Balancing Security and Humanitarianism:

The Thai Government's Responses to Urban Forcibly Displaced Persons

By

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For my parents

and

forcibly displaced persons who are struggling for refuge and respite around the world

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In recent decades, the rising number of *urban forcibly displaced persons*—people who have left their country of origin due to fear of persecution to seek refuge in another country's urban settings—has become a pressing global phenomenon. Thailand hosts a significant number of these populations. As one of a handful of countries in the global south considered a safe "transit country," the Thai case study offers a unique insight into how individuals, institutions, and governments, are navigating and reshaping the world's framework for forced migration and refugees in the twenty-first century.

Through an institutional ethnography, this dissertation investigates how the regime governing urban forcibly displaced persons in Thailand has emerged, developed, and shaped the lived experiences of displacement and refuge. I argue that Thailand's regime governing urban forcibly displaced persons grew out of the legacy of Thailand's management of forcibly displaced persons during the Cold War, based on a principle of *balancing security and humanitarianism*—framing forcibly displaced persons as a national security issue but also acknowledging the international pressure on Thailand to provide humanitarian assistance for forcibly displaced persons.

The attempt to strike a balance between both principles has produced an unspoken dual-track management system for those seeking asylum in Thailand's urban areas. The *national security track*—involving arrest and repatriation—is applied to urban forcibly displaced persons who pose a national security threat defined in terms of public order and international relations between Thailand and its allies. The more routine *immigration track*—though involving the arrest of some urban forcibly displaced persons for having no valid immigration documents, entailing deportation delays and bail permission—is used with those groups and individuals, who considered less threatening to Thai national security can reside temporarily in Thailand. The implementation of the dual-track management system allows the Thai government to speak a humanitarian language while pursuing measures aimed at safeguarding its national security interests.

Despite efforts by bureaucrats to construct a more transparent, humane, and "legible" system governing forcibly displaced persons, both tracks persist—leaving all groups of urban forcibly displaced persons to live clandestinely on the margin of Thai society and to struggle with fear of arrest or deportation. By following some urban forcibly displaced persons' daily lives, I show how displaced persons navigate the system by finding and leveraging community support, social networks, and technical skills to search for jobs, work illegally, and access basic services in Thai cities. Livelihood opportunities, however, are closed to many urban forcibly displaced persons who lack networks or skills and to those whose racial and linguistic differences expose them as strangers. Like other so-called transit countries, Thailand's opaque dual-track management system offers hope to some forcibly displaced persons while leaving many highly vulnerable, destitute, and marginalized.

Keywords: forcibly displaced persons, urban refugee, refugee livelihood, refugee policy, Thailand

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Thai students. I dedicate this dissertation to them. I love you, "pa" and "mae"!

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LIST OF ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
BE	Buddhist Era
BMR	Bangkok Metropolitan Region
CCSDPT	Coordination of Services to Displaced Persons in Thailand
CGDK	Coalition Government of Democratic Kampuchea
COERR	Catholic Office for Emergency Relief and Refugees
CPA	Comprehensive Plan of Action
CRRF	Comprehensive Refugee Response Framework
GCM	Global Compact for Migration
GCR	Global Compact for Refugee
ICRC	International Committee for the Red Cross
IDC	Immigration Detention Center
IOM	International Organization for Migration
IRC	International Rescue Committee
ISOC	Internal Security Operations Command
KMT	Kuomintang
KNU	Karen National Union
MFA	Ministry of Foreign Affairs
MOE	Ministry of Education
MOJ	Ministry of Justice
MOL	Ministry of Labor
MOPH	Ministry of Public Health

MSDHS	Ministry of Social Development and Human Security
NIA	National Intelligence Agency
OCDP	Operation Center for Displaced Persons
PAB	Provincial Administration Board
POC	Persons of Concern to the United Nations High Commissioner for Refugees
PRK	People's Republic of Kampuchea
R2P	Responsibility to Protect
RSD	Refugee Status Determination Mechanism of the United Nations High Commissioner for Refugees
SLORC	State Law and Order Restoration Council (Burma)
SOC	Secretariat of the Cabinet of Thailand
TBC	The Border Consortium
THB	Thai Baht (currency)
UNBRO	United Nations Border Relief Operation
UNCAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
VolRep	Voluntary Repatriation Program

CHAPTER 1

Introduction

A Refugee, But Not a "Refugee"

On November 26, 2014, an Ethiopian Airlines flight from Addis Ababa bound for Bangkok landed at the Suvarnabhumi International Airport in Thailand. Among passengers on the plane was a sixteen year old boy named Ibraahim who was accompanied by a Somali smuggler. The boy fled from Somalia because al-Shabaab brutally killed his family members; away from home that day, he survived the killing. "Uncle Oumar," a best friend of his father had become his legal guardian. Fearing for Ibraahim's life, Oumar contacted a smuggler and arranged a trip for Ibraahim to travel to another country where he thought Ibraahim would be safe. Thailand was the choice. The smuggler helped Ibraahim throughout the immigration process, starting from getting a Somali passport, buying a plane ticket, getting a Thai tourist visa, and accompanying him to Thailand.

Ibraahim arrived in Thailand neither knowing the country nor anyone besides the smuggler who came with him. The smuggler brought Ibraahim to stay temporarily at a mosque in the Lad Phrao District of Bangkok where he eventually abandoned the boy. The smuggler left with Ibraahim's money and passport. The boy became hopeless and stranded. He survived the next few days with food from the clergy and prayers at the mosque. Fortunately, Ibraahim met three Somali men who came to pray at the masjid. He approached them after hearing a familiar language. Upon learning his story, the men decided to help Ibraahim and introduced him to the Somali exile community in Bangkok. They also informed him of the asylum process in Thailand. Ibraahim registered as an asylum seeker at the Office of the United Nations High Commissioner for Refugees (UNHCR) in Bangkok in December 2014 and became a person of concern (POC)

to UNHCR. The term POC refers to a person who is taken care by UNHCR according to the international laws regarding refugees, including "refugees, returnees, stateless people, the internally displaced and asylum-seekers" (UNHCR 2019c).

The new status led Ibraahim to access humanitarian support from the Bangkok Refugee Center—the functional wing of UNHCR. He also received 2,000 THB (~65 USD) monthly stipend from the Jesuit Refugee Service. The money allowed him to move into a small apartment in the Ramkhamhaeng District with the other three Somali men where each one of them would pay 900 THB (~30 USD) rent. They spent the rest of the stipend on food and other personal expenses.

Not long after the move-in, the local police arrested Ibraahim and his friends after spotting them in their neighborhood. Their distinctive appearance made them look suspicious to the Thai official. The police did not accept the person of concern card that the three men carried since persons of concern are "illegal migrants" based on Thai immigration law. The Thai government does not recognize the 1951 Convention Relating to the Status of Refugees (the 1951 Convention, hereafter) and its 1967 Protocol. The officers eventually took them to the local police station before transferring them for detention at the Immigration Detention Center (IDC) on Suan Plu Road in the Sathorn District of Bangkok.

