Mr.Somkiat’s words. “The zero-burning policy is destructive. Not all fires are evil. Some are even necessary. The fallen leaves in mixed forests need to be occasionally burned to reduce fire fodder. With the zero-burning policy, accumulated dried leaves over the years end up fanning up the fires until they are unstoppable. When the fierce fires start to destroy the watershed forests, the result is long-term environmental destruction. This is what is happening on Doi Suthep. This is why the fires this year are so fierce and disastrous” (Ekachai, 2019).

In short, one of the issues Chiang Mai has regarding forest fires is the difference in perspective between city people and villagers. Because the government implemented a zero-burning policy against local villagers, local villagers who use their knowledge of fires that have been passed by many generations could be classed as illegal violators. This policy generates only negative perceptions of fires, and this could be the reason to blame local villagers, who are thought to cause fires and not manage them properly in the eyes of people who do not live in the forest.

Karen community in Northern Thailand

Karen people are the largest of the ethnic minority groups living in the mountain range of eastern Myanmar and Northwestern Thailand. In Myanmar, there are between four and six million Karen, while there are over 400,000 Karen in Thailand (Claudio, 2003).

Traditionally, Karen households are subsistence farmers and are dependent on rice and vegetables they grow in small plots around their villages (KHT, 2020). Agriculture and Human Security are associated. As the main livelihood of Karen people is agriculture, they could potentially face threats of Human Insecurity. There are well-established links from climate variability and change to the stability of agriculture and food and water scarcity, as well as the destruction of property. Food prices, access, and availability are essential elements of human security (W. Neil Adger et al, 2014).

Human Security

Human security means protecting fundamental freedoms, the essence of life (CHS, 2003). It means protecting people from threats and situations and using processes that build on people's strengths and aspirations. As CHS states, Human Security requires a multi-sectoral understanding of insecurities (CHS, 2003). There are seven types of Human Security, which are Economic Security, Food Security, Health Security, Environmental Security, Personal Security, Community Security, Political Security. Of these seven types of Human Security, I consider Food Security and Health Security as crucial in the context of natural disasters as those are the vitals to survival as human beings. Due to the character limit, I am going to focus mainly on Food Security, and Health Security in the context of Food Security in this paper.

According to Hartwig, considering the range and intensity of the impact of natural disasters, it is distinct that these can greatly affect all dimensions of food security (Hartwig De Haen et al, 2007). Food Security includes economic and physical access to food, availability, and stability of supplies, and utilization (Hartwig De Haen et al, 2007). The specific associations for Food security depend largely on whether a disaster affects primarily people's physical and economic access to food or the availability of food or, in the worst cases, both (Hartwig De Haen et al, 2007).

METHODOLOGY

Research Objective

To assess conditions and factors to reduce the Vulnerability and strengthen Capability to respond to the forest fires in order to protect Human Security.

Methodology Matrix

Research Questions		Methods of data collection	Interviewees
Q1. What are the conditions and factors to reduce the Vulnerability and enhance the Capability to respond to the forest fires in order to protect the Karen community's Human Security?	Q1-1. How can the Karen community reduce their Vulnerability and by how much?	Semi-structured interview	Karen villagers in Chiang Mai
	Q1-2. To what extent can the Karen community facing forest fires enhance their Capability?		

Overview of the data collection

I choose the forest fires in Chiang Mai, Northern Thailand that occurred in April 2020, as a research site. One of the reasons for this selection is that this case occurred a year before the research is conducted, it is possible that people who were directly affected by this case are still living in the area, and making conducting interviews possible. Also, I think it is desirable to select a case of a natural disaster that caused relatively large damage and involves various actors in order to obtain as much information as possible. This research is conducted via Qualitative research by interviewing Karen people who have experience with the forest fires in Chiang Mai. The research procedure is Qualitative research, which is a Semi-structure interview. The kind of data I am going to collect is mainly text data via interviews. The collection procedure is by online interviews due to the Covid-19 situation.

Period: July 11st -31st July 2021

Location: Bangkok. Online interview to the Karen villagers in Chiang Mai

Tool: Utilize phone calls through a Thai translator from Chiang Mai University

FINDINGS AND DISCUSSION

Introduction about the interviews

I conducted interviews with 10 Karen villagers in Chiang Mai district, those who are affected by the devastating forest fires in 2020, via phone call through my Thai translator. I used the same questionnaires to all of the interviewees, and it took about 90min for each interview on average. The interviewees are 2 women and 8 men between the age of 10s-40s. As I was unable to go to the fields due to Covid-19, I relied on the interviewer's references to get to know other interviewees within their network across the different villages. Those who go out and put fires are mainly men so that I got introduced to more men than women, but I still gained rich information from female interviewees as well. The overall damage situations of the forest fires in 2020 were diverse. One described that "2020 was like the other years (male, 30s).", while the others described that "It was the most intense forest fires but the fires didn't cause strong damages because we have managed the forest fires (male, 30s)." and "It affected to our water and air, especially bad smoke and the forest fires melted our water tank in the forest (male, 10s)."

