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# Highland Birth and Citizenship Registration in Thailand. Final Report on Karen Focus Group Discussions in Chiang Mai Province

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**HIGHLAND BIRTH AND CITIZENSHIP REGISTRATION  
IN THAILAND  
FINAL REPORT ON KAREN FOCUS GROUP DISCUSSIONS IN  
CHIANG MAI PROVINCE**



**By Abigaël PESSES**

**Within the framework of the UNESCO Highland Birth and Citizenship Registration  
Promotion Project Funded by the United Kingdom Sustainable Development Programme**

**April 2007**

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## **ABSTRACT**

This investigation on highlander's access to citizenship was conducted in 2007. It is based on the record of stateless Pwo Karen life stories, interviews of state local administrative officers, and the study on the historical process of granting legal status to highland ethnic minorities of Thailand. Despite the Thai State policies to integrate the so-called "Hill Tribes" since the seventies, the following governmental pressures to control illegal migration has undermined the process of granting them Thai citizenship. Although the Karen are classified among the indigenous tribal groups who should access citizenship *de facto*, the overlapping of multiple regulations, tribal surveys and ID cards to establish a clear classification between native ethnic groups, tribal groups of refugees and illegal migrant workers coming from the neighbouring countries, has created a great confusion among both officers and applicants about the rightful legal status they can apply for. By examining in detail, the itinerary of stateless Karen's engaged in an administrative process of naturalization, this research highlights the various obstacles they face in order to prove their nationality and how the lack of citizenship impacts their life with regard to mobility, access to health care, education or job opportunities. In the same time, it shows how this social precariousness captive them in a situation of dependency toward their relatives and render them more vulnerable to economical exploitation inside the mainstream society.

## **KEY WORDS**

Thailand, citizenship, Thai citizenship, civil society, Thainess, stateless, alien, Karen, hill tribe, chao khao, indigenous, tribal minorities, minority, ethnic group, ID card, naturalization, legal status, birth registration, household registration, Nationality act, population survey, Thai legislation, Human trafficking, DNA test, mobility, immigration, national security, radio broadcasting.

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## Executive summary

On the 18 February 2007, three focus group discussions centred on the relations between the lack of birth and citizenship registration and access to basic civil rights have been conducted among stateless ethnic Karen. The participants, informed of the meeting by several radio messages, were mostly stateless people coming from different villages spread in Hot district, Chiang Mai province.

All the stateless participants live surrounded by Karen villagers and relatives who were granted Thai citizenship already for many years. Indeed, from the state administrative perspective, the Karen<sup>1</sup> (*kariang*) -along with the Htin, Khamu and Lawa- are classified among the tribal groups (*khon dang doem*) who have been living in Thailand for centuries and should access citizenship *de facto*. Comparatively to the other tribal groups, ranged among the political refugees who illegally entered the country before and after World War Two -Akha, Hmong, Lahu, Lisu, Mien- Karen highlanders had a greater and easier access to citizenship due to their geographical position, in between plains and hill, as well as their long tradition of contact with the Thais.

At the beginning of the seventies when the first generation concerned by tribal surveys were informed by the village headmen that they had to go to register their names and the birth of their kids at the district office, they or their parents were the sole villagers who didn't go. At that time, nobody had birth certificates and the granting of a permanent household registration certificate (*Tor Ror 14*), issued to hill tribe people since 1974, was the previous condition to become Thai citizen. Since these people failed the occasion to get a household registration certificate, they could not be granted Thai citizenship for themselves and their progeny. Old men and women who could remember these events were aged around 60 years old. They said that at that time, they just didn't understand Thai laws and the importance of citizenship. They were living in the hills, at a long-distance walking from the district office and felt more concerned with daily life or subsistence matters.

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<sup>1</sup> The Karen population is one of the most ancient minorities of Thailand and represents about one half of the total of the hill tribe population (438,131 people following the Tribal Population Survey of 2003 conducted by the Department of Social Development and Welfare). Karen communities are mostly located in western provinces along the Thai-burmese border (Chiang Rai, Chaing Mai, Mae Hong Son, Tak, Kanchaburi and Phrachuap Khiri Khan) while some are widespread in other northern and central provinces (Lampang, Lamphun, Kampheang Phet, Phetchaburi, Uthai Thani, Suphanburi and Ratchaburi). The most important part of the Karen population is however implanted in Burma where they are estimated about 4 millions people.

Most men and women participants present at the meeting were the children issued from the first generation surveyed. They all had been delivered at home and could not be granted Thai citizenship because of one of the following reasons:

- Their parents could not register their birth to the district office because they had no household registration certificate.
- Their parents had a household registration certificate but missed to report their birth at the district office.

Indeed, in certain cases, parents who had a household registration certificate did not systemically report the birth of all kids at the district office. Some individuals thus became isolated members of one's family who couldn't apply for citizenship whereas their parents and siblings have a Thai ID card already. For this category of people, the use of a DNA test is required by the administration to prove the link of kinship with at least one of the parents, the father or mother, who is a Thai citizen. The procedure, which cost around 2, 000 baht at the Chiang Mai Suon Dok hospital, however represent an important amount of money to afford for this low income category of people.

Many cases were also stateless people who got married with a Karen partner (or a Northern Thai in case of a women minority) who is a Thai citizen. This category of people doesn't have the legal documentation required to prove their nationality - birth and household certificates or passport- in order to apply for citizenship through their spouse. Their children can however access to Thai citizenship because they have at least one parent who has a household registration certificate and could transmit them the citizenship. Moreover, since the twenty past years, most of Karen women deliver their children at hospital and could get birth certificates for their kids.

For these reasons, the third generation issued from the first generation surveyed had more chance to be granted Thai citizenship. However, in the case none of the both parents had citizenship; parents said that the local authorities refused to register the birth of the kids because they lack of household certificate. In the same way that Thai citizenship follows a blood process of transmission, stateless genitors transmitted a stateless status to their kids.

All of the participants had tried at least one or several times to apply for citizenship to the district office. The main obstacles encountered in the process were the following factors cited:

- The lack of household registration.
- The lack of understanding of the administrative process.

- The slowness of the process.
- The difficulties and the cost for gathering alternative proofs in order to apply for citizenship (DNA test, official guarantors, local testimonies, school certificates, etc...)
- The lack of cooperation and/or the corruption of the district officers.
- National security concerns.

Since the beginning of the eighties, the relative privileged status of the Karen people toward the access to citizenship as well as the state efforts to register tribal highlanders have been challenged by the flows of Karen refugees or illegal workers coming from the neighbouring countries. In particular, the military repression of the Karen insurgency in Myanmar has encouraged the outflows of thousand Karen refugees fleeing gross human rights abuses from the Burmese Army: forced labour and relocation, arbitrary executions, destruction of crops and villages. The Thai government afforded to give them a temporary asylum in camps situated along the Burmese border and placed under the international protection of the UNHCR since 1998. In 1994, the dismantlement of the Karen state of Kawthoolei following the split of the DKBA (Democratic Karen Buddhist Army) from the KNU (Karen National Union), the main historical body of Karen insurgency, started to generate more insecurity at the frontier. The military attacks directed against Karen refugee camps, considered as the bastion of KNU, first encouraged many Karen refugees to find safety and work in urban centres, Bangkok and Chiang Mai especially. Then, the siege of the Burmese Embassy in Bangkok in October 1999 and that of the Ratchaburi Provincial hospital in January 2000, by a group of armed Burmese student who took refuge across the border with the God's Army, a small Karen insurgent group, obliged the government to endorse measures against the overflowing of Burmese ethnic conflicts into Thai soil. These events had in turn negative impacts on the state perceptions of Karen people and created confusion among Thai administrative officers concerning the way to distinguish the Karen natives from the recent waves of Karen Burmese illegal migrants. The first category of Thai Karen being seen as more “docile” comparatively to the second being seen as “rebel” who represent a potential threat for the national security.

Among the participants, two main categories of people were represented, regarding their access to legal documentation:

- 1) People who are born in Thailand but were never surveyed and had no legal documentation at all.
- 2) People who are born in Thailand and had been late registered during the 1999 highlander population survey. This category of people was issued a temporary survey card, known as the “green card with red rim”.



Indeed, in the nineties, following governmental pressures to control illegal migration, Thai administrative officers were given the task to establish a clear classification between tribal natives, and other categories of tribal refugees and illegal migrants coming from the neighbouring countries. The Highlanders surveyed since 1985 were therefore granted an intermediary “highlander status” and two kinds of ID cards: the “blue card” issued in 1992 and the “green card with red rim” issued in 1999. Both cards limit their movements inside the district area. A new legal procedure was defined by the government in order that this category of hill tribe members could either be registered as Thai citizens or permanent residents. From that time, new kinds of “attributes”, mostly justified by national security concerns, were then required to these applicants:

- 1) “Attributes of sedentary life style ”: to have been surveyed, to prove that the person is born or arrived in Thailand before a certain date, to live in a community placed under the control of governmental agencies, to be able to prove that the person lived continually in the same residence during 5 or 10 years.
- 2) “Attributes of good conduct”: to prove that the person is not engaged in activities that represent a threat for the national security (drugs or wood illegal traffics...).
- 3) “Attributes of Thainess”: to be able to speak the Thai language.

District officers, face to the difficulty to distinguish Thai Karen from Burmese Karen, tends to be more suspicious toward the Karen applicants who had been late or never surveyed, especially if they are originated from border provinces. The different cases studied also revealed that the amount and the quality of proofs required by the local officers were too expensive or difficult to gather in the same time: DNA test, local witnesses, school certificates, language skills... Moreover, this system sustains a relation of dependence toward local authorities (village and sub-district headmen, district officers) who have to respond about the honest and docile behaviour of the applicants. As soon as the local district officers are in charge to appreciate the different guaranties asked to the applicants, this system also authorizes a margin of bargaining concerning the multiple proofs required in the process of granting Thai citizenship. The participants indeed mentioned that the local authorities are not interested in their matters and that money was an important factor to deal with them or accelerate the administrative process.

Moreover, the growing complexity of the legislation – linked to the overlapping of multiple regulations, surveys, and ID cards- has created the confusion among both officers and applicants about the rightful legal status they can apply for. That’s why among the participants, some applicants have been oriented into wrong administrative procedures, whatever they had or not a highlander ID card:

- 1) Karen natives who don't have birth or household registration certificates were encouraged to apply for an "Alien status", *khon tang daw*, following the 1995 decision of the Cabinet which allow permanent residency for the political refugees who illegally entered the country before the 3 October 1985.
- 2) Some of them had been encouraged to register as Burmese migrant following the Cabinet resolution of 28 August 2001 allowing Thai companies to employ illegal migrant workers who entered Thailand before this date.

The participants cited the following difficulties concerning the consequences of the lack of citizenship in everyday life:

**-The lack free margin of movement:** Those who have no highlander ID card are afraid to be arrested by the police and conducted to the Burmese frontier. That's why they feel the need to be accompanied by a group of relatives or villagers in all their local trips. Those who have a "green card with red rim" can not move outside the district without a special permit issued by the head district officer. Many of them have never been to Chiang Mai city and encounter difficulties when they want to visit relatives or join celebration (wedding, funerals, New Year) in neighbouring districts or provinces. In both cases, the lack of free margin of movement represents an important obstacle to look for work and get cash income. This factor has in turn an effect:

- 1) On youth ability to adapt new forms of socio-economical mobility induced by the diminution of land resources
- 2) On women's traditional confinement into the village.

**- Access to education:** Most men and women interviewed had never been to school and didn't know how to read and write. They were thus vulnerable regarding the communication with the Thai officers and the understanding of the different steps and official document required in the administrative process. Stateless children who had more occasion to study usually don't go further than primary or secondary education level. After the third grade of secondary school, when schooling is not obligatory anymore, the lack of citizenship and mobility becomes an obstacle to obtain official diplomas and financial support to pursue studies in governmental schools in the plains.

**-Access to healthcare:** All the participants mentioned the fact that without citizenship they couldn't be granted a "golden card" and benefit the 30 baht low-cost medical programme implemented the Ministry of Public Health since 2001. Women especially complained that they

could not afford the cost of hospital visit and just go to the closest local dispensary when they are sick.

- **Political participation:** Many participants mentioned the fact that they could not vote.

- **Access to loans:** The stateless participants said they could not benefit from some development programmes proposed by State agencies. In particular, they could not borrow money from the One Million Baht Fund Project allocated to each village to be used as microfinance. So, compared to other villagers, they had less opportunity to start up their own economic activities and invest in the production (motorized cultivator, cash crop agriculture, car...).

-**Access to land ownership:** Almost all the participants were poor or landless farmers who had no title deeds on their own. Some of them lived in a relocation settlement, *Nikhom*, situated at an average between 400 to 600 m, where they could access use rights on the land. Uphill villagers were settled in the Op Luang National park or forest reserve. The presence of villagers in these sensitive ecological zones is just tolerated as long as they do not encroach new lands for farming and progressively abandon swidden agricultural practices. The forestry officers have however the authority to penalize any person caught in the act of cutting trees.