Ibraahim stayed in the IDC for the next six months and developed several physical conditions, including sore eyes, headaches, and back pain. His physical state was so deplorable that other Somali detainees had to ask visitors to contact a Somali businessman in Thailand for help. Through negotiations with an immigration officer, the unnamed businessman paid bail to get Ibraahim out of the IDC. On August 28, 2015, the 16-year-old Ibraahim was released on the condition that he had to report back to the IDC twice a month to extend the bail period.

Almost one year after being released from the IDC, Ibraahim finally had an interview with UNHCR for status determination and obtained "refugee" status on January 20, 2017. Nonetheless, the only difference that the new status makes is access to a resettlement opportunity, which has become limited in the recent years. Under Thai immigration law, Ibraahim continues being a "illegal migrant." As of October 2019—two years after obtaining refugee status—Ibraahim is still living in Thailand. He continues to wait anxiously for resettlement in a third country.

The story of Ibraahim echoes the lived experiences of thousands of refugees and "asylum seekers" who are currently seeking refuge in Thailand's urban areas. According to Article 1(2) of the 1951 Convention and its 1967 Protocol, a refugee is:

> a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

There are international legal implications and rights accorded by the refugee status. The term "asylum seeker" refers to those people "whose request for sanctuary has yet to be processed" (UNHCR 2019a).

In this dissertation, however, I refer to refugees and asylum seekers in Thailand as "forcibly displaced persons." By using this term, I do not deny the international legal meaning and rights that international laws confer to refugees and asylum seekers. On the contrary, I try to strike a balance between their international status and the many ways the Thai state recognizes different groups of them. The Thai government has invented several terms to refer to forcibly displaced persons over the decades. Between the 1940s and the 1980s, Thailand consistently used the term *phu oppayop* or "displaced persons" to refer to forcibly displaced persons, which

did not signify whether they were forced to flee or not. In the 1990s, Thailand specifically applied the term *phu neepai kansurop*, "people fleeing," to ethnic minorities from Burma who sought refuge in temporary shelters along the Thai-Burmese border. Recently, in the 2019 screening mechanism, Thailand created two new terms *phu sawaengha thi pakping*, "people who seek refuge," to refer to asylum seekers, regardless of whether they are in urban or rural settings, and *phu dai rub kan kumkhrong* to refer to forcibly displaced persons, who have protection from the Thai state.

The term "forcibly displaced persons" also allows me to discuss refugee and asylum seeker experiences at the same time since the Thai government subjects both groups to the same treatment. Despite different labels, the status of forcibly displaced persons who have no valid travel documents is an "illegal migrant," according to the 1979 Immigration Act. In addition, while I acknowledge an argument of Castles (2003) that "involuntary" migration may unsurprisingly involve a "voluntary" facet, the use of the term "forcibly displaced" prompts me to emphasize their primary claim of forcibly displaced persons that they were "forced" to leave their home, even though their situation is more complex in some case. Thus, the term "forcibly displaced persons" is used sociologically in a specific context. Lastly, I include the adjective "urban" before the term "forcibly displaced persons" to refer to those individuals who seek refuge in Thailand's urban areas regardless of whether they came from rural or urban areas in their country of origin. This dissertation also treats the Rohingya as urban forcibly displaced persons since most who have survived their brutal journey and entered Thailand have settled in Thai urban areas. The Thai government has never organized any camp settlement to accommodate them.

The term "forcibly displaced person" appears consistently throughout this dissertation except when referring to the literature where I continue to use the terms "refugee" and "asylum seeker" as two distinctive categories to reflect how the original authors use them. In other chapters, I may refer to these two terms when I discuss the international status of forcibly displaced persons according to the 1951 Convention and UNHCR.

This dissertation is a study of the Thai government's responses to urban forcibly displaced persons in Thailand with a particular focus on bureaucratic dynamics. I try to solve the puzzle: **How does the framework of institutions and practices governing urban forcibly displaced persons in Thailand emerge, develop, and shape the lived experiences of those populations?** I argue that the regime governing urban forcibly displaced persons in Thailand has emerged and developed from the legacy of Thailand's management of forcibly displaced persons during the Cold War. The vague principle of "balancing security and humanitarianism" is the cornerstone of the Thai responses. It is the phrase that Thai officials in different bureaucratic agencies often used to refer to the Thai government's responses during interviews with me. This principle, I argue, is materialized from the balance between the historical framing of forcibly displaced persons as a national security issue and pressure from the international community, which urges Thailand to assist people who come to seek refuge in its sovereign territory.

The principle of balancing security and humanitarianism allows the urban forcibly displaced to live in Thailand but with no guarantees of safety and limited livelihood opportunities. The official stance of the Thai government is not to recognize refugee status. Along with the refusal to recognize the refugee status is little awareness of the conditions the urban forcibly displaced face among law enforcement officers, which has led to their arrests for

lacking valid immigration documents. Some urban forcibly displaced persons whom the Thai government deems a threat to Thailand's national security—defined in terms of public order and international relations with neighbors and allies—may also be repatriated.

Despite recent efforts of officials in the Department of International Organizations of the Ministry of Foreign Affairs to reshape Thai responses to urban forcibly displaced persons by institutionalizing the alternatives to child detention and developing the screening mechanism to distinguish forcibly displaced persons from economic migrants, the principle of balancing security and humanitarianism continues to inform the way Thailand manages urban forcibly displaced persons. Fear on the part of the conservative officers in the National Security Council and the Ministry of Interior that the screening mechanism would become a "pull factor," attracting more forcibly displaced persons into Thailand has led them to resist forcibly displaced persons' right to work and the adoption of the term "refugee." Since the screening mechanism had not yet been adopted, as of August 2019, these issues remain highly disputed in the Thai bureaucracy.

The existence of the fuzzy regime governing displacement and refuge has led urban forcibly displaced persons to continue living invisibly on the margin of Thai society. Some groups with community networks and technical skills manage to get jobs and work illegally in Thailand, while those who lack networks and skills experience destitution and become highly vulnerable. All these groups, however, risk arrest for lacking valid immigration documents. The danger is particularly grave for the urban forcibly displaced whose languages and physical appearances are distinctive and who lack access to assistance or community support.

Why Thailand?

I chose Thailand as a case study for three reasons. First, Thailand has hosted forcibly displaced persons repeatedly since the end of the second world war and has been a transit country for many urban forcibly displaced persons in recent years (Chantavanich and Kamonpetch 2017; Helton 1989; Lang 2002; Wain 1979). According to UNHCR, by the end of 2018, there were 100,345 forcibly displaced persons from Burma in nine temporary shelters[1] along the Thai-Burmese border and 5,547 urban forcibly displaced persons from nearly thirty countries scattered throughout Thai urban areas. The top countries of origin for the latter group are Pakistan, Vietnam, Palestine, Cambodia, Syria, Iraq, and Somalia. These numbers, however, do not include the other two major groups of urban forcibly displaced persons in Thailand, the Rohingya and North Koreans, whose total number could be as high as 10,000 (Interview#51— March 18, 2019).

