

CHAPTER VII

CONCLUSION

7.1 Conclusion

Statelessness is a serious human rights violation. It is one of the main causes of other human right problems such as human trafficking and child labors. The general causes of statelessness include; 1) denial of access to citizenship; 2) law or discriminatory administrative practices; and 3) state succession. The problem of statelessness is complex because it is related to the problems of refugees and displaced people plus migration of labors. Victims of statelessness are usually members of minority groups. There are five groups of stateless people in Thailand; highlanders or hill tribes, children born in Thailand to immigrant families living in Thailand for a long time, registered migrants eligible for a temporarily stay in the Kingdom, illegal migrants and refugees and rootless people. The Thai state has put efforts to solve the problems of statelessness in people by occasionally issuing policies and regulations. However, a lot of stateless people are unable to acquire Thai nationality and a number of eligible people remain stateless. Statelessness persists because the policies do not holistically address the problems, particularly in obtaining Thai nationality. This research studies problems and needs of stateless hill tribe people who have the right to Thai nationality according to the law.

7.2 Nationality obtaining in Thailand

Hill tribe people are entitled to Thai nationality as mandated by three pieces of national laws; 1) regulation of Central Registration Bureau Regarding Personal Legal Status of Highlanders B.E. 2543 (C.E. 2000), 2) Section 7 bis. of Nationality Act B.E. 2508 (C.E. 1965) as amended in B.E. 2535 (C.E. 1992), and 3) Section 23 of Nationality Act B.E. 2508 (C.E. 1965) as amended in B.E. 2551 (C.E. 2008). Stateless people depends on seven-steps process to obtain Thai nationality; information seeking, gathering evidence, submission of document and request forms, investigations, case follow up, appealing, and Thai Identification Card making.

Related parties in obtaining Thai nationality are stateless people, village chiefs, district officers and non-governmental organization staff. Village chiefs, district officers and non-governmental organization staff have roles in providing information, advice, and assistance.

7.3 Stateless people's problems in obtaining Thai nationality

This research reveals that the former stateless people had three main problems in obtaining nationality; limits to information access, corruptions by village chiefs and district officers, and procedural problems. Limits in access to information were caused by the sources of information, methods, and forms of the information, and information seekers (stateless people).

Based on the interview, the former stateless people needed information about laws and complete procedures for obtaining Thai nationality, specific solutions for difficulties arising during the process, next steps to be taken after filing an application and the status of their requests. Village chiefs, NGOs and district officials were the main sources of information. However, the former stateless people were limited of access to the information due to problems on the main sources. It was found that the sources sometimes lacked knowledge so they could not provide the complete and correct information. Besides, bias among village chiefs and misled attitudes among district officers hindered stateless people from acquiring the information. Irresponsible village chiefs and lack of staffs in district office and NGOs also create further obstacles.

Methods and forms of the information were also found the causes of problems in access to the information. It was found that verbal form of information was usually the typical form of the information transferred in obtaining Thai nationality. In contrast, written form of information was not mentioned at all by the former stateless people. It was not clear why the written form of information did not reach the literate people while illiterate people certainly could not acquire the information in the written form.

The verbal information was transferred through large group communication and interpersonal communication. The information was sometimes misinterpreted and misunderstood by stateless people. Moreover, it was not widely disseminated to people. Besides, stateless people feared and felt frustrated to communicate directly with state officials. In avoidance of officials, stateless people lose a chance to receive information. The problems in access to the information result in stateless people's lack of knowledge in obtaining Thai nationality and lack of information regarding the status of their requests. Without the knowledge, they risk failures in obtaining Thai nationality. At the same time, lack of knowledge about the status of the request causes frustration among the stateless. Besides, the problem of access to information is also the cause of corruptions.