The overall factors cited –lack of education, lack of mobility and job opportunity, lack of access to land documentation, lack of political participation and loans, poor health care – contributes to marginalize stateless people inside their own networks of relations and to captive them in a vicious circle of poverty. In the same time, this social precariousness sustains a situation of dependence and illegality toward local authorities and employers that render them more vulnerable to economical exploitation inside the mainstream society.

## INTRODUCTION

### Background

In Thailand, nine “non-thai” ethnic groups are officially identified as “Hill Tribes” (*chao khao*) since the National Committee for Hill Tribes was set up in 1959. Ranged by order of importance, they are namely: the Karen (*Kariang*), the Hmong (*Meo*), the Lahu (*Museu*), the Akha (*Ikho*), the Mien (*Yaw*), the H’tin (*Thin*), the Lisu (*Liso*), the Lua (*Lüa*), the Khamu (*Khamu*). Some of these groups are considered as natives -Karen, H’tin, Lahu, Khamu- others as newcomers who illegally penetrated the country during the 20<sup>th</sup> century which is the case of the Hmong, Lisu, Akha, Lahu and Mien. These groups are scattered over 20 northern border provinces and represent a total amount of 922, 957 people following the 2003 Tribal Population Survey, Department of Social Development and Welfare.

Despite the official efforts of the Thai State to integrate Hill Tribes people since the seventies, the complexity of the actual legislation, constantly revised by the successive governments in order to control illegal immigration and traffics, has undermined the process of granting them Thai citizenship. According to the 2005 reports by the National Security Council and the Department of Provincial Administration, 377,677 members of the highland ethnic minorities’ people are unregistered for citizenship, permanent residency or any other legal status categories. Meanwhile, a recent study by Plan International found that approximately 25% of highland minority children lack birth certificates<sup>2</sup>. While birth registration does not prejudice decisions on citizenship, it is often an important prerequisite to the establishment of nationality.

Without legal status, ethnic minority people are considered "illegal aliens" in their own country and are denied their basic human rights:

- The right to education.
- The right to medical care.
- The right to own land.
- The right to access legitimate employment

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<sup>2</sup> Following the article 7 of the Convention of the Rights of the Child (CRC) children have the right to be registered immediately after birth, the right from birth to a name, the right to acquire a nationality and the implementation of these rights shall be ensured in particular where the child would otherwise be stateless. While Thailand is part of the CRC, it submitted a reservation regarding this article stating that its application “shall be subject to the national laws, regulations and prevailing practices in Thailand.”

- The right to travel.
- The right to vote.
- The right to register marriage.

Consequently, Highland minority people are vulnerable to economic exploitation, are subject to arrest or deportation and other social forms of abuse. Research led by UNESCO has indeed shown that lack of citizenship is the single greatest risk factor for highland minority girls and women in Thailand to be trafficked or otherwise exploited. While highland girls constitute a small percentage of the total number of sex workers in Thailand, they are disproportionately represented at the worst paid and most abusive end of the sex industry.

### **The Highland Birth and Citizenship Registration Promotion Project**

In order to increase the number of highland minority people in Thailand whose birth and citizenship are registered, UNESCO, in cooperation with the British Embassy, has initiated “The Highland Birth and Citizenship Registration Promotion Project: Reduction in Structural Vulnerability for Trafficking among High-Risk Populations in Thailand”. The project is supported by the UK Sustainable Development Programme Fund. Based on research expertise on the issues of highland legal status, it has already identified three-fold impediments to birth registration:

- National policy (as interpreted by the Department of Provincial Administration).
- Local bureaucratic knowledge and practice.
- Knowledge and motivation of hill tribe people.

The actual process of registering people for citizenship or permanent residency is a lengthy and complicated one, as it involves dozens of pieces of legislation and revolutionary decrees. As the household, instead of each individual, is encouraged to register (in spite of the fact that the membership of household does not necessarily coincide with the unit of biological family), the process of registration requires categorization of the status of each family member, completion of various application forms for different categories, and preparation of all supporting documents. In the absence of a required document to apply for citizenship, a witness’s testimony is needed. In the case of children without proof of a birth certificate or witness, a DNA test is required. The lack of birth registration thus largely contributes in creating an ever increasing number of stateless persons that undermines both personal and regional security and underlines the emergency of universal birth registration.

UNESCO, under this project, has planned to work with Government, NGO, and Community partners to expand knowledge of the importance of birth registration, as well as its practical implementation. In order to promote awareness on this issue among highland minorities in Thailand, the project will utilize the UNESCO methodology- already tested in Thailand, Lao PDR, and Yunnan- to produce prevention radio programme in ethnic minority languages. The expected outputs of this project work are the following:

- 80 short radio programmes produced and broadcast in 8 ethnic minority languages -Akha, Hmong, Karen, Lahu, Lisu, Mien, Shan and northern Thai.
- 5,000 copies of culturally-appropriate printed materials produced and distributed in highland villages.
- 200 audio materials of the short radio programmes in each of the target languages produced and distributed to radio stations and highland villages.
- Completion of 3 focus groups for highland villagers and their inputs incorporated into radio and printed materials.
- 5 training workshops held and 500 community leaders, government officials and NGO staff trained on child rights and birth registration.
- In addition to Radio Thailand Chiang Mai, 5 additional provincial and local community radio stations participate in the broadcast of the produced short radio programmes.
- Locally initiated radio programmes to promote child rights and birth registration

### **UNESCO Methodology for developing culturally appropriate indigenous language materials**

- 1) All programmes are research based.
- 2) Focus groups are held with villagers to collect life stories, issues and concerns. These form the basis for radio dramas, allowing increased audience identification.
- 3) Drama has been found to be the most effective vehicle for reaching young people among these groups, who are frequently unresponsive to didactic programmes; PSA's maybe effective for adults;
- 4) Programmes are *written in the local languages*, by native speakers, rather than simply translated from English or the national language (Chinese, Thai, Lao, etc.). This is essential if they are to be culturally as well as linguistically acceptable to the audience;
- 5) Local musicians compose traditional and contemporary local music and songs, which underline themes of the shows. A theme song is composed for each series, which is tested for popularity with local audiences; locally recorded folk music is also used.

- 6) The programmes are translated into English and the national language to check for scientific accuracy;
- 7) A pilot programme is tested with villagers; revisions are made as necessary;
- 8) The programmes are broadcast on stations with an existing capacity for minority language programming, already listened to and trusted by highland people. These include Radio Thailand Chiang Mai – broadcasting in seven languages. Yunnan People’s Broadcasting Station in Kunming – broadcasting in five languages, and Lao National Radio broadcasting in three languages in Vientiane. In a related UNESCO funded project, programmes are being produced in Naxi language, with Lijiang Radio. It is planned in the future to include Vietnam Radio and broadcasters in Cambodia;
- 9) Follow-up audience research is conducted in villages, and the stations collect audience feedback. In this regard, the station has been creative in developing various formats (quiz shows, call-in programmes, etc.) to promote engagement with their audience.

#### Objectives of the focus group discussions

Within the framework of the UK-funded “Highland Birth Registration and Citizenship Project” 3 focus groups discussions, described in a short video clip, have been conducted among Karen people living in the Chiang Mai area.

For each focus group - namely men, women, and teenagers- the topic of lack of access to birth registration and citizenship and its impacts on access to healthcare, education, political participation, and land ownership have been explored.

The results of these discussions aim at highlighting key information to be included in the radio spots to be produced within the framework of the project’s objectives, that is to say:

- To involve highland minority people in the discussion of the importance of birth registration.
- To identify the main obstacles to birth and citizenship registration.
- To collect life stories, issues and concerns.
- To identify target geographical area/s and ethnic minorities where advocacy should be intensified.
- To gain inputs from the highland minorities.
- To evaluate the effectiveness and impact of the UNESCO advocacy campaign through the use of radio.

## **Chapter 1: context and participants**

### **1.1 The use of radio to prepare the focus group**

On the 18 February 2007, three focus group discussions centred on the relations between the lack of birth and citizenship registration and access to health care, education, mobility and land title deeds have been conducted among stateless ethnic Karen coming from various villages of Hot district, Chiang Mai province. The meeting has been organised in Tin Tok village, Nakonrua sub-district with the collaboration of two members of the KNCE (Karen Network for Culture and Environment) which is a branch of IMPECT Association (Inter-Mountain People Education and Culture in Thailand) based in Chiang Mai, the local headman of Tin Tok village and one Pwo Karen teacher who lives in the area and works for a radio station held by local Karen and Northern Thai.

The Karen who took part of the meeting were Pwo Karen (the second main cultural and linguistic sub-group which is part of the largest Karen ethnic group in Thailand) who were informed by several radio messages that a UNESCO consultant will come to collect data about the issues concerning the lack of birth registration and citizenship. Since the villagers are used to listen to the radio programmes diffused in their dialects by the local station, by word of mouth, the messages could rapidly reach isolated cases of stateless Karen coming from nine different villages spread in Hot district.

In this context, the use of radio proved to be very effective to involve the targeted stateless Karen and representatives in the organization of the focus group discussions. The opportunity of the meeting thus became an occasion for the participants to identify the main obstacles to birth and citizenship registration and to set up a local network of stateless people with an elected representative issued from each village. The network was set up in order to represent this local marginal group in front of the district authorities, to consider collective strategies to apply for Thai citizenship and to seek for the support of lawyers, teachers, NGO, and other governmental or international agencies for accompanying this step by steps process.



**Local radio station: FM 90.75 MHz**

32, Dong Dam village (moo 5), Hot sub-district, Hot district, Chiang Mai Province



## 1.2 The scope of study

Altogether, there are 29 participants who took part in three focus group discussions held in the Buddhist temple of Tink Tok village on the 18 February 2007. The ethnic Karen participants - 13 women and 16 men - mostly came by group of villagers and relatives. Some of participants were issued from hill villages (situated at an average between 700 to 1000 m) whereas others came from foot hill villages (situated at an average between 400 to 600 m) surrounded or mixed with Northern Thai population.

*Among the stateless participants, two main groups were represented:*

1- People who had been late registered during the 1999 highlander population survey supported by the Japanese Miyasawa Fund. They were issued a temporary survey card for highlanders, *bat samrouat chumchon phünthi sung*, known as the “green card with a red rim” until they are issued with a rightful status and ID cards.

2- People who were never surveyed and who had no legal documentation to apply for citizenship (birth and household registration certificates).

*Age groups of participants in the focus group discussions*

Age group	Women	Men	Total
Up to 61	2	1	3
51-60	1	1	2
41-50	3	1	4
31-40	1	7	8
21-30	5	3	8
11-20	1	1	2
0-10		2	2
<b>Total</b>	13	16	29

Most of the men participants were clearly aged between 31-40, that is to say active married men whose lack of citizenship represent a strong obstacle to supply for the economic needs of the family.

Women participants were mostly represented by old mothers, often widows, and the generation of their daughters, aged between 21-30. A panel of women for whom the lack of

citizenship is rhyiming with confinement to the village and troubles to access health care or education for themselves and their kids.

In this scope of study, teenagers were less concerned by the problems linked to birth registration as soon as Karen women could deliver their children at hospital since the past twenty years. Moreover, for other reasons that will be detailed in the Chapter 4, many of them have at least one of their genitor (the father or mother) who could transmit them the citizenship. Nonetheless, for the teenagers and young adults whose both parents are stateless, the lack of citizenship represents a real handicap as soon as this category of people are more concerned by land resource depletion and need mobility in order to study or find job in the cities.

### 1.3 Focus group questions

The method of in-depth interviews, with each participant or each group of relatives, has been used to collect information about birth registration and its impacts on access to citizenship and civil rights.

The discussions were held with the help of a Pwo Karen translator (the teacher who works for the local radio station) and an English translator who could speak the Northern Thai local dialect (a member of IMPECT Association). Both of them, who are from tribal origin and feels concern on the issues concerning Hill tribe stateless, could introduce the objectives of the project to the village headers and participants as well as facilitating the interviews while following the main grid of questions prepared by the researcher.

#### **From each participants** ข้อมูลจากผู้เข้าร่วมแต่ละคน

- Name and age of the participants?

ชื่อ-สกุล อายุของผู้ให้สัมภาษณ์

- Where are you born? At home, at hospital?

เกิดที่ไหน บ้านหรือโรงพยาบาล

- How many people have a birth certificate?

ผู้ที่มีสูติบัตรมีกี่คน

- How many people have Thai citizenship?

มีสัญชาติไทยกี่คน

- Those who don't have Thai citizenship, what kind of status or identification card do they have?

สำหรับผู้ที่ไม่มีสัญชาติไทย มีสถานภาพอะไร หรือถือบัตรอะไรอยู่

### Previous questions

-Do you know about birth registration?

ท่านรู้เรื่องการแจ้งการเกิดหรือไม่

-What is it? Is it required by law? What is its importance?