Impacts on Food Security

The collected data shows that food is overall sufficient for the Karen community even when a forest fire occurs. I didn't find a case where villagers suffered from hunger due to food shortages caused by the forest fires, though there are few families who borrow money to keep feeding their families with 3 meals per day during the summer season.

There are several impacts that forest fires cause to the Karen community's Food security I found through the interviews. First, the Karen community has been losing rare herbs and wild animals due to the forest fires over the years. Especially for herbs, they use herbs not only for cooking but also for healing as a traditional method so that this is also related to Health security. One female interviewee mentioned that "Some plants and herbs, that women use for maintaining uterus such as period pain, are gone due to the forest fires. This knowledge has been passed by old generations (female, 30s)." As they can't find and show those herbs in the forest, it is difficult for the Karen community to keep passing their knowledge that consists of their culture to the next generations.

The main activities directly related to forest fires carried out by the Karen villagers are making firebreaks as preparedness and firefighting as a response in the event of a forest fire. Next, I will mention how these activities relate to food security. Regarding making firebreaks, residents start making firebreaks every year from around February. During this period, SAO assists with lunch, but this cost is often delayed. In this case, the community has to prepare the cost first, which is burdensome. Regarding firefighting, one interviewee described that "We have two men in charge of cooking in our firefighting team to support our meal during forest fires. We decided to have them because our tools are heavy, and it takes a long time to clear the way to go inside the forest and put the fire out so that we figured it out that it's too tiring to cook by ourselves or bring food with us (male, 30s)." In this case, the villagers guarantee their food security by their capability.

Regarding the Karen community's livelihoods, this villager's answer is exemplary. "I plant rice and this is the main nutrition. Also, I have pig and chicken farms. I plant vegetables for eating and exchanging in my community. I can make money from planting these and use the money to buy more foods (male, 30s)." However, I found that many of the Karen community had to change their farming procedures due to the non-burning policy and it affected their livelihood. This interviewee mentioned that "We had to adapt ourselves following the government's non-burning policy, and we have a farming problem. We received fewer crops because of using bad ash fertilizer and moving the harvest time. We have to increase chemicals in fertilizer which is bad for both plants and humans (male,

30s).” Their food security is affected by the corresponding policy, not the direct damage caused by forest fires.

Vulnerability to Food Security

Vulnerability is seen under the condition where the Karen community has no choice but to unilaterally accept and adapt to change in their livelihood and tradition under the influence of the non-burning policy. Regarding the relationship between the government and the village, the collected data shows that those relationships vary among the villages. One interviewee described that “I think we get close attention from the government sector because our area is a tourist area and we have some villagers who are government officers so that our community has a close relationship with the government sector (male, 20s).” In contrast, another interviewee described that “We had many birds flying around to eat our white cabbage farms. The villagers were using handmade guns to protect their farms, but the government controlled these handmade guns and it caused more birds (female, 30).” Although this is not a case where food security was threatened by a wildfire, it still shows that the food security of the Karen community is affected in a situation where they have no choice but to comply with unilateral government regulations.

If the Karen community can improve the situation where they have to be unilaterally regulated by the government as mentioned above, their food security will improve. Therefore, improving the relationship between the government and the village is considered to be an important factor.

Capability to Food Security

Apart from the previous example where they guarantee food security by their capability, multiple villagers answered about the activities they are doing in the community. “We have a project called “Seeds Bank”. This project is for our community to exchange their seeds between people inside our village. Also, since 3 years ago, I have seen that our villagers have a much better life and can increase their income by processing their plants and I continue building on these things by making videos online about lifestyle which can make our new generation learn more about this (female,40).” This case shows that the villagers maintain Food security in their community. Also, it can be considered as an effective way to protect the rare herbs and plants that are being lost due to forest fires, as mentioned earlier, and to pass on their traditional food and health knowledge to the next generation. It should be even more effective if they carry out a project to increase seeds as well as exchange them.

CONCLUSION AND ARGUMENTS

To answer my research questions, on the condition that the Karen community has a good relationship with the government, mutual communication is a necessary factor to guarantee their food security while preserving their livelihood and traditions. However, it is still controversial. First, building relationships with the government is not only achieved through the efforts of the Karen people. Indeed, some Karen people are not willing to build relationships with the government because the responses received from the government in the past and the values of the Thai people living in the city and Karen, who is a mountain tribe, are very different. It may be one of the desirable options for some Karen people in the village to work in the office as SAO officer, for the sake of improving the communication between the government and the Karen community. However, if the Karen people, who were originally farmers, work in the office without farming and buy food with their salary, the lifestyle of the villagers will change completely. It is also possible that other villagers influenced by this lifestyle, especially young people, will change their livelihood too.

To enhance the Capability, on the condition of protecting food security by themselves during wildfire-related activities, it is an important factor to preserve and cultivate rare herbs and plants that disappear due to forest fires. Also, it is important to be able to start launching those projects within the community and pass their traditional knowledge on to the young generation. It requires active roles in the community, who are enthusiastic and have information literacy to convey the right information in the right way to reach the young generation in the community online and at school.

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