Corruption is another major problem in stateless people's nationality obtaining. The problems of corruption are closely related to the problems in access to the information. The result of lack of knowledge among stateless people is significantly dependent on the assistance among them. When stateless people could not help themselves, they search for assistance and potentially become victims of corruption. They are ready to go anywhere for the assistance and willing to pay for it. Usually they seek for assistance from village chiefs who have a dominant role in stateless people's nationality obtaining process. They are exclusively granted authority in verifying stateless people's nationality obtaining requests as well required by district offices to be witnesses in investigations related to obtaining Thai nationality. Plus their role as assistance providers for stateless people, they are full of power. Often enough, they use their authority to request stateless people to pay for their assistance.

The last problems mentioned by the former stateless people are procedural problems regarding the process of document preparation, appealing and the delay of the procedures. Document preparation is difficult for stateless people in two situations; lack of document and incorrect document. The documents that are problems for stateless people are documents related to their birth and their parent's birth. Hill tribe stateless people lack birth certificates because they were uniquely not born in the hospital and their parents did not report their births. It is even impossible for them to provide the document of their parents who were long time ago born before them. Regarding evidence

for their own births, they are provided a chance to request for birthplace certificates in district offices. However, the process is very difficult since there must be investigations which require specified witnesses from the exact place the person was born. If the person cannot find a witness, they failed to obtain birth certificates and their chance to request for Thai nationality is diminished. Similarly, lack of parents' document usually causes indigenous stateless people lose their right to have the genuine type of Thai nationality. They may be able to acquire only Thai nationality for migrant's children born in Thailand.

Similarly, incorrect documents are also found to be a big problem especially when the birthplace of the person is not relevant to the reality. The problem certainly causes the delay in the procedures and may cause failures in obtaining Thai nationality if the people can not find other evidence to prove their rights. The mistake is caused by irresponsible survey takers. Stateless people have to go through so many investigations to correct the information.

While, document preparation is difficult, appealing is impossible for stateless people if they do not receive assistance from NGOs because the process requires advance knowledge of laws and writing skills. Besides, stateless people also risk conflicts with village chiefs who think appealing affects their relationship with the officials. Finally, obtaining Thai nationality procedure is very slow because of lack of implementation staffs in district offices as well as technical problems.

In conclusion, the implementation problems in obtaining Thai nationality according to stateless people are problems of access to information, corruptions and procedural problems. Lack of access to the information regarding nationality obtaining among stateless people affects the people psychologically and also causes failures in obtaining Thai nationality. Lack of access to the information is also the reason of stateless people's reliance on assistance and potentially become victims of corruptions among assistance providers, especially village chiefs. Causes of corruptions includes too much authority of village chiefs in verifying stateless people's acquiring Thai nationality requests as well as their roles as required witnesses in investigation regarding obtaining

Thai nationality. Finally, procedural problems include difficulties in document preparation and appealing as well as the delay of the procedures.

7.4 Stateless people's needs in obtaining Thai nationality

Concerning stateless people's problems in obtaining Thai nationality, factors influencing the success and failures in obtaining Thai nationality on the side of stateless people are knowledge on nationality obtaining, education and language ability, personal determinations, relationship with the authorities and assistance. People who have these positive characters seem to increase their chance to be successful in nationality obtaining. In contrast, those who lack the factors have problems in obtaining nationality.

In accordance to the factors in obtaining Thai nationality, supporting mechanisms stateless people need in order to facilitate their Thai nationality obtaining process are divided into long term needs and short term needs among the stateless people. The long term need of stateless people is information on the procedures and laws regarding obtaining Thai nationality. In order to successfully provide stateless people the information, the sources of information must be trained continually to have not only complete, updated and correct information but also practical assistance. To eradicate misunderstandings and misinterpretation, written forms of information shall be provided to deliver the information regarding obtaining Thai nationality among stateless people. While the information should be organized in a simple format and a simple level of language, stateless people need to have literacy in order to access the written information. At the same time, there is a need of more verbal and interpersonal communication between the district officials and stateless people. While it is necessary for the district officers to try to provide information to all stateless people, the stateless people have to try to approach the officers for the information. There is a need to reduce the role of village chiefs in stateless people's obtaining Thai nationality to avoid corruptions.