การแจ้งการเกิดคืออะไร กฎหมายกำหนดให้ต้องแจ้งการเกิดหรือไม่

การแจ้งการเกิดมีความสำคัญอย่างไร

-What is the process of birth registration? (When, where, with whom to register)

กระบวนการแจ้งเกิดต้องทำอย่างไรบ้าง (ทำเมื่อไร ที่ไหน แจ้งกับใคร)

-Do you know the date of your birth?

ท่านรู้วันเดือนปีเกิดของตัวเองหรือไม่

### Main questions คำถามหลัก

1. What is the administrative process in which participants were engage to obtain Thai citizenship?

ในการได้มาซึ่งสัญชาติไทย ท่านต้องดำเนินการอย่างไรบ้าง

2. Why has the citizenship never been granted to the participants, their relatives and friends?

ทำไมผู้เข้าร่วมสัมภาษณ์ รวมทั้งญาติพี่น้องและเพื่อน จึงไม่ได้รับสัญชาติไทย

3. What is/are impacts of the lack of birth registration and citizenship on access to healthcare, education, political participation, and land ownership?

การไม่มีใบเกิด(สูติบัตร) และไม่ได้รับสัญชาติ ส่งผลอย่างไรต่อการเข้าถึงบริการด้านสุขภาพ การศึกษา การมีส่วนร่วมทางการเมือง

ตลอดจนการมีสิทธิครอบครองที่ดิน

4. What are the main problems people encounters because of the lack of citizenship in everyday life?

อะไรคือปัญหาหลักที่เกิดขึ้นในชีวิตประจำวันจากการที่ไม่ได้รับสัญชาติ

### Following questions

#### On birth registration การแจ้งเกิด

1. Did your parents register your birth? When? Where? With whom? If not, why?

พ่อแม่ของท่านได้แจ้งการเกิดของท่านหรือไม่ แจ้งเมื่อไร ที่ไหน กับใคร ถ้าไม่ได้แจ้งมีเหตุผลอะไร

2. What difficulties your parents face in registering your birth?

ในการแจ้งการเกิดของท่าน พ่อแม่ของท่านเจอปัญหาอะไรบ้าง

3. What document (if any) your parents received when registered your birth?

เมื่อไปแจ้งการเกิดของท่าน พ่อแม่ของท่านได้รับเอกสารอะไร(ถ้ามี)

4. Is this document entitles you to citizenship as well as other rights, including healthcare, education, land ownership, voting, and mobility?

เอกสารดังกล่าว ทำให้ท่านมีสัญชาติไทย รวมทั้งได้รับสิทธิอื่นๆ ได้แก่ บริการด้านสุขภาพ การศึกษา สิทธิครอบครองที่ดิน การเลือกตั้ง การโยกย้ายถิ่น ไร่หรือไม้

5. If your parents received no document when registered your birth, why?

ในกรณีที่พ่อแม่ของท่านไม่ได้รับเอกสารใดเลยเมื่อไปแจ้งการเกิดของท่าน เพราะเหตุใด

6. How many children do you have of your own?

ตัวท่านเองมีลูกกี่คน

5. Did you register the birth of all your children? When? With whom? If not, why?

ท่านได้แจ้งการเกิดให้ลูกทุกคนหรือไม่ แจ้งเมื่อไร แจ้งกับใคร ถ้าไม่ได้แจ้ง ทำไมจึงไม่แจ้ง

7. What difficulties you face in registering the birth of your children?

ท่านเจอปัญหาอะไรบ้างในการแจ้งการเกิดของลูกท่าน

8. What document (if any) you received when registered the birth of your children?

ท่านได้รับเอกสารอะไร(ถ้ามี) เมื่อไปแจ้งการเกิดของลูกท่าน

9. Is this document entitles them to citizenship as well as other rights, access to school, health services, or other basic rights?

เอกสารดังกล่าวนี้ ทำให้ลูกของท่านได้สัญชาติไทย และได้รับสิทธิอื่นๆ เช่น การเข้าโรงเรียน บริการสุขภาพ หรือ สิทธิพื้นฐานอื่นๆ ไร่หรือไม้

10. What kind of document officials asks to get citizenship?

ในการขอสัญชาติไทย ต้องใช้เอกสารอะไรบ้างที่ยื่นต่อทางการ

11. Do you have household registration? (*Tabien ban: Tor Ror 13/Tor Ror 14*)?

ท่านมีทะเบียนบ้านหรือไม่ (ท.ร.13 , ท.ร.14)

12 In What major survey have you been registered?

ท่านได้ขึ้นทะเบียนในการสำรวจครั้งไหน

### **On citizenship (เรื่องสัญชาติ)**

1. Have you/your children Thai citizenship? If not, why?

ท่านและลูกๆ มีสัญชาติไทยหรือไม่ ถ้าไม่ ทำไมจึงไม่ได้สัญชาติไทย

2. In what survey have you been registered?

ท่านได้รับสัญชาติไทยในการสำรวจครั้งไหน

3. Without citizenship, can you/your children get access to birth registration, education, voting, land ownership, healthcare services, and other rights?

หากไม่มีสัญชาติ ท่านและลูกๆ ของท่านสามารถไปแจ้งเกิดเพื่อขอสูติบัตร เข้าศึกษาในโรงเรียน ออกเสียงเลือกตั้ง ครอบครองที่ดิน  
ขอรับบริการด้านสุขภาพ ได้หรือไม่

### **On health** ด้านสุขภาพ

- How do you go to hospital?

ท่านไปโรงพยาบาลอย่างไร

- For what kind of reasons?

ด้วยเหตุอะไร

- Do you have access to the service under the government's 30baht low-cost medical scheme?

ท่านมีสิทธิรับบริการในโครงการ 30 บาทรักษาทุกโรคของรัฐหรือไม่

### **On education** การศึกษา

- Have you ever been to school? When? Where? How long? ท่านเคยเข้าเรียนหนังสือในโรงเรียนหรือไม่ เมื่อไร

ที่ไหน เรียนนานแค่ไหน

- Do you know how to speak and read the Thai?

ท่านพูดไทยและอ่านหนังสือภาษาไทยได้หรือไม่

### **On land** ที่ดิน

- Do you have land document ownership?

ท่านมีกรรมสิทธิ์ในที่ดินหรือไม่ (ที่ดินเป็นของท่าน)

- Do you have land document of any kind?

ท่านมีเอกสารสิทธิ์ในที่ดินประเภทใดประเภทหนึ่ง หรือไม่

### **On mobility, access to work** การโยกย้าย การหางานทำ

- Can you find work outside the village? Where? To do what? Average salary?

ท่านหางานทำนอกหมู่บ้านได้หรือไม่ ทำที่ไหน ทำอะไร รายได้เฉลี่ยเท่าไร

### **Political representation** การมีผู้แทนทางการเมือง

- Can you vote? Do you have political representative at the local level?

ท่านมีสิทธิออกเสียงเลือกตั้งหรือไม่ ท่านมีผู้แทนในระดับท้องถิ่นหรือเปล่า

## Chapter 2: Life stories

The following content is extracted from the interviews collected and recorded during the meeting, mostly from groups of relatives. It gives a deeper account of the participant's specific life stories as well as the common obstacles and issues they face concerning birth and citizenship registration.

### 2.1 Women focus group discussion

#### No household and birth certificates, no citizenship

Dae has started an administrative process to certify that she is the mother of her five children. But the district officers told her that her saying was not a sufficient proof. Dae presents herself. Dae is not her real name but refers to an appellation given to the last kid of the family in Pwo Karen tradition. In the previous time, the people were rarely making use of personal name, but referred to kinship appellation depending on birth order (younger/elder), gender or position in the family network.

Dae doesn't know her date of birth and is not very sure about the age of her kids. She says she's born in the Chicken year. The Pwo translator, familiar with the Chinese astrologic calendar, effectuates the calculation for every member of the family. The mother is about 62 years old, her 4 sons about 35, 32, 30, 28 years old and her last daughter is 21. None of her kids has a birth certificate because she has no official documents. Her both parents died when she was very young as it was the case for her husband. Dae became widow since her last daughter was still drinking her milk, about 20 years ago. She doesn't speak Northern dialect (*kham müang*) and said that she doesn't know how to get official documents for her and her children.

- Did you or your husband try to report the birth of your kids?

She said that because she and her husband had no documentation at all, they could not report the birth of their children to the authorities.

I ask the women if she knew about hill tribe surveys. She could not answer. The translator thus repeated the question to the headman present at the meeting. The headman said that in Hot district, most of the Karen people didn't meet any problems to get citizenship because they were already present in the region for many years. In the past, the villagers were informed by village headmen that they had to go to register their names and children's birth at the district office.

Most of them did so and could get a household certificate as a prerequisite to be granted with Thai citizenship. Only some people missed to do it because they did not consider that this kind of documentation was important for them.

-What did you do to try to obtain citizenship?

I went to see the district head officer (*palat ampheu*) with the headman of the sub-district (*kamnan*). He said that because she has no official documentation, (birth and/or household certificates) she could not get Thai citizenship for herself or prove that she was the mother of the kids. The head of the sub-district could not help her to get citizenship because he only makes the link between local villagers and the district officers.

- What problems do you face in everyday life without any documentation?

She said “for me it’s not a problem, but it is for my kids who can not move”.

- And when you need to go to hospital?

“I have never been to hospital because I am never sick” she answered.

Her elder son comes next to her son and starts to speak: “I have to pay for hospital whereas the other villagers have the “golden card” and don’t pay anything”.

Indeed, since 2001, the Ministry of Public Health implemented a low-cost medical programme. Thai citizens whose names have been registered at the district hospital are given a health care card and pay 30 baht per hospital visit. Since the government of Prime Minister Thaksin Shinawatra was replaced by the CNS (Council for National Security), the 30 baht fee per hospital visit was revoked. Holders of the card should access free medical care, but at the condition to be registered as Thai citizens.

The man pursues: “I have one son. His 10 years old. He goes to school and has documentation through my wife”. His wife has the household registration, birth certificate for the kid, Thai ID card and the “golden card”.

- Did you tried to get citizenship?

“Yes” he said “but the authorities told me: “your parents have nothing, it’s not possible”.

He’s born in the uphill village of Doi Et and moved to live in the lowlands, in Ban Mai. “There, I had no land to cultivate and had nothing to do” he said. In the lowland, he could more easily find seasonal work to make his living. As soon as he works nearby, he feels that the lack



of citizenship is not a problem. He has never been to Chiang Mai and outside the district. He has never been to school and doesn't know to read and write. He just speaks little Northern dialect. His younger brothers also make their living by looking for seasonal work around and are paid 120 baht per day. Only one of the Dae's sons had been to primary school until po 3 (12 years old). The 21 years old daughter has never been school and stay with her mother. She's not married yet.

-Do you have land documents?

The man said he has nothing but his wife has a little piece of land, but she doesn't have any land documents. In the region, uphill village are part of Op Luang National Park. In the lowland, lands are part of the *Sahakon Nikhom Mae Chaem*. People who live in this resettlement area, can have *no kho* document, that is to say land use rights which after 10 years can be transformed into *no so 3*, and then transformed in *chanot thi* that you can sell.

#### **Account of a DNA procedure**

A mother named Di came with some relatives. She has appreciatively 50 years old and she's born at home in Mae Pha Phai (moo5), Nakonrua sub-district. She has no birth certificate because her father didn't go to report her birth to the district officers. Her parents had 6 children, one son and four daughters. The elder kid is a girl and Di is the fifth one. Except her, all the members of her family -parents and siblings- have Thai citizenship and the related documentation (household registration, Thai ID card, birth certificates). "In the former time", she said, "It was not important to register the birth of girls because they don't need to move out from the community".

- But why your parents did report the birth of every kid, except you?

She could just say that before women did not move out from the village and she doesn't understand why her parents reported the birth of her sisters and not hers. She explains that it was exactly the same story for her husband. His parents and siblings have citizenship, but not him because his parents failed to report his birth. They got married and had 5 kids together. Di all delivered them at home. They are now aged between 30 to 14 years old. The two first kids have birth certificates, but the three others not.

-Why some of your kids have birth certificates and the other not?

She explains that for the first and the second child, the birth was reported to the district office by the grand-father, from the mother side. At that time, the couple was sharing the same

house of the wife's parents following the rule of uxurilocal residence after marriage which prevail in Karen customs. After the birth of the first or second kid, the married couple builds their own house. They usually choose their residence depending on their access to land.

When the third kid was born, the couple moved from Tin Tok village to Huay San. There, the father was not interest in reporting the birth of his kids to the local authorities because he was addicted to opium. "My husband stopped opium about 10 years ago. He only drinks alcohol now" Di said. She depicted him as a very quiet person: "He doesn't speak so much". "When we visit other people, I'm the only one who speaks". "Since he stopped opium, he started to take care of his family".