Second, the regime governing displacement and refuge in Thailand's urban areas remains underexplored. To date, most studies of forcibly displaced persons in Thailand have focused on the temporary shelters along borders and their spatial conditions, but the development of urban forcibly displaced persons has been relatively unexamined. Exploring this dynamic provides a fuller picture of the regime governing the forcibly displaced in Thailand and a better understanding of their lived experiences in urban settings, particularly in Bangkok.

Third, Thai responses to urban forcibly displaced persons have significant implications for other repeat host transit countries, including India, Lebanon, Malaysia, and Turkey. Transit countries, a category not clearly defined, are often, but not necessarily, the first sovereign territory where forcibly displaced persons arrive after fleeing their place of origin. They are also

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[1] The Thai government refers to a "refugee camp" as a "temporary shelter" in official documents.

places where the forcibly displaced hope to temporarily reside before repatriating voluntarily to their country of origin or being resettled in their desired destinations, which are known as third countries.

An Overview of the Field Site

This study was carried out mainly in the Bangkok Metropolitan Region (BMR)—six provinces: Bangkok, Nakhon Pathom, Pathum Thani, Nonthaburi, Samut Prakan, and Samut Sakhon. The registered population in the BMR is around 10 million, which accounts for almost one-sixth of Thai citizens. The region, the administrative and business hub of Thailand, has the country's highest concentration of forcibly displaced persons.

I collected data for the historical management of forcibly displaced persons in two other provinces, Sa Kaeo, which lies on the border between Thailand and Cambodia, and Mae Hong Son, which is on the border between Thailand and Burma. There were several major temporary shelters for forcibly displaced Cambodians in Sa Kaeo Province the 1980s, including Site II and Khao-I-Dang. Similarly, Mae Hong Son is a province that continues to host forcibly displaced persons from Burma. Currently, it has four temporary shelters: Ban Mai Nai Soi, Ban Mae Surin, Ban Ra Ma Luang, and Ban Mae La Oon.

Institutional Ethnography

In this research, I employ *institutional ethnography* as a methodology for my investigation, with the state and forcibly displaced persons as two points of entry. It is essential to recognize, however, that there are two dominant notions of the term institutional ethnography. The first is associated with the investigation of the state and international institutions, in which scholars take a top-down approach to understand how institutional practices are shaped and what their impacts are (Hull 2012; Mountz 2010); and the second approach is bottom-up, which

mainly focuses on "textually-mediated social organization" to understand "the relations of ruling." This strand is influenced by the work of Dorothy Smith (1987, 1990, 2005).

My work combines both approaches to understand how the institutions and practices governing urban forcibly displaced persons function and how they affect those people who are currently seeking refuge in Thailand. Obtaining data from Thai government officials and from forcibly displaced persons allowed me to get a full picture of Thai responses to urban forcibly displaced persons. During fieldwork, I also tried to recruit subjects from various backgrounds, even within the same government agency or the same group of forcibly displaced persons, whenever possible. In the case of the National Security Council, for example, I interviewed and gathered data from the person in command and those who followed orders.

Recruiting various subjects allowed me to triangulate data and respond to threats to validity, namely researcher bias. In the field, I did not look for specific answers to my research questions based on my research assumptions. Instead, I let the findings inform me of the circumstances surrounding forcibly displaced persons in Thailand and analyzed the knowledge accordingly. This study is therefore conducted inductively. I conducted 56 interviews with 64 subjects including: two academics, 16 government officials (from the National Security Council, the Ministry of Foreign Affairs, the Ministry of Interior, and the Immigration Bureau), 18 officers of NGOs and inter-government organizations (IGOs), six locals in the area around the former site of the temporary shelters in Sa Kaeo, and 22 urban forcibly displaced persons from Pakistan, Somalia, Palestine, and Vietnam (the Hmong and the Khmer Krom). All interviews were conducted in English or Thai, except for interviews with two Hmong individuals and another interview with a Palestinian, with whom I used an interpreter to aid my understanding.

My investigation spanned across a period of 16 months between 2016 and 2019. It covered five phases: June – August 2016; June – August 2017; June 2018 – January 2019; March 2019; and May – June 2019. The first phase involved exploratory research. I visited Thailand between June and August 2016 to survey the research site as well as to establish connection with potential subjects. During the first period of fieldwork, an academic at Chulalongkorn University whose interests were in international development studies became my main point of entry. She guided my recruitment of individuals for my preliminary research, including officials in the Ministry of Interior and the National Security Council. Each interview took one to two hours and went smoothly. I asked them general questions about the nature of their jobs and the forcibly displaced persons situation in Thailand. The initial contact was mainly to get to know them better. Using snowball sampling, I was also directed to district officers who were serving as "camp commanders,"[2] overseeing the temporary shelter in Mae Hong Son Province that I visited in August 2016. There, I learned about challenges in the development of a management strategy for forcibly displaced persons in temporary shelters up to that period.

During the first fieldwork, a close friend from college who worked in the non-governmental sector also connected me with Sri, a leader of a local non-profit organization. I spent one to two hours talking to her. That dialogue provided me with a non-governmental perspective of the landscape of Thailand's management of forcibly displaced persons.

Reflecting upon the first phase of my investigation, I was well aware of the role of social capital in conducting the present study. A previous academic connection and a friend from a college in Thailand provided me with extraordinary opportunities to recruit informants. The introductions not only accelerated my access to those subjects but also accommodated the trust-

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[2] Despite the refusal to formally use the term "camp," the Thai government officials interestingly refer to the district officer who is in charge of the temporary shelter as a "camp commander."

building process. At the same time, the shared educational backgrounds, such as the same program in college and the same academic institution, that I discovered after starting an interview also helped deepen trust, making the interviews more open and straightforward.

After coming back from the first preliminary fieldwork, I realized the potential contributions investigating the way the Thai government manages urban forcibly displaced persons could make to the forced migration and refugee studies scholarship. It was the black box that remained unopened. Readings that I obtained from the Faculty Development Seminar hosted by Heinz Klug and Helen Kinsella with support from the Center for Humanities of the University of Wisconsin-Madison in fall 2016 further fueled my interest in the topic. I became aware of the gap in the literature, especially with the regard to the role transit countries play in the management of urban forcibly displaced persons.

In June 2017, I returned to Thailand once again for a second preliminary study. This time, I revisited individuals whom I had talked to in 2016 and requested they connect me with other people who might have insights into issues of my interest. In 2017, I had the chance to meet two urban forcibly displaced persons in Thailand for the first time. They were Ibraahim, a young Somali, and Saad, a Pakistani transman. I visited both of them several times during my second fieldwork. I also expanded the purview of my investigation to include officials from the Ministry of Foreign Affairs and the International Organization for Migration (IOM).