While the long term needs of stateless people to facilitate their process in obtaining Thai nationality is access to the information as well as education, practical assistance and financial supports are needed for them in a short term. The short term

needs are concerning difficulties in the procedures of obtaining Thai nationality. Although stateless people have information regarding Thai nationality obtaining process and rights to Thai nationality, stateless people need special advices in document preparation and appealing process. Financial support is also needed in the process of DNA testing.

7.5 Recommendations

The findings show the problems and needs of the stateless people in obtaining Thai nationality and factors that increase the likelihoods of their success in obtaining Thai nationality. As stateless people have proposed their concerns regarding obtaining Thai nationality, it is important that state agencies and non-governmental organizations working on problems of statelessness in person. This section offers recommendations for state's agencies and NGOs regarding improvement of implementation process of obtaining Thai nationality as well as recommendations for further studies.

Recommendations for state's agencies

- 1) Improve policy implementation on the ground:
 - a. provide permanent positions of officers in charge of personal legal status in district offices;
 - b. increase number of the officers in the critical area;
 - c. improve the data system;
 - d. prohibit discriminatory treats a to stateless hill tribe people; and
 - e. forbid additional requirements in nationality obtaining imposed on stateless people.
- 2) Found knowledge of nationality obtaining among stakeholders:
 - a. Create local offices to provide knowledge, free consultancy, trainings and assistance regarding personal legal status and nationality obtaining process to stateless people and assistance agencies or people. The trainings should be organized regularly for stateless people, community leaders, development practitioners and teachers in the area where there are a lot of stateless people.

- b. Require new village chiefs as well as new officers to have a series of workshops or trainings on information regarding obtaining Thai nationality.
 - c. Require the officers to inform the status including progress and problems of stateless people's nationality obtaining requests and ensure that the people have a chance to participate in the decision – making.
 - d. Promote information regarding the procedures and laws related to nationality obtaining in various kinds of forms. The written information should be organized in a simple format and language, available in every district offices and distributed extensively to the area where there are problems of statelessness.
 - e. Ensure basic education is available for everyone including stateless people.
- 3) Diminish corruptions:
- a. Reduce authority of village chiefs in stateless people's nationality obtaining process.
 - b. Establish transparency in the implementation process.
- 4) Reduce bias and negative attitudes among state's officials towards minority people:
- a. Establish knowledge on minority cultures and history.
 - b. Found human rights notions among the implementation staffs.
- 5) Provide financial support for people who need DNA test to prove their rights to Thai nationality.

Recommendations for Non-governmental organizations

- 1) Improve staff's knowledge regarding the procedures and laws about obtaining Thai nationality.
- 2) Offer stateless people opportunities to involve in the process as much as possible, especially in decision making regarding nationality obtaining.
- 3) Create a community network or provide a space for stateless people to share their experience so that they can learn form other cases and help each other.

- 4) Avoid creating conflicts and foster trust between the organization and state's officials or village chiefs.
- 5) Promote their assistance among wider groups of stateless people.
- 6) Establish mutual objectives of NGO network by creating the network plans as well as setting up the network budget to solve problems of statelessness.

Finally, statelessness should be also addressed as important social problems. It is necessary to raise awareness of the problems of statelessness in the Thai society and use social mechanisms to advocate improvement of the policies regarding stateless people's legal status as well as the rights to Thai nationality.

Recommendations for further studies

- 1) This research is a qualitative research. Therefore, the findings only represent a group of stateless people's needs and problems in obtaining Thai nationality. There should be quantitative researches on the same topic.
- 2) This thesis focused on hill tribe stateless people. Since there are various groups of stateless people, there should be also researches on other groups of stateless people.
- 3) This research is based on the problems and needs from the former stateless people's perspective. To improve the implementation of the policy, problems and needs from other stakeholder's perspectives such as state's agencies and NGOs should be also studied.