Among the five kids, four have been to school. The first son didn't go to school at all. The second and the third followed the primary school curricula. The younger one is now studying at the third grade of high school (*mathayom 3*). Recently, one of his teacher told Di that it was important for her kid to get citizenship. Indeed, after *mathayom 3*, schooling is not obligatory anymore. It becomes then harder for stateless kids to pursue studies, obtain official diplomas or financial support. The teacher suggested her to do a DNA procedure because both parents had none of the official documents required.

- When and how did you start the DNA process?

Six months ago, Di, her husband and the head of the sub-district (*kamnan*) went to see the local authorities. The *palat amphoe* asked them to bring him different kind of proofs (*lakthan*) to appreciate their case.

First, the father had to apply for a DNA test at Chiang Mai Suon Dok hospital in order to certify the link of kinship with his own parents, who have legal documents of Thai citizens. Then he could obtain the citizenship for himself before transmitting it to his own kids.

Second, they had to seek for guarantors (*phu rap rong*) able to certify that they the applicants are local people whose activities are not harmful for the nation. Among them, 3 functionaries (*karachakan*) had to give their signature approval on the form: the village headman (*phu yai ban*), the sub-district headman (*kamnan*) a teacher or a local health functionary.

Third, they needed the school certificates of the three kids who don't have a birth certificate. Finally, the *palat amphoe* asked them the approval of 200 local villagers to certify that the man was the real father of his kids. Indeed, Di explained that her husband is originated from Mae Hong Son Province. The fact that he was born in a province which marks the frontier with Burma could raise the suspicion of local officers in order to determinate if he is a Thai highlander or an illegal Burmese migrant. The mediators (village headman, sub-district) then argued that the amount of witnesses was too hard to reach and could negotiate its reduction to one half, that is to say one hundred people. He accepted.

-Did you have to pay for the process?

First, she said no. Then, she mentioned the price of the DNA test: “It cost us more than 2000 baht”. She explains that her husband had to go to his birth place in Mae Hong Son province to search for the DNA of his father. “It’s not easy for my husband to travel to Mae Hong Son without an ID card” she added. He could just get the DNA his father before that one passed away, she comments. “We’ll have the results of the test at the end of the month”.

- What kind of problems do you face in everyday life because of the lack of citizenship?

She answered that as soon as she stays all the time in the village she doesn’t encounter any problems in everyday life. One day, she was very sick and went to the hospital which is situated about 20 kilometers far from the village. The consultation cost her more than 200 baht and she never went back. When she suffers from head or stomach pains she just goes to the neighbouring dispensary (*anamai*), about 5 kilometres far from the village. There, local employees don’t ask for the “golden card” and she can afford to pay the 20 baht required for getting pills or injection (of Paracetamol). Di said that she is not sure that she will get citizenship for herself after the process, but it’s not important for her. She just wants that her kids and her husband get citizenship. It is because my children need to work and go to school. “

### **“I’ve registered as a Burmese migrant”**

The father, Virat, 37, is a Northern Thai (*Khon Müang*) living in a lowland village in Han Dong sub-district. His wife, Phranit, 27, is Karen. She’s carrying a yellow tee-shirt paying homage to the King. She speaks Northern Thai fluently while saying that she has never been to school. She’s Pwo and doesn’t speak the same dialect of the translator. “I am coming from Tak Province”, she explains. She has no birth certificate and is stateless actually.

- Why don’t you have a birth certificate?

Phranit is born in the Mae Sot area, in the Thai side, nearby the Burmese frontier. She doesn’t know in which village exactly. “My parents didn’t take care about it”. Her parents did not register her birth. “My parents didn’t understand the laws”, she added. They both passed away already. She was 14 years old when, with the approval of her parents, she came in the region with an employer. A teacher she was serving as a baby sitter. Later on, the teacher left,

she staid in the region and married her husband. The only documents she carried with her is the birth certificates of her two sons, their health record, and a card of pregnant women delivered by the hospital. Her kids are respectively 10 and 4 years old and are registered on the household certificate of their father who is a Thai citizen.

-What did you try to do to get citizenship?

Two years ago, she went to the district office of Hot with both the village and sub-district headmen. “Where do you come from?” the officer asked. She answered: “Tak”. The officer told her that she has to prove that she lived in the same residence continuously during 10 years. Then she could obtain the “alien status” (*tang daw*). She presented the birth certificates of her kids and the household registration of her husband. The officer said that these documents were not a sufficient proof. Even if she is married with a Thai, she needs to present legal documents (birth certificates, passport) to proof her nationality and then, apply for Thai citizenship through her husband. The officer finally advised her to register as a Burmese migrant to accelerate the process for obtaining legal documents. Then she did so. “Now, I am a shamed to have registered as a Burmese migrant” she added. At that time, the labour Ministry encouraged Burmese migrants to register their status at the administrative provincial office. If they want to obtain a legal permit to stay in Thailand, the applicant needs to have an employer to guarantee for him. He also has to make a blood test and to pay an amount between two to three thousand baht per year in order to obtain a health insurance. “I don’t have the money to pay for it”, Phranit said. “Since the birth of my kid, I haven’t worked outside. I grow rice with the family and take care of the house”.

- What kind of problems do you face in everyday life because of the lack of citizenship?

She said that many times the school teachers ask for certificates from both the mother and the father. She always had to answer that she has nothing to prove her citizenship. Once, her elder son asked her: “Mum, why don’t you have Thai citizenship?” She didn’t know what to tell him. Her kids are born at hospital. At that time, there was no “golden card”. Since then, the hospital staff asks for the card. She doesn’t dare to go to hospital anymore and only goes to the local dispensary nearby. She also said that she was afraid to move away from the region and to be caught by the police. She only went back to Mae Sot once, when her father died. Concerning land rights, the couple cultivates the rice fields (5 rai) of the husband’s mother in the lowlands. They have the propriety land documents from the mother (*chanot thi din*) that they can sell. The family mostly makes their living with paddy fields. When Virat as some free time during the hot season, he looks for complementary cash subsidies in the construction.

### « Green card with a red rim »

Eoi, is about 51 year old. She has 8 brothers and sisters. Her parents have the Thai ID card, the household registration and reported the birth of all their kids, except her who is the elder one. She carried with her the “green card with a red frame”, *bat samrouat chumchon phünthi sung*, mentioning that she was surveyed in 1999 (2542). The card contents her first name, family name, date of birth, particular sign, and address (household number, section, sub-district, district, and province). It also comprises a picture under which is mentioned her ethnic group: *phaw kariang*. On the back, the card mentions that the person as to keep the card with her all the time and not move outside the area authorized.

- Why your parents did no register your birth?

When Eoi was born, her parent didn't know about the importance of citizenship. They only started to register the birth of their kids after her Eoi's birth. She originates from an uphill village. There, the officers never came to make surveys; but most of the people have Thai ID cards, except her and one other family. This family had lost their documentation in an incendiary and did not report it to the local authorities. So, they can not prove their citizenship. Eoi got married and went to live in the lowlands with her husband.

- How did you get the green card with a red frame?

Eight years ago, she heard an announce saying that all people who don't have an ID card had to come at the Buddhist temple to register with the officers. As she couldn't say her date of birth, the officers gave her an approximate one, mentioning that she was born on the 1 January.

-What did you try to do to obtain citizenship?

She went several times to the district office, with the sub-district headman and representative of the sub-district administrative organization (*ongkan borihan suan tambon*). Officers said that she can not get a regular Thai ID card for the moment. Each time, they just said that she has to wait without suggesting her any kind of administrative process to apply for citizenship.

-What about your children? Could you register their birth?

Eoi has two daughters: Phipha, 25 and Phida, 19 (as many Karen, Eoi doesn't pronounce the final consonant of Thai words and names). She delivered them at home. Both are married already and had Thai citizenship from their father side. They are registered on his household

registration form and have birth certificates. She said that she gave Thai names to her daughters because she wanted them to adopt Thai culture. She explains that she lives in a village where the population of Northern Thai and Karen is mixed. Her children don't speak Karen language anymore, but lowland dialect.

- What kind of problems do you face in everyday life because of the lack of citizenship?

She said that she has to pay when she goes to hospital, she can not vote and move around. Many times she could not accompany villagers and relatives to celebration organized in other district or provinces (weddings, funerals). She cannot receive financial support from the government.

- What about land?

She said that she doesn't have land. She cultivates the rice fields of neighbors which pay her a part of the production. She also works in fruit plantations to earn some cash (100 baht per day).

Another woman named Nawandi told a similar kind of experience. She's is about 41 years old as mentions the date written in the « green card with a red rim». She's also born on January the first and late registered during the hill tribe survey in 1999. She's the unique child of her family and became orphan at a very young age. She just got nothing from her parents: no birth or household certificates, no land. Her husband died already. He had Thai citizenship and could pass it to their 3 kids. Nawandi is the only member of her family who doesn't have a Thai ID card. She went several times to the district office to ask for it, but the officers just told her: "wait, wait, and wait". While that time, she can not go to the hospital, she can not travel and can not vote.

### **Story of an uphill family**

One old woman is about 60 years old. She came by foot from the uphill village of Ban Pha Phüng with her 6 kids aged between 38 to 16 years old. Except one daughter, none of her children have citizenship. Neither the mother nor the father did report the birth of their children to the district office. It was a long distance to walk by foot and they didn't know about the importance to do so. Her husband died when her 16 years old daughter was still a baby. The mother could remember that when she was born already, the village headman informed the villagers who had no household registration that they had to go to register their names to the district office. Most of the villagers did so, except her mother who had to take care of her sick

mother. Elder sons were also occupied in the fields. Since she missed the occasion to get a household registration certificate, she can't apply for citizenship for herself and her kids.

Two of her children, who married in the lowlands, were surveyed in 1999 and could obtain a green card with a red frame. The third kid, a 33 years old woman, said that she went several times to the district office to ask for citizenship. As she had been registered on her husband household certificate before the survey ten years ago, she finally succeeded to transform the highlander card to a Thai ID card this year. So, it's not a problem for her children to access Thai citizenship. The other son, also surveyed in 1999, was not so lucky. He is 32 and is married with a Karen Thai citizen. His kids have birth certificates and are registered on his wife household certificate. He went several times to the district office, with official guarantors, but was never able to get the Thai ID card. Officers just told him to wait.

Concerning the 4 other children, they don't have legal documents at all. They stay in the uphill village and didn't go to school. They cultivate rice fields. Like all villagers, they don't have propriety land documents because they live in a protected forest area. They felt that the lack of citizenship was a real problem as soon as they could not travel and benefit the governmental social programmes other villagers could access because they are Thai citizens. Especially, they could not borrow money from the One Million Baht Village Revolving Credit Fund and invest in commercial agriculture to earn some cash.

## **2.2 Men focus group discussion**

### **I've never been to Chiang Mai**

Long came today because the teacher of his village encouraged him to come after having heard the announcement of the meeting on the radio. Long doesn't have a family name. Like most of the Karen people, Long has two personal names, a Karen and a Thai one. Thai names are indeed used in order to interact with Thai people, teachers or other administrative officers, who usually don't understand the meaning and the pronunciation of Karen names. Long doesn't know the exact date of his birth. He can say that he is born during the Rat year. Thus, the Pwo translator again effectuates a rapid calculation. "Your born the Rat year...you are married...you have one kid.... you must be around 36 years old. Long has no official documents: no birth certificate, no household registration certificate, not even a "coloured ID" card. His mother delivered him at home, in the uphill village of Doi Et.

-What did you do to try to obtain citizenship?

- Nothing.

-Why?

- I want to have Thai citizenship, but I can't because my parents don't have any ID card. My parents already tried to go to the district office to ask for citizenship and the officers answered that they couldn't do anything.
- What kind of document did the officers asked to your parents?
- They didn't ask any because my parents don't have any document. My parents tried to register my birth, but they couldn't because they had nothing. Moreover, they went to ask for certificates to the wrong district office. They went to Om Koi district instead of going to Hot.
- Does your Child have a birth certificate?
- Yes, my wife has a household certificate and my son has a birth certificate. He can have access to citizenship through his mother side.
- Who registered the birth of your son to the district office?
- His uncle, my wife's brother.
- What kind of problems do you encounter in everyday life because of the lack of citizenship?
- If I want to go hospital, I don't have access to free care and I have to pay the full price of the consultation (200 baht). I cannot vote, but my wife can vote. I cannot go very far around district. I can no go alone to Chiang Mai city. Sometimes, I go to Om khoi, but I am always accompanied by a group of people.
- What about work?
- It's not a problem. I have never tried to find a work in other provinces. I make my living from rotational farming and I find wage-work in fruit trees plantations locally. I am paid 100 baht per day.
- Do you have land documents?
- No
- What about school?
- I've never been to school. He said he could not read but could speak northern Thai language. "In the former time", he explained: "there was no school in my village. Now, there is an informal school".