Tyrell Haberkorn, a Southeast Asian Studies professor at the University of Wisconsin-Madison, suggested I visit the Archival Unit at the Ministry of Foreign Affairs. The archive is located behind the Department of Consular Affairs building within the Chaeng Wattana Government Complex in Lak Si District of Bangkok. The visit there greatly fascinated me. I

gained access to thousands of declassified documents from as far back as 1956—some of which had never been brought to light—in 135 folders.

It took me two months to look into the documents, which revealed the names of those involved in Thailand's management of forcibly displaced persons. I later contacted those managers for interviews. The archival materials provided insights into historical exchanges between different bureaucratic agencies and policy orders since the 1950s when Thailand managed former Kuomintang (KMT) soldiers who came to seek refuge. Able to read minutes from several high-level meetings, the investigation at the archive made me realize, however, what data I could not access. The Thai government still withheld documents with the highest level of confidentiality. I believe that the reservation occurred because the Thai government was afraid that the revelation of those documents could lead to discoveries that might jeopardize the Thai relations with neighboring countries. The management of forcibly displaced persons was historically tied closely to the regional politics of Southeast Asia. More insights into the Thai responses to forcibly displaced persons may, therefore, be disclosed in the future.

The first two period of preliminary fieldwork provided me with a strong foundation and confidence for the third phase of fieldwork, which took place between June 2018 and January 2019. This phase of my study began with attendance at the "World Refugee Day Seminar," organized by the community of the NGOs that assist forcibly displaced persons in Thailand. The seminar was enriching, providing me with an excellent opportunity to meet both NGO and government officials who worked on forcibly displaced persons issues in Thailand. I was particularly grateful to Pit, the main organizer of the event, who introduced me to her many colleagues in the NGO world.

In the first week of July, I visited the former site of Khao-I-Dang, which was one of the primary temporary shelters hosting forcibly displaced persons from Cambodia in the 1980s. The area is now developed into a forest with a small rundown learning center that tells a story of the area's past. I met a Khmer orphan who was a descendant of shelter residents and conducted interviews with five individuals who have lived there since the old days. Our dialogue made me aware of different aspects of the shelter, including the daily lives of the people in the shelter, the movement of goods, economic activities within the shelter, and relationships between shelter residents, the local population, Thai officials, voluntary organization officers, IGOs, and other stakeholders.

At the beginning of the third research phase, nonetheless, I spent most of my time going back to the archives of the Ministry of Foreign Affairs. Documents that I had not read in detail induced me to spend another three weeks before extending archival research to the Political Science Library of Chulalongkorn University and the Library of the National Defense College, where I spent most of my time in July and August 2018. At the first library, I accessed *Siam Chotmaihet*, a periodical which has recorded daily news in Thailand since 1976. I read documents regarding official meetings between Thai government officers and foreign envoys and Thai government pronouncements. Fascinatingly, the periodical also recorded cabinet resolutions, which allowed me to understand what different administrations in Thailand had approved or discussed regarding the management of forcibly displaced persons. At Chulalongkorn, I gained access to 41 theses related to forcibly displaced persons published in Thai, which covered topics ranging from historical policy and practices to health concerns.

At the National Defense College library I read the theses of high-ranking officials who attended the National Defense Certificate Program. The program focuses on national security,

defense training, and crafting strategic national development policy. To be eligible for the program, the officials must at least be lower level executive for civil servants (PC9 or above) or a senior colonel in the military or police. Accordingly, individuals who study there have always been officials who affect policy in Thailand. Their dissertations often reflect the issues of greatest concern when they attended the program.

In mid-August, I completed my archival research and contacted individuals whose names came up in documents and those whom previous informants I interviewed recommended. I easily made appointments with NGOs or low-ranking officials in the Thai government. They were cooperative, the interviews went well, and most were willing to share their insights. One interview, for example, went on for four hours. Some local NGOs also invited me dine with them to get to know me better.

I struggled, however, when it came to the arrange meetings with high-ranking officials. Their schedules were usually tight. A meeting with one director-level official in the Ministry of Interior, for example, was postponed two times. I was only able to secure the appointment when I requested his contact from the secretary and made a call by myself. I was never sure if the problem was due to communications between secretary and boss or because my informant had a busy schedule.

Nonetheless, after I locked in interview dates and times, everything seemed to go smoothly. I spent one to two hours interviewing, and most high-ranking officials were willing to share their thoughts. One interview with a senior officer in the National Security Council in December lasted but 40 minutes. It turned out, however, to be one of my richest and most detailed interviews. He cleared up several questions that I still had towards the end of the third phase of my investigation.

The real challenge for the official interviews seemed to be with officers from inter-government organizations. I found it difficult to gain access to them, and during interviews, officers often had an agenda about what they wanted to tell me. For one organization, per their protocols, I was not allowed to record interviews, and I was told to ask for their approval first if I wanted to quote them in my study. These problems seem to be common among scholars who study global elites (Conti and O'Neil 2007). My concern about access, however, was mediated on a dance floor in a bar in Bangkok. I accidentally ran into an officer from inter-government organization B, who knew someone in inter-government organization A whom I wanted to meet. He not only put me in touch with his colleague but also helped arrange an interview.

Throughout the first interview with the officer from the IGO A, she focused on the agenda that she already prepared. She tried to avoid some of my questions. My strategy for engagement, therefore, was to let her continue, and I asked straightforward and specific questions whenever I could. For example, at one point, I wanted to understand the role of her organization in providing alternatives to child detention. I specifically mentioned what I already knew about her organization from other informants. After hearing what I knew, she started to clarify the points that I had brought up. Using this technique, I was able to get her to talk about issues that she had not prepared in her script.

The same kind of encounter occurred when I met one of her colleagues. He tried to avoid answering some questions and focused more on what he had prepared. That I had a chance to get acquainted with him a day before our official meeting helped me learn how to interpret his expression. The latter person, for example, used a gesture and a phrase such as "you know what I mean" to hint at the relationship between his organization and the Thai government. My second engagement with the global elites made me realize that sometimes it is not that these people are

unwilling to share data or insights with researchers. On the contrary, they are also constrained by their job assignment, politics within their organization, and organizational protocols.

During the third phase of my fieldwork, I also regularly spent time with urban forcibly displaced persons. I continued this same practice in the fourth and fifth phase of my study. I focused on revisiting the community of urban forcibly displaced persons. All communities and individuals were welcoming and eager to talk to me. The degree of my engagement with various groups of urban forcibly displaced persons, however, depended on their openness and availability.

Among the five groups of urban forcibly displaced persons I cover in this dissertation, I have developed the closest relationship with the Hmong because I had become a good friend with one of the community members who was willing to introduce me to everyone else in the community. Whenever I visited his family, his parents always invited me to stay for lunch or dinner. Welcomed to join activities in the community ranging from church services to the other celebrations, I observed everyday community interactions.

My engagement with urban forcibly displaced persons in Thailand made me realize that it takes time and effort to build trust. Since these people are in hiding, fearing arrest for lacking valid immigration documents, they are cautious meeting a complete stranger. By chatting on social media and visiting their home or community regularly, however, I was able to develop a closer relationship with them. The more I engaged, the better insight I had about how Thai institutional frameworks and practices shape the lived experiences of the forcibly displaced. Because trust-building and being present were important, I decided to travel back to Thailand again in March 2019 and between May and June 2019 to reinforce my relationship with different communities while starting to write the present work.