### **Wait, wait and wait**

Sue is about 49 years old. He has 6 brothers and sisters. The parents didn't report the birth of all kids, except for the first one and the fifth one. Only him and one brother don't have a birth certificate and carry a highlander survey card issued in 1999. The card mentions a Thai name which was given by the authorities as well as birth date on January the first. Sue doesn't know where he is born exactly and he can't even remember his parents. His parents died when he was very young and he lived with the family of his elder sister. Several times, he went to the district



officers to ask for citizenship. He was accompanied with the headman and a group of villagers who could certify that his was born here. But the officers they just told him: “wait, wait and wait”. Without citizenship he cannot afford medical care, cannot travel and cannot vote.

### **I can't borrow money**

An elder man succeeds him. He's about 65 years old. His name is Thami. He uses the Thai family name the authority gave to his wife, who has Thai nationality. He also has “green card with a red rim”. Only the date of his birth was not mentioned on it, leaving a white space for the month and day. He said he had one brother who has Thai citizenship. His 6 kids all have citizenship through their mother side. He explains that when he was young (around 17 to 18 years old), he didn't care about official documents and citizenship. The headman of his village told villagers to register their household, but he was more preoccupied about making his living and working in his fields. The village headman of his village didn't care for him. It's a teacher of his kid who accompanied him to the district office in order to apply for citizenship. It was few years ago. Officers thus suggested him to register as a highlander to accelerate the process. Since then, he carries a survey card and complains that he can not do much with it. He has land, but no official documents. Concerning the lack of citizenship, he mentioned that could not make loans from state agencies. Thus, he was not able to borrow money from the One Million Baht Credit Fund given by Prime Minister Thaksin Shinawatra to every village of the nation.

## **2.3 Teenager focus Group Discussion**

### **My sister was registered in the household certificate of another family**

Di is 24 years old. She came with 2 brothers. None of them have Thai citizenship, “except our younger sister” she added. She said she's the only one who had a birth certificate and her name was registered in the household certificate of another family. She and her brothers were not able to explain how their parents could manage to negotiate that. She just said “my parents don't have citizenship and household registration certificate, that's why they did it”. Her mother come from an uphill village in the region and could not even remember her parents. She married a man from Mae Sariang and settled with him in a lowland village of this place, where they had their 4 kids together. Di and her brothers went to primary school. Their father was surveyed in 1999 and carries a “highlander card”. The family went to see the district officers with official guarantors and teacher approval. They told them that it was not possible to get citizenship for

the family members because they had not their name registered on a household certificate. They told the father that he has to prove his citizenship first. So, the father went back to Mae Hong Son to seek for proof among his relatives and apply for Thai citizenship with the local authorities. Di, her mother and siblings expect the end of this first process. Without citizenship, Di could not pursue studies and had to stop before the end of high school. She can read and speak he Thai, but it's hard for her to move around and look after work as soon as she feels afraid to be arrested by the police.

### **A young man with a birth certificate and without citizenship**

One old man, Keo, around 56 years old, came with his son, Thongphat, 19 years old. Keo, his wife and his son doesn't have citizenship. Keo is born in an uphill village. He has 2 brothers and one sister. They all moved down hill before him where they could manage to be registered as Thai citizens. Keo moved downhill to join his relatives later on, after the birth of his son.

- Did you report the birth of your kid?

“Yes”, the father says: “When my son was born I ask the village headman to report his birth to the authority, but he didn't”.

The son thus explains that he has a birth certificate, *southibat*, even if he was late reported.

I asked the son what he tried to do to have citizenship. He said that he has a birth certificate, but he has no household registration. He carries with him is a piece of paper, with finger prints and signatures of official guarantors. It is written on it that his parents were living in Ban Khong Ngan for 20 years. He went to see the district officers with the village headman, his birth certificate, and the teacher approval who could testify that he has been to primary school. He went there 5 times already. They just said: “Wait, we will do it for you; we'll tell you when we receive documentation from the Ministry”.

-Do you have land? Both father and son said no. Thongphat said that he was making his living by working in the construction. He said that the lack of citizenship was a real handicap as soon as he couldn't travel to look for work in Chiang city.

### **A young couple who could not register their marriage**

Nong Pit is 18 years old. She's born in Burma and has no birth certificate. She came to live in Thailand when she was 3 years old. Pit has been schooled and living in Thailand for about 15 years. But the only document she has is a certificate (*nangsue rap rong*) issued in 1999 by Wieng Heng district, Chiang Mai province, when she was 12 years old. The certificate she

could get with the intervention of the village headman mentions her parents address at that time, as well as 13-digit matriculation number starting with the number 6 (which is generally attributed to Highlanders who had been surveyed and issued a “blue highlander” card in 1991-2 or a “green card with red rim” 1999). The document also precise her nationality (*samchat*) saying that she is Thai Yai which in fact refers to her ethnicity as part of a small Tai ethnic group categorized among highland minorities. Nong Pit married this year with a Karen young man and came to live with him in Hot district. Her husband has Thai citizenship. When they went to the district office to register the marriage, the officer refused to do it. He considered that the women’s certificate was not sufficient proof to determine her nationality, either Thai or Burmese. So he could not register her name on her husband’s household certificate. The couple didn’t know what to do and explained that the officer didn’t take the time to explain them how Pit could proceed in order to apply for Thai citizenship.

## **2.4 Discussion about the creation of a stateless network**

After lunch, Boucham, the radio animator and Pwo translator, addressed a speech and a subject of debate to the assembly:

“There are a lot of people in other districts that are stateless people. Here, in this place, not so many people are concerned with the lack of citizenship. We should create a local network of stateless people in order to exchange information and to found out solutions to facilitate the administrative process. If each person acts individually, the process will be very slow. We need to work together to be more powerful and to have some political representation to the government. We are like small rivers which have to come together to become a powerful stream. We are like blind people who need someone to guide them. Among us, we have people who can do so. For me, citizenship is not a problem, it is not my problem. We are brothers and sisters and I am ready to guide you. Alone, I can not do much. That’s why I need your strong cooperation. Sometimes, I am discouraged because people think that they just have come to see me one time and then, they will get citizenship. Sometimes it works like that, but most of the time the process need further steps. So now, what are we going to do after this meeting?”

Boucham then suggested nominating volunteer from each village among the people in order to represent the stateless people of Hot district. He interrogates the assembly:

“What do you think about that? It can’t be only my thought”.

People are attentively listening seems to agree, but no one dares to speak...

Boucham pursues: “I suggest that we form a delegation to go together at the district office. It’s the good moment to do it. But first, we need to be more informed about the laws concerning citizenship. We also need to seek for the cooperation of state officers, lawyers and teachers to help the process. I know the case of one family whose son was stateless and the school teacher helped the parents to obtain citizenship for their child. Before going to see the district authority, we need to be very clear with the different cases we are going to expose. We need to know what to do with the people with a “highlander card” and with those who have no legal documents at all. If we form a network we can also seek for the cooperation of human rights committees and probably get founding to support our initiatives. Many times, when we go to see the district officers individually, we see nobody or we don’t know what to say. Till now, money has been really important to deal with the authority people. What about us? We have no money and no knowledge about laws. Our life style is very different from lowlands. What do you think we can do?”

One man in the assembly reacts: “I am from Doi Kham. Every time I go to see the village leaders, they don’t respond these problems. We don’t know what to do. We don’t know who to rely on”.

The village headman who supervises the meeting answers: “I know many cases of village headmen who went to see the authority with villagers to ask for citizenship. But the authority just said it was not possible.”

Another man speaks: “each time I go to the district office, they just say: “You will get it very soon, go home then come back later on”.

Boucham readjust the debate: “Our local headmen are ready to help us, but it depends on us to form a network to be stronger”.

The participants agreed and started to set up a local network of stateless people with one or two stateless village representatives (men and women) coming from each village (Ban Tin Tok, Ban Doi Et, Ban Din Daeng, Ban Khong Ngan, Ban Pha Phüng, Ban Mai, Han Dong, Luang Hot).

## Chapter 3: Analyse of the interviews

### 3.1 The social profile of the participants and position in the family network

The stateless participants present during the focus group discussion could be divided into two groups:

- 1) The people who had no ID card and were never surveyed by Thai authorities. Most of whom do not have the official documentation required (household registration certificate and/or birth certificates) to apply for citizenship.
- 2) People who had been late registered during the 1999 highlander population survey supported by the Japanese Miyasawa Fund. This project aimed at collecting data on the whole hill tribe population who have no official documents in order to classify them into three groups: 1) Thai citizens (at the conditions that they are able to prove to prove that they are born in Thailand before 1985); 2) Aliens according to the 10 conditions fixed by the 1995 cabinet decision; 3) Illegal immigrants who will be eventually moved back to their original countries. These people were issued a temporary survey card for highlanders, *bat samrouat chumchon bon phünthi sung*, known as the “green card with a red rim” until they are issued with a rightful status and ID cards or have to leave the country.

All of them live surrounded by Karen villagers and relatives who were granted Thai citizenship already for many years. Like most of the Karen communities scattered in the Chiang Mai province, except some remote mountainous areas like in Om Khoï district, local Karen had been registered during the major tribal governmental surveys that happened in the seventies (1969 and 1974). These surveys were followed by various local announcements, diffused by village headmen, to encourage villagers to go to register their names to the district office. At that time, nobody had birth certificates and the granting of a household registration certificate (*Tor Ror 14*) was the previous condition to become Thai citizen. The reasons why the participants didn't have citizenship thus mainly derive from one fatal inadvertence.

When the first generation concerned by the surveys were informed by the village headmen that they had to go to register their names and the birth of their kids at the district office, they or their parents were the sole villagers who didn't go. Since they failed the occasion to get a household registration certificate they could not be granted Thai citizenship for themselves

and progeny. Old men and women who could remember these events were aged around 60 years old. They said that at that time, they just didn't understand the Thai laws and the importance of citizenship. As they were living in the hills, at a long distance walking from the district office, they felt more concerned with daily life matters and subsistence activities.

Most men and women participants present at the meeting were children issued from the first generation surveyed. They all had been delivered at home and their parents missed to report their birth at the district office whatever they had or not a household certificate. This situation has resulted in a significant process of social marginalisation within their family own network:

- **In contrast to parents and siblings:** many cases indeed related to isolated members of one family who doesn't have the legal documentation to apply for citizenship whereas their parents and siblings have it. It is because the parents, who had a household certificate, did not systemically report the birth of all kids at the district office. Even some of them have been late surveyed; it is not a sufficient condition to become Thai citizen. They first need to prove the link of kinship with their parents, through the use of a DNA test, in order to apply for citizenship. The procedure, which cost around 2,000 baht at the Chiang Mai Suon Dok hospital, however represents an important amount of money to afford for this very low income category of people.

- **In contrast to spouse and children:** many cases were also stateless people who got married with a Karen partner (or a Northern Thai in case of a women minority) who is a Thai citizen. Their children, who could be registered on the spouse household certificate, are eligible for citizenship. This category of people who has no official document to prove their nationality - birth certificate, household registration, Thai ID card or foreign passport – don't have the possibility to register their marriage and apply for citizenship through their spouse.

Younger generations were less concerned by the problems linked to the granting of the Thai nationality. The main reason is that, at least, one of their both parents is a Thai national who could transmit them the citizenship. The second related reason is that since the twenty past years, most of Karen women deliver their children at hospital and could get birth certificates for the kids. However, in the case none of the both parents had citizenship; parents said that the local authorities refused to register the birth of the kids because they lack of household certificate. The problems of being stateless for teenagers represent a great handicap as soon as this generation of people is the most concerned by land resource depletion in the hills. They thus have to adapt a new kind of socio-economical mobility to make their living and need a free margin of movement in order to pursue studies or find job in the cities.

### **3.2 Main obstacles met during the administrative process for granting Thai citizenship**

All of the participants had tried at least one or several times to apply for citizenship to the district office. The main obstacles encountered in the process were the following factors cited:

- The lack of household registration.
- The lack of understanding of the administrative process.
- The slowness of the process.
- The difficulties and the cost for gathering alternative proofs in order to apply for citizenship (DNA test, official guarantors, local witness, school certificates, etc...)
- The lack of cooperation and/or the corruption of the district officers.

### **3.3 Translation and implementation of laws by local officers**

Because the state consider that Karen have been living in Thailand for centuries, they are classified among the Thai natives highlander groups (*khon dang doem*) -along with the Htin, Khamu and Lawa- that should access citizenship *de facto*. Comparatively the other tribal groups, ranged among the political refugees who illegally entered the country before and after World War Two -Akha, Hmong, Lahu, Lisu, Mien- they had a greater and easier access to citizenship due to their geographical position, in between plains and hill, as well as their long tradition of contact with the Thai.

However, since the beginning of the eighties, this relative privileged status have been challenged by the flows of Karen refugees and illegal workers fleeing conflicts and human rights abuses in Burma. The various governmental pressures in order to control the flows of refugees or illegal workers and impeach the chronicle overflowing of the Karen armed insurgency in Thailand have generated some confusion among Thai local administrative officers concerning the way to distinguish the Karen natives from the recent waves of illegal migrants. The first category of Thai Karen being seen as more “docile” comparatively to the “rebel” Karen coming from the other side of the frontier. For these reasons, administrative officers became more and more suspicious with the Karen applicants who had been late surveyed or who have no legal documentation, especially if they are originated from border province areas.