Nonetheless, I encountered four main challenges engaging with urban forcibly displaced persons. The first one was a language barrier. Some urban forcibly displaced persons in some communities could neither speak Thai nor English. Because I could not speak their language, I had to use an interpreter to help facilitate these interviews. Fortunately, that occurred only three times. Two of them were with Hmong individuals, and another one was with a Palestinian.

The second challenge I experienced was the power relations between urban forcibly displaced persons and me. I was asked many times by displaced persons how exactly I could help them on some specific issue. Before every engagement, therefore, I would inform my informants clearly that I was doing a study for a dissertation and that I would not be able to intervene in their lives. Somehow, I would try to write their story as clearly as I could so that my audiences would be able to know about the various challenges that they faced while living in Thailand. Only if they gave consent and understood my position as a researcher did I proceed with the study.

The third challenge were the emotional and psychological effects. During several engagements with urban forcibly displaced persons, I became emotional. I was particularly disheartened by the stories of the killings and loss of their loved ones. Whenever I heard these painful accounts, I would take time after the meeting to see friends or colleagues in Thailand to free my mind from the emotional effects. There were a few times, however, that I dreamed as if I was in the situation myself.

Finally, despite my ability to gain access to several groups of urban forcibly displaced persons, there were other groups with whom I have not yet been able to get in touch, such as the Iraqi and the Afghan communities. Based on data from UNHCR, there are around 200 people for each of these two groups in Thailand (United Nations 2019). There are also groups whom I have

already contacted, but I have not had sufficient data for triangulation, such as displaced

Cambodians and the Sri Lankans. The stories of these people, therefore, are not present in this

dissertation and pose a limit to my conclusion.

CHAPTER 2

Literature Review

Over the past several decades, Thailand has become a transit country for urban forcibly

displaced persons from several parts of the world although it neither adopted the 1951

Convention Relating to the Status of Refugees nor its 1967 Protocol. What factors shape this

outcome? How in the context of international institutions should we understand the Thai

response to urban forcibly displaced persons? To explore these questions, I ask broadly: what is

the nature of the post-colonial state in the context of international institutions? How do

international norms influence the response of the state? How does the state generally address and

manage forcibly displaced persons? How do state reactions shape the lived experiences of the

forcibly displaced?

The Post-Colonial State in the Context of International Institutions

To understand the responses of the state to forcibly displaced persons, scholars must first

explore the nature of the state and the relationship between the state and international institutions

(Aleinikoff 1992; Mann 1993; Ruggie 1998; McMichael 2008). The post-colonial state generally

refers to new nation-states that emerge out of the process of decolonization. While Thailand has

never been colonized by Western powers and has never gone through a decolonization process,

many Thai studies scholars argue that this Southeast Asian country is subject to the same post-

colonial dynamics as former colonies (Anderson 1983; Winichakul 1994). Thailand actively

engaged with imperial powers and became integrated into the world economy and international

institutions (Chulasiriwong 1993; Phongpaichit and Baker 2014). Imperialism affected Thailand

in many ways, including the way it demarcated its territory with Thai borders primarily

determined by imperial powers, including the British and the French Empire (Winichakul 1994).

Thus, approaching Thailand through a post-colonial state lens can provide insights into how policies and practices of the Thai state emerged and developed.

For the post-colonial state, the nation-state forms and develops "within the international framework, normative, legal, financial relationships [that] integrate states into universal political and economic practices" (McMichael 2008: 55). Those institutional frameworks, such as the Bretton Woods and the United Nations System, play a critical role in shaping characteristics of post-colonial states (Ruggie 1982, 1998). They force them to exercise power over a limited territory through the demarcation of borders and to perform certain functions and adopt certain norms in the same way. For example, most countries are encouraged to set up their bureaucracy and government and adopt a constitution. Aleinikoff (1992), however, reminds us that although international institutions shape the post-colonial states, those states also play a significant role in creating and shaping international institutions. For this reason, the outcome from the interactions within international institutions may remain state-centered.

In addition to international institutions that shape the characteristics of post-colonial states, there are also the domestic dynamics that shape their behavior. Most countries need to create social solidarity and collective identity to claim their distinctiveness. This process requires each state to claim a certain degree of autonomy and rights in the international community (Breuilly 1994; Mayall 1990). By developing their national uniqueness, post-colonial states also cultivate national pride and interests, which later become a significant part of their character. These national identities may come in the form of states deciding to champion sovereignty and refusing to comply with international laws that may constrain sovereign power. This nature of post-colonial states reinforces state-centered international institutions. It allows them to avoid

committing to international frameworks or agreements to champion national interests and sovereignty.

There are three major useful approaches for the understanding of the post-colonial states in the context of international institutions: realism, Foucauldianism, and the "cock-up and foul-up" approach. Realists in international relations were the first significant group of scholars debating the state in global affairs. They treat the state in a more outward-looking form and focus on its relations with other states (Morgenthau 1948; Waltz 1959, 1979). Realist scholars put less emphasis on the internal structure of the state. They still emphasize, however, the role of political elites in foreign policy decision-making (Morgenthau 1948; Rosenau 1961). For them, the question of sovereignty and national interest is of utmost importance. They argue that the state as a unitary power acts in a certain way in the international arena to preserve its national interests and defend sovereignty (Mearsheimer 2001; Waltz 1979).

This approach to the state, nonetheless, faced a significant challenge, especially in the 1990s. The realist theory was unable to explain the growing influence of transnational and domestic power on foreign policy (Keck and Sikkink 1998; Keohane 1986). More important, challengers also argue that this approach to the state fails to capture the way international norms shape state behaviors (Meyer, Boli, Thomas, and Ramirez 1997; Wendt 1999). 6086323791

The Foucauldian approach has become increasingly prominent in studies of the state. Foucauldian scholars argue that most theories of the state focus too heavily on the state as pre-given property, put too much emphasis on sovereign power, and take a top-down approach to state power. The work of Foucault (1979, 2007), the pioneer of this approach, provides a new direction into the study of the state. He highlights the importance of state development as well as a variety of institutions involved in the exercise of state power. Foucault argues that state power

is associated with various individuals, discourses, and institutions. Therefore, state power is not merely concentrated. The critical point in Foucauldian analyses of state power is "governmentality," which can refer to three things: institutional components that facilitate governmental power; the trajectory that such types of power will be more important than sovereignty and discipline; and the process of governmentalization (Foucault 1991).

While Foucault's conceptualization of the state and state power is revolutionary, it also faces criticisms. Kerr (1999), for example, argues that the Foucauldian approach to the state is inherently top-down despite seeming to be bottom-up. This tradition, Kerr contends, emerges out of the externalization of social subjectivity, the state, and the government. It defines government in a knowledge domain of population and liberty. For this reason, Kerr suggests that, instead of rejecting the medieval conception of the state, the Foucauldian approach retains the very same notion of the state through marginalization.

Michael Mann is the forerunner of another approach to the state. He develops a theory of the state by synthesizing different state theories. He labels his paradigm as "cock-up and foul-up." Mann (1993: 55) defines the state as, "a differentiated set of institutions and personnel, embodying centrality, in the sense that political relations radiate to and from a center, to cover a territorially demarcated area over which it exercises some degree of authoritative, binding rulemaking, backed up by some organized physical force." By defining the state institutionally, Mann's definition paves the way for the functional development of relations between the state and society. He illustrates the correlation through four functional particularities shared by all states. They include the territorial centralization of the state, which is central to the determination of who is counted as citizen and who is not; the dualities of state, which allow the state to become a place, a person, a center, and a territory; the differentiation of state institutions, which

makes the state subject to different functions for different interest groups located within its boundaries; and the political relations between states through a delimited territory known as *geopolitics*. Through these specialized functions, Mann maintains that the state is "polymorphous," meaning that it is created through competing forms and does not always have a particular structure in its character. Other forces within society potentially challenge the state. This way of conceptualizing the state creates a linkage between state and society and provides means for the understanding of how social forces shape the state.

I mainly adopt Mann's approach to the Thai state. His approach, unlike realism and Foucauldianism, considers both internal and external state dynamics in its analysis. I recognize, however, that there are limitations to Mann's approach. Although Mann (1993) acknowledges that the state is composed of organs that fulfill differentiated functions, he suggests that the state can maintain its unity through the exercise of centralized authoritative power.

The state is far from unified. Different bureaucratic units within the state compete to sway the state as a whole to act in a specific direction depending on the varying degree of influence they have at different moments. Thus, the competition between bureaucratic agencies to achieve their organizational goals can lead the state to be contentious.

While forces outside the state are important, dynamics within smaller units within the state shape the state character as well. Bureaucratic politics, therefore, become important. According to Allison (1971), contention occurs because bureaucratic units or social forces may be more privileged than others in shaping the direction of the state in some issues where they are seen to have a higher stake. Therefore, in addition to Mann's conceptualization of the state, this dissertation investigates politics between and within bureaucratic agencies and interactions between bureaucratic units and international institutions.

In their attempt to fulfill mandates and obligations, bureaucratic agencies engage in battles with others to increase their influence. They aim at having their discursive views and recommendations guide state policies and practices. At different moments, the degree of influence of each agency affects state policies and practices differently. The state, therefore, can pursue different paths at different times. Such a direction also depends on external social forces, especially international institutions. Therefore, I do not present the state as a coherent form. On the contrary, I show how contentious the state has been—especially the competition among bureaucratic agencies. Such a perspective allows us to better understand the dynamics and complexities of the post-colonial state in the context of international institutions.

The Socialization of International Norms and Practices in Domestic Context

My interest in the characteristics and nature of the post-colonial state in the context of international institutions leads me to engage with the literature on international norms and practices. Scholarship on this topic focuses on questions about the effects of norms and norm diffusing mechanisms, which are central to the understanding of how nation-states manage and engage with refugees. What are international norms? How do they diffuse? How do they shape state practices? How has the state adopted different norms?

The investigation of international norms and the socialization of them in the domestic context emerges primarily through the works of constructivists in international relations (Barnett and Duvall 2005; Barnett 2010; Barnett and Finnemore 2004; Finnemore 1993, 1996a, 1996b; Keck and Sikkink 1998; Kratochwil 1989; Risse-Kappen 1994; Schimmelfennig, Engert, and Knobel 2006; Wendt 1999) and world-polity scholars in sociology (Boli and Thomas 1997; Boyle, McMorris, and Gomez 2002; Boyle, Songora, and Foss 2001; Meyer 1980; Meyer et al. 1997). Both groups of scholars debate the supremacy of neorealist theories in international

relations, arguing that the state-centered and material approach of neorealism fails to explain many aspects of foreign affairs. For example, the neorealist cannot explain how the state adopts international norms, the rise and pattern of international cooperation, or globalization. Both constructivists and world-polity scholars, therefore, suggest that a better direction for international relations is considering cultural and social constructivism with a focus on the normative influence of structures on state identity, practices, and interests (Kratochwil 1989; Meyer et al. 1997).

The critical debate among scholars of international norms concerns the origin and diffusion or norms. According to Finnemore and Sikkink (1998: 891), the definition of the norm is less disputed because the study of norms has been central to academic discussions for centuries. The norm is generally "a standard of appropriate behavior for actors with a given identity" (see also, Finnemore 1996a; Klotz 1995). However, Finnemore and Sikkink (1998) observe that scholars of different disciplines tend to talk about norms differently. Sociologists tend to use the language of institutions or cultures when referring to norms, while international relations scholars use the language of norms directly. Confusion about what norms are when one sees them often results.

The use of different languages among scholars of various disciplines also has an impact on how they conceptualize and explain norm diffusion. World polity sociologists tend to highlight the importance of institutional isomorphism, while constructivist international relations scholars highlight what Finnemore and Sikkink (1998) refer to as the norm life cycle. The latter group emphasizes two essential processes, the internationalization and the institutionalization of norms. For the world polity approach, "a polity is a system of creating value through the collective conferral of authority" (Meyer 1980: 111-112). This system consists of a set of rules,

practices, and actors, which are socially constructed. According to world polity theorists,

however, there is no central actor in the polity that defines what is good for the world.

Authoritative power is instead allocated to nation-states. Thus, the power of nation-states is

rooted in world culture and, because of the influence of such culture, states tend to possess

institutional similarities. One example is the way different states adopt similar forms of

governance, educational systems, and environmental codes of conduct (Boli and Thomas 1997;

Meyer et al. 1997).

In contrast to world polity sociologists, constructivist international relations scholars

argue, "norms do not come out of thin air; they are actively built by agents having strong notions

about appropriate or desirable behavior in their community" (Finnemore and Sikkink 1998: 896).

These scholars attribute the rise of norms to norm entrepreneurs. They further argue that once

norms are created or established, they will become socialized, a process through which norm

leaders persuade others to accept and comply with those norms. In the case of nation-states, the

acceptance of norms is often motivated by legitimation, conformity, and esteem (Finnemore and

Sikkink 1998). The acceptance of and the compliance with norms leads to actors' internalization

and ultimately institutionalization of norms, which make norms become the way of engagement

on each particular issue.

Despite the liveliness and powerfulness of the debate on norms and their diffusion, Risse

and Sikkink (1999) suggest that the mechanism through which norms are spread remains

underspecified. They, therefore, propose additional mechanisms by distinguishing three norm

socialization processes: the process of instrumental adaptation and strategic bargaining—i.e.,

adjustment to pressures and the negotiations states carry out about particular issues; the process

of moral consciousness-raising, shaming, argumentation, dialogue, and persuasion—all of which

involve discursive exchanges; and the process of institutionalization and habitualization—how norms become the gold standard of practices in areas of concern. They also develop a five-phase "spiral model" of norm socialization to specify how norm socialization occurs.