As Thai officers are locally in charge to implement the law, the granting of the Thai citizenship technically derives from a combination between the state legislation and the ways it is locally interpreted and enforced by the administrative authorities. Many “attributes” indeed determine the granting of Thai citizenship or an “alien status” for Hill Tribe stateless:

- **“Attributes of sedentary life style”**: to have been surveyed, to prove that the person is born or arrived in Thailand before a certain date, to live in a community placed under the control of governmental agencies, to be able to prove that the person lived continually in the same residence during 5 or 10 years.

Indeed, since the beginning of the sixties, the Thai government took measures to forbid slash and burn methods of cultivation, accused to be responsible of deforestation. The nomadic movements of the swidden cultivators, which traditionally guaranteed them access to the land and a certain degree of political autonomy toward the state, were stigmatised as a threat to national security. In an attempt to fix and control the movement of hill tribes, the government encouraged the settlements of permanent village administrative unit and development programs to favour a sedentary lifestyle through a mix of wet rice cultivation and cash crop agriculture. Land Settlement Projects (*Nikhom*) were also introduced in different region as it was the case in Hot district. On that point, the process of granting Thai citizenship to Hill tribe doesn't take into account the existence of geographical and social disparities linked to the implementation of the governmental development programs, surveys and infrastructure in the remote mountain areas (school, roads, and medical centres). In the same way, it doesn't take into account the inequalities through which Hill tribe villagers adapted themselves to a more sedentary life style which supposed the abandonment of slash and burn methods of cultivation and the integration into the Thai administrative system.

- **“Attributes of good conduct”**: to prove that the person is not engaged in activities that represent a threat for the national security (drugs or wood illegal traffics).

Because Hill tribe has been portrayed as– “opium growers”, “rebel to state authority” “forest destroyers” or “illegal migrants” – in the sixties, the granting of the Thai citizenship or permanent residency relied on their aptitude to become “docile” toward the state local authorities. Even if the communist threat and opium growing has been deactivate since that time, border territories remain more or less in the margin of the Thai legal domain. The National security concerns are still given a priority through the control of illegal migration and traffics, such as amphetamines or wood logged in national park, which partly finance the Burmese ethnic guerrilla that acts at the frontier. These traffics, which suppose a certain degree of corruption inside the army and the administration, is however mostly reverberated on highlanders who are accused to be the main intermediaries to the propagation of drugs in Thailand and the first responsible in the destruction of the national natural resources. Local administrative authorities are thus in charge to guaranty that the applicant for citizenship (following the conditions fixed in



1992) or permanent residency status (following the conditions fixed in 1995) is not harmful for the nation.

- “**Attributes of Thainess**”: to be able to speak the Thai language (following the 1996 amendment of the Central Registration Order for Thai citizenship established in 1992). It was indeed considered as the way to distinguish Thai highlander from illegal Burmese migrant.

Even if it seems rightful that a citizen should be able to speak the national language this condition doesn't take into account the linguistic diversity represented at this regional level and the fact that the education national system was recently introduced in the mountains. Many hill tribe villages still lack of primary school. If the youth have nowadays more opportunity to learn how to read and write the Thai language, the precedent generation learned to speak the Northern Thai dialect according to their own means and individual margin of mobility. Karen women, who are traditionally confined into the village and have fewer occasions than the men to interact with Thai people (especially Northern Thai men) - are disadvantaged on that point. Moreover, from a nationalistic perspective, there is an ambiguity between the idea of belonging to a special race, *chüa chat*, and to have a nationality, *san chat*. In certain official documentation issued to Hill tribe (*Tor Ror 13, nang sue rap rong*), the nationality is confused with their ethnicity. In the popular representation, hill tribes are considered as « not Thai » in reason of their distinctive ethnicity and cultural attributes. By this way, they are implicitly rejected in a vague category of people scattered at the interface of multiple countries and who have no special affinity with any nation.

Considering these various attributes, local authorities thus enjoy a great margin of action in order to determinate and appreciate the different guaranties which are asked to the applicants in the process of granting a legal status (DNA test, local witnesses, school certificates, language skills, legal activities...). This system has the following consequences:

- It sustains a relation of dependence of stateless people toward local authorities (village headman, district officers).

- It encourages corruption and authorizes a margin of bargaining concerning the quantity of and the quality of witnesses and official document required. Many people indeed complained that local officers were not interested in their matters and that money was an important factor to deal with them in order accelerate the process.

- The growing complexity of the legislation – linked to the overlapping of multiple regulations, surveys, and ID cards- creates the confusion among both officers and applicants about the rightful legal status people can apply for. If the phenomenon of corruption exist, they however don't represent the general tendency. Most of the district officers just try to achieve their duty in regard to a legislation which became even confused for the specialists. Thus, some applicants have been oriented into wrong administrative procedures. That is to say the Karen natives who doesn't have birth or household registration certificates were encouraged to apply for an "Alien status", *khon tang daw*, following the 10 conditions fixed by the 1995 resolution of the cabinet in order to allow permanent residency for the political refugees who illegally entered the country before the 3 October 1985. Those who can not prove that they are born or have entered in the country before this date were more recently encouraged to register as Burmese migrant following the resolution of the Cabinet under Prime Minister Thaksin Shinawatra on the 28 August 2001. The resolution allows Thai companies to employ illegal migrant workers who entered Thailand before this date to stay, although they would have to register and pay an amount of more than 2,000 baht per year including the fee for registration and repatriation-cost insurance, work permit an identification card. The employees had to pay an additional 1,200 baht for a health insurance.

- The different cases studied also revealed that from the perspectives of the officers, citizenship has to fallow the blood transmission. Even if the applicant for citizenship have a birth certificate that prove that he/she is born in Thailand before a certain date, local officers often ask the applicant to certify the authenticity of his kinship links with at least one Thai citizen genitor, the father most of the time.

### **3.4 Main problems encountered by stateless in everyday life**

#### **The lack of mobility**

Karen people who possess a highlander identification card, "the green card with a red frame" can not go outside the district they had been registered. If they want to move out, they need a special authorization issued by the head of the district. If they are arrested outside the limits of district without this approval, they will be penalizing by a fine. The situation of those people who have no documentation at all is even worse. If they are caught by the police, they risk arrest and deportation to the Burmese frontier. That's why they feel the need to be accompanied by relatives or villagers in their local trips. Most of the men interviewed said that they can easily manage to find seasonal work (fishery, construction, fruit plantation) in the lowland surroundings, but their opportunity to find work in the cities are strongly limited. Some

people have never been to Chiang Mai city and encounter difficulties when they want to visit relatives or join celebration (wedding, funerals, New Year) in neighbouring districts or provinces. This factor has in return an effect on women's traditional confinement into the village.

Moreover, following the settlement of permanent villages, the dividing of the family's capital on exploitable land encourages a progressive process of migration of the youth labour force to the plains and the cities. In this context, the lack of citizenship or free margin of movement (through the granting of the highlander status) becomes an obstacle to adopt new forms of economical mobility. We can underlie here a contraction between the state's efforts to fix Highlander in one place while pushing them to encounter new socio-economic realities. The youth generation, who already meet difficulties to access long-term studies, is consequently confined to low income job (construction, restoration, industrial or agricultural seasonal works) or other forms of exploitation of the clandestine labour force which benefit to industrial employers and the networks of prostitution or tribal tourism.

### **Access to education**

Most men and women interviewed, except some children and teenagers, had never been to school. They explained that when they were kids, primary school didn't reach their village yet. They don't know how to read and write the Thai and can only manage to speak Northern Thai. Because this generation of people can't read or write the Thai, they could hardly familiarize with the complex administrative process that condition the access to a legal status which was not yet relevant regarding their way of life. They were not accustomed to immediately declare the birth of the kids or preserve the official document issued by the administration. They are thus more vulnerable regarding the communication with the Thai officers and the understanding of the different steps and official document required in the administrative process.

Stateless children who had opportunity to study usually don't go further than primary or secondary education level. After the third grade of secondary school, when schooling is not obligatory anymore, the lack of citizenship and mobility becomes an obstacle to obtain diplomas and financial support to pursue studies in governmental schools in the plains. However, in 2005 the Education Ministry, defined a new program in order that stateless children could access long-term studies and obtain official diplomas. In cooperation with the Department of Provincial Administration, school administrators started to register the biographic data of stateless students who are not listed in house registration documents. This opportunity gives a chance for the stateless children who have no birth certificate or any official record to be registered by the Thai

authorities until they will be issued a legal status. According to an official of the Interior Ministry, the parents who can prove that they entered the country before the 18 January 1995 will be able to ask the Thai nationality for their stateless children.

### **Access to healthcare**

The lack of citizenship had a strong impact on access to health care. The participants and the women especially, complained that they could not go to hospital anymore. Whereas other villagers that have the “golden card” pay only 10 to 30 baht per visit, they had to pay the full price for each consultation (around 200 baht). Since 2001, the Ministry of Public Health had indeed implemented a low-cost medical programme. Thai citizens whose names have been registered at the district hospital were given a health care card. First, they had to pay only 30 baht per hospital visit, and then nothing since the Council for National Security replaced the government of Prime Minister Thaksin in 2006. Women without citizenship thus opted for poor health care and just go to closest local dispensary when are sick. There, the employees don't control if they have a “golden card” and they can afford to pay the 20 baht required for getting pills or paracetamol injection.

### **Political participation**

Many participants mention the fact that they could not vote. Without citizenship they also can't access administrative functions of representation at the village or sub-district level.

### **Loans opportunity**

The lack of citizenship is also an obstacle in order to beneficiate from some development programmes proposed by State agencies. In particular, participants said that they could not borrow money from the One Million Baht Fund Project allocated to each village to be used as microfinance. So, compared to other villagers, they had less opportunity to start up their own economic activities and invest in the production (motorized cultivator, cash crop agriculture...).

### **Access to land ownership**

The participants were poor or landless farmers who had no title deeds on their own, like most hill tribe villagers in Thailand. Indeed, on the one hand, the government tries to settle hill tribe communities and limit the movements of highlanders in order to secure peripheral territories and control the flows of migrants. But on the other hand, the state reaffirms its monopoly over the management of forest natural resources and denies them land propriety rights, or even plan to expel highland communities settled in “national parks”. Since the sixties,

the mountainous areas have been progressively declared “national parks”, “wildlife sanctuaries” or “reserved forest” and placed under the control of the Royal Forestry Department (RFD). Whatever they are Thai citizens or not, natives or new comers, hill tribe villagers don’t have access to legal rights on the land classified as “protected forest zone”.

In Hot district, the situation is however more contrasted between highland and lowland villages. The foot hill areas of Hot which situated at an average between 400 to 600 m were arranged for a relocation settlement, *Nikhom*, where people could get plots and use rights on the land at the condition to pay some tax linked to maintenance of site (water, road, etc.). Uphill village were in turn included in the Op Luang National park or forest reserve. The presence of villagers in this sensitive ecological zone is just tolerated as long as they do not encroach new lands for farming and progressively abandon swidden agricultural practices, accused to be responsible of deforestation. The forestry officers have however the authority to penalize any person caught in the act of cutting trees.

Since the nineties, NGO’s, in collaboration with academics and grassroots organisation representatives, have participate to the redaction of the “community forestry” bill, *pa chumchon*, in order to counterbalance the state monopoly over the use and conservation of the forest land. The principle of this law, based on the article 46 of the 1997 constitution, is to give legal rights to communities settled in “protected forest” areas in order to participate in the sustainable management of the local natural resources. As the acknowledgement of this law is still an issue negotiated between civil representatives and the government, local communities scattered in the whole country have already implemented it in order to prove and impose its legitimacy *de facto*.

The typical model of a « forest community » adopted by Karen corresponds to a division of the village territory in 3 main categories of forest; 1) the agricultural forest (*pa tham kin*) where the cultivated plots are divided between household according to individual propriety land use, 2) the utilisation forest, *pa chai soi*, where villagers can only cut wood for domestically use (heating or construct houses); 3) the conservation forest, *pa anurak*, which concentrate sensitive watersheds and where villagers are not allowed to cut down trees in this area. Fire-breaks are then drawn around the village territory to prevent fire from expanding in the dry season and to demarcate frontiers between adjacent community forest territories.

Through this model, Karen people also defend the sustainable character of their rotational techniques of cultivation, *rai mun wien*. The swidden agriculture, condemned by the law and progressively abandoned to the benefit of rice field and commercial cultivation, is now valorised

by the Karen as a fundamental aspect of their culture, strongly linked to their local knowledge to preserve the forest and maintain its biodiversity. Karen are now waiting that the government accept to ratify and implement the “community forestry bill” that would allow them to obtain legal rights on the land they have cultivated for generations.

## Chapter 4: legal framework on hill tribe status and its political evolution

### 4.1. Chronology

- 1913**     **First law on Thai Nationality written by Rama VI.** It marks the advent of the Civil Society in Thailand following the Occidental model of laws. Every Thai citizen has the obligation to have a family name.
- 1953**     **Creation of the Border Patrol Police.** Militaries were sent in the mountains in order to establish a first link of confidence with the hill tribes by providing them with food, medicine, informal teaching and symbols of belonging to the Thai Nation (pictures of the King and the Emerald Buddha).
- 1956**     **Population Registration Rule (PRR).** The Ministry of Interior and the Department of Local Administration (DLA) organized a national survey to register all households of the country and issued an official document – **the Household Registration certificate (*Tor Ror 14*)** - to the Thai citizens. However, Hill Tribe people were not included in the national survey. At that time, the Thai government was still paying little attention to the northern ethnic minorities living in the remote and hardly accessible areas comprised in the national borders.
- 1959**     **Nine groups officially entered in the administrative category of “chao khao” (Hill Tribe) with the creation of the Hill Tribe Welfare Committee under the responsibility of the Ministry of Interior and the Department of Public Welfare.** This innovation was meant to complete the initiatives of the Border Patrol Police and answer to priority objectives of security: fighting against the spread of communism in border areas, eradicate the puppy cultivation and slash and burn modes of cultivation by alternative cash crops, create a sense of belonging to the Thai nation by giving Hill tribes access to a welfare policy.
- 1965**     **Nationality Act** (latest amended in 1972 by the Directive of Revolution Council n°337 and in 1992). This act attributes Thai citizenship considering the place of birth of the people who had been registered on the 1956 Population Registration Rule (PRR). The first ID cards are distributed to the population.

**1969-1970**     **The DLA started to survey hill tribe and to register their names in the Population Registration Office in 16 provinces covering a population of 119 591 persons.** The people surveyed were issued with **an identity coin** they were supposed to carry on their neck. The face of the coin represents the King Rama IX and the other side comprises a map of Thailand stamped with a matriculation number and a mention identifying them as “chao khao” (see appendix A).

**1972**     **Directive of Revolution Council n°337. This directive announced that the status of citizenship was no longer determined by the place of birth but by the citizenship of the parents.** This directive was caused by the growing arrival of refugees fleeing wars and conflicts in the neighbouring countries (Lao PDR, Burma, Cambodia and Vietnam). Hill tribe people who were not part of the 1956 Household survey, felled into the category of Alien.

**1974**     **The hill tribe members whose names were previously registered and identified as “chao khao” were issued a Household Registration certificate as a mean to access Thai citizenship.** The Hill Tribe Committee (HC), the Ministry of Interior and the DLA reported that Hill Tribes who had been living in Thailand for a long time should access Thai citizenship. But these institutions also recognised that because surveys of hill tribe remain still insufficient, officers cannot grant them with a Household Registration certificate (*Tor Ror 14*) so that they are considered as non-Thai to the eyes of law. The HC encouraged the government to proceed to new hill tribe surveys.

**The DLA announced a new regulation (effective from January 1, 1975) related to the article 5 from the law relating to the 1956 population Registration Survey. The regulation fixes the process for registering hill tribes as well as 4 conditions to enable them to become Thai citizen:**

- 1- if the person has ever been surveyed and were registered in the Hill Tribe Survey.
- 2- if they were living under control of state agencies (Social Welfare Department, Border Patrol Police, the National Security Unit or the Army).
- 3- if they were born in Thailand and aged over 18 years old.
- 4- if they are now teenagers whose parents have Thai citizenship.

**1979**     Immigration Act (latest amended in 1980).



**1985-88 The “Singha-Phu Khao” (Mountain-Lion) Project.** It was initiated by the Public Welfare Department (PWD) and the Ministry of Interior in order to survey all Hill Tribe people of Thailand and determine what official status to grant them.

**1990-91 Master-Plan for Community Development in Environment and Drug Control.** Those hill tribes whose names were registered in the “Singha-Phu Khao Project” were recognised as having **hilltribe status and were given a blue card**, *bat bukkhon phünthi sung*. That identification card specifies the name of their tribal group (Akha, Karen....) and limits their movement in the district where they were registered. If they want to move out, they need a special authorization issued by the head of the district. It is valid for 6 years. In 1991, the DLA also began to grant temporary household registration certificate (*Tor Ror 13*) to hill tribe people as a precursor to grant them with identification cards.

**1992 Amendment to the 1965 nationality Act.** Previous laws on citizenship stated that a child could acquire Thai nationality through having a Thai father and/or by reason of birth in Thailand. In 1972, the Directive of Revolution Council n°337 (effective from the 14 December 1972 until the 25 February 1992) revoked the right of nationality by reason of birth in Thailand. In February 1992, an amendment to the 1965 Nationality Act recognized that Thai nationality could be transferred on anyone who has a Thai father or a Thai mother. Section 7 (bis) provides that "A person born within the Thai Kingdom of alien parents does not acquire Thai nationality if at the time of his birth, his lawful father or his father who did not marry his mother, or his mother was: (1) the person having been given leniency for temporary residence in Kingdom as a special case; (2) the person having been permitted to stay temporarily in the Kingdom; and (3) the person having entered and resided in the Thai Kingdom without permission under the law on immigration."

**The Department of Central Civil Registration (DCR) announced the Central Registration Order for Thai Citizenship (which abrogated the 1974 regulation of the Interior Ministry addressed to hill tribe).** This order set down the obligation for hill tribe to register their household and the necessary conditions for them to claim for a permanent household registration (*Tor Ror 14*) and a white card of Thai citizen at the district they were registered:

**Ordinary 5:** “Hill Tribe people will be registered as Thai citizen if:”

5.1 They are living in an area placed under the jurisdiction of a government organization, the Public Welfare Department, the border Patrol Police, the National Security Unit, Army, etc.

5.2 They have registered with the Singha-Phu khao Project or some other project<sup>3</sup> for the purpose of survey and registration.

**Ordinary 6:** “The persons from ordinary 5 must also fulfil the following conditions:”

6.1 They are born in Thailand and are now over 18 years old or are married.

6.2 They have been living in the same place of residence continuously for at least five years.

6.3 They are earning a living honestly and are harmless to society and the nation.

6.4 They do not grow (or have given up) any narcotics plants and are not involved in illegal drug traffics.

**1995 According to the article 7 of the 1979 immigration act, a decision of the Cabinet on October 3 approved the “Project of Granting Alien Status to the Immigrants” under 10 conditions:**

1- To be a Hill Tribe who is in possession of the blue card or who had registered his name on the *Tor Ror 13*.

2- To have a place of residence in the Kingdom of Thailand for at least 15 years or having a permanent residence in the same district continuously for 10 years.

3- To respect the law and the rules of Thai officers.

4- To have an interest for the practice of Thai Language

5- To respect the Thai Nation and the King.

6- To have cooperated with or helped State officials.

7- To have a legal work with some proof that it is sustainable.

8- Do not be engaged in the production of narcotics, the consummation of drugs or its illegal traffic.

9- Do not participate, promote or finance illegal logging and the destruction of forest and other natural resources.

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<sup>3</sup> A hill tribe individual wishing to be considered as eligible to become a Thai national must have been verified and registered during the period 1969-1970, or have been registered on a house registration certificate by the ID Project approved by the Cabinet on 20 July 1982, or have been registered during the period March-August 1985 by one of the projects approved by the Cabinet on 24 April 1984, or have been eligible during the period 1985-1988 for the Survey of the Hill tribe People in Thailand, approved by the Cabinet on 24 April 1984, or during the period 1990-1991, have been registered and issued an ID card for highlanders by the project approved on 5 June 1990.

10- For the conditions 5, 6, 7, 8 and 9, the applicant need a minimum of 3 persons as guarantors who are corresponding to the following criteria's:

- 1) The person must be a Thai national who must be considered as trustable by the official
- 2) The person has to be a member of the district administration;
- 3) The person must a functionary who possesses at least the 4<sup>th</sup> grade of the administrative hierarchy.

**1996**     **A number of amendments were made to modify the Central Registration Order for Thai citizenship of 1992.** It was no longer necessary to live in the same place of residence continuously for five years to apply for citizenship (**ordinary 6.2.**) However, this statement was replaced by the **condition to be able to speak Thai national language.**

**1999**     **The government initiated a new survey of the hill tribe population with the financial support from the Japanese Miyazawa Funds.** This project aims to collect data on the whole hill tribe population who have no official documents in order to classify them into three groups: 1) Thai citizens (at the conditions that they are able to prove to prove that they are born in Thailand before 1985); 2) Aliens according to the project of 1995; 3) Illegal immigrants who will be eventually moved back to their original countries. The people who were surveyed at that time were temporarily issued a “green card with a red rim” till they are issued with their rightful ID cards or have to leave the country.

**April - 19 May: “Rally for Rights”** (organized by the Northern Farmers Network (NFN), the Assembly of Thai Indigenous and Tribal Peoples (ATIP), the Assembly of the Poor”, and supported by various Thai NGO’s and academics). The rally was a peaceful sit-in of hill tribe villagers which took place in front of the Chiang Mai city Hall during one month. People were demonstrating as an attempt to focus the attention of the government considering two main issues: **the right to citizenship, and the acknowledgement of the “forest community bill” that give rights for individuals and communities to participate in the sustainable management of the local natural resources.** After the demonstration, the government of Prime Minister Chuan Leekpai set up a committee to study the issues relating to hilltribe access to citizenship or other kind of legal status. During the following months, the DLA organized some workshops in order to coordinate the work of state officials who are locally in charge to register the status of ethnic minorities in the 20 Northern provinces where hill tribe

communities are settled<sup>4</sup>. For the first time, NGO's, academics, local representatives and grassroots organization were part of the debate in order to show their views on these questions, to study the problems they raise, and propose strategies to solve them.

**2000** The Thai government decided to register status of thousands of hill tribes and to simplify the process of granting them citizenship or alien status. **The Central Civil Registration Bureau's Regulation on Thai citizenship Registration for Highland people (effective from the 1 June 2000) states:**

- Only applicants who have been surveyed and issued with identification coloured cards ("blue card" for highland minority people who had been surveyed in 1991, or the "green card with red rim" for highland minority people who had been surveyed in 1999) are eligible to apply for Thai citizenship.

- The highland minority people who claimed they have the birth right to apply for Thai citizenship but were excluded from the civil registration (that is to say Household registration document, *Tor Ror 14*), must produce the following **documents:** 1) Documents received from state surveys and projects; 2) Documents issued by state as an official proof of identity such as birth notification form, delivery certificate, birth certificate; 3) Other documents that have details necessary to proof the legal identity. Applicants who do not possess such documents can also produce **witness** to certify their birth, place of birth, and eligibility to Thai citizenship registration. Witness can be: 1) state officials; 2) village headman or former village head; 3) leader of community or former members of a village committee; 4) ethnologists or anthropologists; 5) Non-governmental organisations with records of works in the highland areas.

- In order to improve the efficiency of the legal procedure, the Local Administration Department agreed to allow district chiefs in 20 provinces where are settled Hill Tribe people to approve or disapprove the applications for Thai citizenship registration considering the ability of the applicants to be able to prove that they were born in Thailand. Previously only provincial governors could grant citizenship to 'hill tribe' people in the country. The regulation also stipulates the structure of appeal committees at district, provincial and national level, and the revocation of Thai citizenship.

According to the Ministry of Interior's June 2000 new regulation handbook, half of the hill tribe population (on a population of about 1 million person) has already

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<sup>4</sup> Chiang Mai, Chiang Rai, Mae Hong Son, Lamphun, Lampang, Phayao, Tak, Sukhothai, Nan, Kampaeng, Phet, Phrae, Phitsanulok, Phetchabun, Loei, Uthai Thani, Kanchana Buri, Suphan Buri, Ratcha Buri, Phetburi, and Prachuab Khiri Khan.

obtained Thai citizenship. On 29 August 2000, the Chuan Leekpai government passed a cabinet resolution<sup>5</sup> through which the remaining half was classified into three groups of highlanders:

- 1) The first category consists of the highland people residing in Thailand who migrated to Thailand between 1913 and 1972. It was estimated that 100,000 people who fall within this category are eligible for citizenship.
- 2) The second category consists of highland people who migrated to Thailand between the 14 December 1972 and the 3 October 1985 and are eligible for permanent resident status. Their children born in Thailand during that time are eligible for full Thai citizenship. Approximately, 90,000 hill tribes fall into this category.
- 3) The third category consists of highland people who have allegedly migrated after 3 October 1985 and are considered "alien and illegal" and can be forcibly removed from the country. Approximately 220,527 persons fall under this category. Under the regulation, the government allowed about 190,000 hill tribe and minority people who entered Thailand between the 3 October 1985 and the 15 September 1999, to stay in the country for one year pending studies on how to deal with them.

The first process of reviewing the citizenship applications was to have been completed within one year. Since then, the Cabinet of the government of Thailand adopted resolutions on 28 August 2001, 27 August 2002, 26 August 2003 and 24 August 2004 respectively.