Although the work of Risse and Sikkink (1999) provides new insights into the norm socialization process, there are limitations to their explanation. Most important, they tend to characterize the ultimate results of norm socialization in absolute terms—either norm acceptance or rejection. In fact, the outcome is more relative. There are degrees to norm acceptance and rejection. For example, the state may partially accept certain norms with some reservations, or it may reject norms but offer alternatives. Risse and Sikkink (1999) acknowledge such concern in their discussion about norm diffusion, but they do not elaborate. This lack of clarity leaves room for further investigation.

I recognize that in the case of norm adoption and socialization, both processes vary. In most cases, the socialization of norms does not always entail their full acceptance. A state may perceive that norms, which are not beneficial to them, are created to serve the interests of other countries, especially the great powers. Thus, some states neither accept nor comply with such norms and decide to adhere to the principle of sovereignty (Krasner 1999). More important, since most international standards come from leaders of nation-states, who act as norm entrepreneurs, international norms are state-centered in many regards. They provide opportunities for states to manipulate norms either when they are adopted or implemented (Aleinikoff 1992). Thus, even though norms play a role in shaping and socializing the conduct of nation-states, state sovereignty and national interests still play a role in norm socialization. Variations in norm socialization, therefore, emerge. Since the state consists of multiple bureaucratic units, the extent to which each norm is socialized, accepted, and institutionalized depends on those agencies. The

variation in norm socialization is one of the essential questions that need more investigation, so I take this issue as a point of departure.

This dissertation explains variation in norm socialization through an exploration of the bureaucratic maze in the regime governing forcibly displaced persons. I recognize that variations likely emerge from agencies' different degrees of involvement in the socialization of international norms. My investigation provides a new way to study norm diffusion and socialization in the domestic context. It not only focuses on the mechanism through which norms diffuse but accounts for diffusion variation and the way different bureaucratic units negotiate norm acceptance.

On "Refugee"

Forced migration has existed in the world for centuries and is "as old as human history" Castles (2003: 7). According to FitzGerald and Arar (2018), however, the term "refugee" entered the English language in the seventeenth century to depict the flight of the Huguenots from France. It was subsequently used to label many groups of people who fled war and persecution in the early twentieth century from Russia, Armenia, and Germany. This term was eventually institutionalized and recognized in international law after the end of World War II with the ratification of the 1951 Convention.

Although the Convention crystallizes a definition of refugee, FitzGerald and Arar (2018) argue that the debate about who constitutes a refugee continues between realists, who see the term as a legalistic pre-given (Jaszi 1939; Petersen 1958), and constructivists, who see refugee as a social construct. For the realist, refugees have been predetermined by international laws since the ratification of the international refugee convention, and they are, therefore, a distinctive category of migrants. When determining refugees, realists focus on the causal factors that lead to

refugee movement. Are they forced to leave their place of origin? Do they flee because of political or economic reasons? Do they face life-threatening situations or persecution? Adherence to the legal definition of refugee and emphasis on these questions have led some realists to adopt a conflict-driven displacement framework and highlight conflicts and life-threatening situations as the significant causes of migration (Fein 1993; Jonassohn 1993; Lishcher 2014; Schmeidl 1997).

In addition to their attention to specific causes for the movement of refugees, realists also emphasize the uniqueness of "refugee" by highlighting three areas of qualitative distinction (Gibney 2014; Loescher and Milner 2008; Milner 2014). First, refugees often experience a protracted situation, in which, "[they] find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social, and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often unable to break free from enforced reliance on external assistance" (Loescher and Milner 2008: 21; UNHCR 2004). One of the major causes of the protracted situation is the refugee status itself. It often takes a long time for UNHCR and host governments to resolve the status of individuals.

Second, settlements of refugees are peculiar. Many of them are put in "camps" or organized settlements that require support from the host countries, international organizations, and NGOs. These forms of residency render refugees different from many economic migrants. Refugees are provided with assistance as long as they follow the rules. Other groups of migrants often lack housing assistance but are free to choose their residence (Petersen 1958).

Last, the "protracted refugee situation" needs solutions. Refugees, therefore, become subject to direct international management and governance with the involvement of various actors with different interests (Ferris 2003; Loescher 2003). Since refugees are qualitatively

unique, realists argue that this population should have a special place in the international community. International law should be the tool used to specify who they are so that they can be protected.

The way realists conceptualize refugees has raised two major concerns among forced migration and refugee studies scholars: Is the distinction between different forms of migrants useful, and is there a clear boundary between different groups of migrants (Castles 2003; Fiddian-Qasmiyeh et al. 2014; Stepputat and Sorensen 2014; Richmond 1988)? The critics often come to a similar conclusion that the division between groups of migrants is hard to draw. In many cases, involuntary migration may involve a voluntary facet since both are the expression of global inequalities and social crises (Castles 2003). Thus, dichotomies between different forms of migrants and the strict adherence to a legal definition of "refugee" may not be useful in the study of forced migration.

Second, some critics are also worried about the legal definition of refugee in the 1951 Convention. They argue that, despite its expansion in the 1967 Protocol, the definition depends too strongly on European experiences (Holian and Cohen 2012) and focuses too much on populations that have crossed borders into another state, while neglecting people who seek refuge domestically (Betts 2013). For this reason, many scholars call for a re-interpretation and re-definition of refugees to make the term suitable for their changing nature and real experiences.

For constructivists meaning and categorization are fluid, malleable, and can be contested. A refugee can be defined from above as well as from below. "The same person who is a 'refugee' in Kenya could be a 'guest' in Jordan, an 'asylum seeker' in Germany, a 'migrant worker' in the United Arab Emirates (UAE), or an 'irregular arrival' in Canada," FitzGerald and Arar (2018: 85) explain. At the same time, refugees may define themselves differently in

different contexts. For example, they may refer to themselves as a "refugee" only when they confront authorities but during other times call themselves a "person in exile," which connotes a higher status (Ludwig 2016).

The process of labeling and categorization is central to the constructivist approach to forced migration and refugee studies. Most scholars tend to define both processes through the lens of the state. Stepputat and Sorensen (2014: 89) argue, "labeling is a particular forceful attribute of bureaucracies and an important means of state performance." According to Marfleet (2007), when labeling is applied to "refugees," it tends to serve the interests and policy of the states rather than "refugees." The state can closely monitor these people and manage them in a certain way with the status. In additions, Wood (1985) demonstrates that labeling is also an essential tool for the state to de-link refugees from their story and re-link them to new institutional settings that manage them. Refugees, according to international laws may not end up being refugees simply because the state does not label them as such. This problem leads some refugees to avoid the consequences of the "refugee" category by referring to themselves in other ways (Turton 1996).