## **2001**

On the 28 of August the Thaksin government decided:

- To grant Thai citizenship to 'hill tribe' children whose parents are registered as 'alien' with permanent residence, regardless of when they were born.
- To allow those 190,000 tribal and highland minorities to stay in Thailand for another year.
- To allow immigrants from Burma, Laos and Cambodia to register as immigrant labourers, but did not mention Thai highland and tribal peoples who hold the Blue ID Card or the Green ID Card with Red Border. This Cabinet Resolution created

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<sup>5</sup> This government resolution also agreed to grant Thai citizenship to the descendents of three groups of displaced persons: 1) Burmese who entered the country prior to March 1976; 2) Nepalese migrants and 3) Chinese migrants who had migrated to Thailand since the 1960s.

misunderstanding about the groups of immigrant workers and Thai tribal peoples in highland areas. **Thai tribal people who gained access to paid employment were pushed to register as immigrant workers, causing them to lose their rights for status in line with the reality of their history and meaning that they may be deported from Thailand once the period of authorized work has finished.**

From 2001, the granting of citizenship was no longer a domestic matter but became international concern. UNESCO's Citizenship Registration Project was conducted with Thai government office and the NGOs and in part it was sponsored by the Japan Foundation. One of practical concerns of Japan arose from the fact that some 'hill tribe' women trafficked to Japan were refused permission to return to Thailand by the Thai government as they are not qualified to be Thai citizens.

**2002** The Ministry of Interior introduces a regulation concerning birth registration saying that only Thais or those with permission to stay in Thailand would be listed on the civil register.

**2003** The Cabinet, during its meeting on 26 August, decided to allow 377,677 'hill tribe' people to stay temporary in Thailand for another year, pending the verification of their legal status.

**2004** In December the Thai government admitted that up to 2.5 million people are living in Thailand without citizenship. An inter-ministerial taskforce was created to propose solutions for acquisition of Thai nationality and systematic birth registration.

**2005** On January 18, the Cabinet approved the National Security Council's Strategies in the Solving of Problem of Individual Status and Rights as well as the Central Civil Registration Bureau's Regulation on the Survey and Registration of Persons without Registration Status. This strategy involved a survey, based on categorization into six groups of persons to be included in the Civil Registration System and provided with identification cards. The six groups are: persons who resided in Thailand for a long time, students, persons of unknown origin, persons who provide benefit to the country, unregistered alien labour and other alien groups.

On July 5, 2005 the Cabinet passed a resolution to conduct a survey of students who are not listed in house registration documents. The Department of Provincial Administration in cooperation with the Education Ministry started to register the biographic data of stateless students whose parents are illegal migrants, alien or without any official status throughout the country. This decision was part of the

program of the Education Ministry in order that stateless children could access long-term studies and obtain official diplomas. Administrators of every school and educational institute send the results to the 2,073 register offices throughout the country. These students will be given a 13-digits number (beginning with the letter zero) to certify that this data had been registered in the central civil registration system. According to an official of the Interior Ministry, the parents who can prove that they entered the country before the 18 January 1995 will be able to ask the Thai nationality for their children. The other will probably get an “alien status” or will have to wait another 10 year period or a decision of the government for obtaining a legal status.

## **4.2 Main status and ID cards attributed to Hill tribe**

As the results of these policies, hill tribes are entitled to three kinds of status depending on:

- The moment they had been surveyed.
- The date of birth and/or entrance in the country.

### **1. Thai citizen**

The first population census was conducted in 1956 according to the National Household Registration Act. In 1965, with the enactment of the Nationality Act, the people who were part of the 1956 survey were granted Thai citizenship. However, the hill Tribe population was not covered by the census due to the lack of access to their villages and interest of the government.

The preconditions required for Hill tribe to obtain Thai nationality were first instituted by the Ministry of Interior's Regulation on Consideration for Granting Thai Nationality to the 'hill tribes' issued in 1974 and effective from January 1, 1975. The 1974 Interior Ministry regulation fixes the process and the 4 conditions for registering hill tribe citizens: 1) if the persons have ever been surveyed and were registered in the Hill Tribe Survey. 2) if they were living under control of state agencies (Social Welfare Department, Border Patrol Police, the National Security Unit or the Army) 3) if they were born in Thailand and aged over 18 years old 4) if they are now teenagers whose parents have Thai citizenship. Highlanders who used to live in Thailand before 1974 and who had been part of the first surveys: the hill tribe survey in 1969 and the household registration survey in 1974, had been issued a household certificate and a Thai ID card. From the 1 January 1975 (2518) until 15 September 1992 (2535), 182,065 persons have been registered as Thai citizens. They are officially classified as Thai highlander citizen: *chao thai phu khao*.

### **3. The intermediary “hill tribe status”**

Because of security problems linked to the communist threat and the lack of roads which last till the eighties, many hill tribes have been late surveyed. Moreover, in the 1970-90's, the Thai government enacted new laws and regulation to control the growing arrival of refugees and migrant workers fleeing wars and conflicts in the neighbouring countries (Lao PDR, Burma, Cambodia and Vietnam). The issue of granting citizenship to hill tribe people became problematic for Thai officials who had the task to distinguish and identify hill tribe natives from political refugees or illegal migrants coming from neighbouring countries. Consequently, since 1990, the Thai government started to issue "coloured card"<sup>6</sup> to the minority groups. Highlanders surveyed were issued two kind of identification card indicating their "hill tribe" status as a precursor to determine what status to grant them:

***The blue highlander card (see appendix B)***

In 1985, which correspond to a period of pacification of the frontier areas, the Department of the Public Welfare organised a big survey of hill tribes known under the name of the "singha-phu khao" (mountain-lion) project. In 1990-91, within the framework of the Master-Plan for Community Development in Environment and Drug Control, 247, 775 persons surveyed were issued a temporary household certificate TR13 (mentioning the nationality of the parents) and/or a blue highland ID card, *bat bukkhon phünthi sung*.

***The green card with red rim (see appendix C)***

In 1999, the government initiated a new survey of the hill tribe population with the financial support from the Japanese Miyazawa Funds. This project aims to collect data on the whole hill tribe population who have no official documents in order to classify them into three groups: 1) Thai citizens 2) Aliens according to the project of 1995 3) Illegal immigrants who will be eventually moved back to their original countries. The people who were surveyed at that time were issued a survey card known as the "green card with a red rim", *bat samrouat chumchon phünthi sung*, till they are issued with their rightful ID cards or have to leave the country.

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<sup>6</sup> The "Blue Card" (issued in 1991) to indicate 'hill tribe' status, the 'Pink Card' for political refugees from Burma before 1976 (issued in 1979, 1986 and 1994); The 'Orange Card' for people escaped from Burma after 1976 (issued in 1994); The 'Navy Blue Card' for migrant labours from Burma (issued in 1993-94); The 'Orange Card' for Tai Lue (issued in 1994-5); The "green card with a red rim" for hill tribe people surveyed in 1999.



→ Both cards mention the ethnic group of the person and a 13-digits number which constitutes a proof that the person has been surveyed and registered on the national population register. Nonetheless, the possession of this status does not guaranty any rights of citizen (vote, access to administrative employments, land title deeds, school diplomas, and certain social services). Moreover, the highlander card limits the movement of the person in the district area. If the person needs to go out from this administrative area, she/he has to ask a special authorisation from the district officer otherwise he/she could be arrested and inflicted a fine.

→ Since 2000, the possessors of these cards can engage an administrative process to obtain Thai citizenship. The applicant has to prove that he is born in Thailand **before the 3 October 1985**. If the person is born after 1985, he has to prove that at least one of his parents, the father or mother, is a Thai citizen. If the applicant doesn't have the documents to prove that he is born in Thailand before 1985, he can use witness who has credit to the eyes of the administration. Following the conditions fixed by the Central Registration Order for Thai citizenship of September 1992 (which has abrogated the Interior Ministry regulation of 1974) the applicants also need the support of official guarantors to testify : 1) that he is legally employed in a job that does not threaten national security, 2) that he is not involved in the growth, production or sale of illegal drugs, 3) that he has been living in the same place of residence continuously for at least five years (this condition was replaced by the capacity to speak Thai in 1996).

#### 4. Aliens (*tang daw*)

In 1995, a cabinet decision thus agreed to grant the "alien status", *tang daw*, to the hill tribe political refugees who illegally entered the country before 1985. These one can obtain a green ID card, *bat pracham tua khon tang daw* if they are able to prove that they entered the country before this date and respond to the 10 conditions fixed by the Cabinet. This card and status give them the right to permanent residency in Thailand and the possibility to engage procedure to become Thai Citizen. Their children born in Thailand are entitled to Thai citizenship. From that time, official make confusion to distinguish the people who are born in Thailand before 1985 and who are eligible for citizenship and the political refugees who entered the country before 1985 and who are eligible for an alien status.

### Conclusion:

As we have seen, quantity of proofs and attributes conditions the attribution of a legal status to hill tribe whatever the longevity of their presence in the territory. Because of the addition of the following factors, the legal legislation, instead of creating full Thai citizens, has been more used as an instrument to control and subordinate highlanders:

- The slowness of the surveys.
- The priority given to national security concerns.
- The complexity and/or ignorance of the laws by both officers and highlanders.
- The confusion created by the succession of survey, status and Id card attributed to hill tribe natives, political refugees and Burmese migrant workers.
- The quantity and/or the quality of the proofs required to apply for a legal status.
- The patron/client relationship between officers and highlanders.

## **Recommendations:**

- 1) To create local networks of stateless highlanders who could benefit from the free service of lawyers in order to accompany the process for applying to a legal status and facilitate the communication with local administrative authorities.
- 2) To encourage the collaboration between officers, village representatives, NGO, and international agencies in order to accelerate the surveys and the granting of full citizenship to highlanders who are born in Thailand.
- 3) To organize local trainings with both officers and villagers concerning the process of birth and citizenship registration.
- 4) To diffuse handbook that explain the process of citizenship and birth registration in all the district office and schools of the 20 provinces where are settled the hill tribes.
- 5) Regarding the state's lack of awareness to survey hill tribe and hill tribe's lack of awareness about the sense of citizenship in the past, the government should reconsider the quality of the legal proofs required to apply for citizenship for the people who are born in Thailand and who lack of birth and household registration. Alternative documentation or witnesses' testimony should be taken into account (baptism registration for example). In the same way, government and development organizations should contribute to support the financial cost of the administrative process: travels to the registration centres, DNA tests, copies, and fee exemption to issue documents.
- 6) To suggest the Cabinet to collaborate with the Health Ministry in order to extend the 30 baht medical scheme to all Highlanders whatever they have a "blue card" or "green card with a red rim", or no legal documentation.
- 7) To consider solutions in order to register the marriage of stateless people.
- 8) To organize radio campaign in order to inform the people about the importance of birth registration and the obligation of the state to register children's birth; and the importance to school stateless children in order that school administrators could register their biographic data and send them to the district office.

9) To advocacy for the implementation of the “forest community bill” that give community land rights to villagers who are living in protected forest areas in order to participate to the sustainable management of forest natural resources.

10) To authorize the holders of Highlanders cards to circulate in the country without the need of special permit, till they are issued the rightful status.

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### Web site link in relation to stateless people in Thailand

<http://www.statelessperson.com>

<http://www.archanwell.org>

APPENDIX

Appendix A: “chao khao” identity coin, issued in 1969





Appendix B: The « green card with red rim », issued in 1999

[ ] [ ]

ชื่อ \_\_\_\_\_

เกิดวันที่ \_\_\_\_\_

คำทมิ \_\_\_\_\_

บ้านเลขที่ \_\_\_\_\_ หมู่ที่ \_\_\_\_\_ ตำบล \_\_\_\_\_

อำเภอ \_\_\_\_\_ จังหวัด \_\_\_\_\_

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ดำเนินการตามนโยบายโดยมีอำนาจหน้าที่เป็นเจ้าพนักงานประจำพื้นที่อำนาจ  
 หน้าที่ของเจ้าพนักงาน

รายชื่อผู้มีสิทธิเลือกตั้ง รายชื่อผู้มีสิทธิสมัคร

บัตรผู้มีสิทธิเลือกตั้ง: อำเภอวังสะพุง  
 กม. ๒.ร.๖. จังหวัด: อำเภอวังสะพุง ๒.ร. ๒๕๓๖

เลขที่ 2749 บัตรสำรวจชุมชนชนบทพื้นที่สูง เลขที่ 34

จังหวัดสุพรรณบุรี อำเภอวังสะพุง

- ห้ามบุคคลที่มีชื่อในบัตร เติมนามเข้าออกนอกเขตพื้นที่ที่ออกบัตร และหากบัตร  
 ติดตัวตลอดเวลาเพื่อรับการตรวจ
- การเข้าออกนอกเขตพื้นที่ให้เป็นไปตามที่ทางราชการกำหนด

สำรวจเมื่อวันที่ \_\_\_\_\_