Since many scholars increasingly agree that the term "refugee" is a social construct, some of them recommend that the term should be redefined to make it more useful and inclusive (Betts 2010, 2013; Crisp 2008). Betts (2013: 4-5) suggests that academics should reconsider the definition of a refugee, arguing for the more overarching, *survival migrant*, defined as, "a person outside their country of origin because of an existential threat to which they have no access to a domestic remedy or resolution." With this term, Betts explains that the refugee concept can be conceptualized not only in terms of the causes of movement but also the entire threshold of rights to which they are entitled. Although this concept potentially opens a new horizon for forced

migration and refugee studies research, it is still an academic concept with no institutional framework. At the same time, states are resisting the expansion of the definition of a refugee.

Despite significant differences between the two approaches to understanding refugees, I combine both applications in this dissertation. A realist perspective provides an entry point to identify who refugees are and what their identity and characteristics are. The constructivist approach helps expand the horizontal understanding of refugee by highlighting how this term can be reinterpreted or replaced. The state, such as Thailand, can develop a different term to refer to refugee and made individuals' international statuses meaningless.

The Management of Forcibly Displaced Persons

The existing literature in forced migration and refugee studies can be divided along the lines of research emphasis. The first set of literature, which I refer to as institutionalist, focuses on the state, IGOs, and NGOs and how these actors manage and shape livelihoods and the lived experiences of forcibly displaced persons (Crisp 2008; Helton 2003; Mountz 2010). This approach also pays attention to the regime governing forcibly displaced persons. Hence, these works often give significant agency to the state and other organizations, while playing down the agency of refugees (Fiddian-Qasmiyeh et al. 2014). The second set of works, which I refer to as sociopsychological, emphasizes the importance of livelihoods and the lived experiences of refugees (Holzer 2015; Lindley 2010). This second set of literature recognizes refugees as actors and argues for their agency in academic investigations.

Institutionalists put a strong emphasis on institutions, including laws, state mechanisms, and organizations in their studies of forcibly displaced persons. Most of these institutional investigations are policy-relevant, which aim at finding solutions towards forced migration problems. Over the past several decades, institutionalists have focused on the question of

settlement and durable solutions (Bakewell 2014; Jacobson 2001; Landau 2014; Preston 1999) as well as the question of trust and national security (Bourbeau 2017; Daniel and Knudsen 1995; De Genova 2010; Mountz 2010).

Settlement is the first issue that institutionalists discuss. Zetter (2007) suggests that states and international organizations play a significant role in the settlement of forcibly displaced persons. These institutions need to fulfill their role as human rights guarantors and the host who must manage the incoming aliens. Jacobson (2001) classifies three types of settlements of forcibly displaced persons—camp, organized settlement, and self-settlement—based on several criteria, such as the legal status, governance, and solutions. Among different forms of settlement, the refugee camp is the primary area of inquiry.

The refugee camp refers to "a designated area set aside for the exclusive use of refugees unless they have gained specific permission to live elsewhere" (Bakewell 2014). While this definition of the camp is widely accepted, scholars suggest that camp could be also be conceptualized in other ways (Agier 2011; Turner 2015). Based on Agier's writings, Turner (2015) suggests that camp could be defined in at least three ways. First, the camp is extraterritorial. It is often left unmarked on maps and located in secluded areas. Second, the camp is an exception. It is usually bound to legal instruments, which are not regularly used in other areas. Last, the camp is a place of social marginalization. It is where residents are treated improperly. They are forced to depend on host countries and other organizations since economic activities are often prohibited in camps. While scholars have investigated the refugee camp for several decades, they have renewed their interest in recent years. The June 2016 issue of the *Journal of Refugee Studies,* for example, was exclusively devoted to a better understanding of refugee camps and their management.

Institutionalists have looked into refugee camps temporally and spatially. They focus on how states, international organizations, and NGOs engage with forcibly displaced persons in such spaces. In his broad studies of the role of UNHCR in managing forcibly displaced persons, Loescher (2001, 2014) demonstrates that UNHCR plays a vital role in camp settlement since host states often defer responsibility to it. It plays a role in identifying, registering, and providing welfare services to refugee. Their missions, however, are constrained by donors and by the state. In some instances, host states threaten to close the camps, and UNHCR has to re-negotiate terms of agreement. States thus still play a vital role in camp settlement because they are the actors that grant permission for forcibly displaced persons to seek refuge in their territory.

Once refugees are settled in camp, the state also subjects them to its rules and orders. In most cases, the state often agrees to have camps set up in isolated locations (Bakewell 2014). It also tries its best to provide minimal support to assist camp residents. The states prefer camps because they want to make sure that refugees will not be integrated into their societies, which may potentially lead to conflict with local citizens. Most important, having forcibly displaced persons in camps signifies to the international community that states will only take temporary responsibility for caring for refugees. They will repatriate this group once the conflict or fear is over. By setting up camps, states can distribute caretaking responsibilities to other related actors, especially UNHCR and NGOs.

Due to a lack of financial support and human resources, however, actors other than states are arguably unable to care for refugee camps effectively. As a result, conditions of camps and their residents worsen. In addition to concerns about camp conditions, Meissner (1993) also points to the potential that refugee camps will turn from a temporary accommodation into a long-term settlement. This outcome requires UNHCR to engage in long-term care, a reality nowadays

in refugee camps in Ghana, Kenya, Palestine, and Thailand where refugees have been living for decades (Fielden 2008; Milner 2014; Rawlence 2016).

Self-settlement is a second major area of research for many institutionalists. This form of settlement is often discussed through the experiences of urban forcibly displaced persons, defined as those people who live in urban settings (Landau 2014). The UNHCR issued the 1997 Urban Refugee Policy to extend its protection to cover them (UNHCR 1997). The document has led to a growing interest and proliferation of publications on urban forcibly displaced persons (Crisp 2017; Koizumi and Hoffstaedter 2015; Landau 2006).

Institutionalists focus on how to extend protection to urban refugees. Koizumi and Hoffstaedter (2015) co-edited a comprehensive volume in which they focus on protection, services, and policy in Africa and Asia. In a chapter on urban refugees in Nairobi, Campbell (2015) found the government of Kenya has provided urban refugees with access to basic welfare through community-based outreach as if they were Kenyans. Hence, they did not struggle as much as scholars might have anticipated. To sustain this sort of protection, however, Campbell argues that continuing support and collaboration between host countries, UNHCR, and NGOs are needed. Nowadays, even the Kenyan government has threatened to cut support for forcibly displaced persons.

Campbell's suggestion is supplemented by the UNHCR-funded report in which Morand et al. (2012) assess the implementation of UNHCR's policy addressing refugees. The report argues for multi-level, systemic, and holistic refugee assistance between various actors. It suggests community-based outreach and development and the establishment of linkages between material support and livelihood development to provide support for urban refugees.

In addition to questions about settlement, a "durable solution" is another area of institutionalist research. Scholars who are affiliated with UNHCR are perhaps the pioneer thinkers in this regard. Based on the 1951 Convention, it had chosen three durable solutions: "voluntary repatriation (return to the country of origin), local integration (permanent residency or naturalization in the first country of asylum), and resettlement (ordered migration to a third country)" (Long 2014). While many organizations and states have vigorously supported these three solutions, scholars of the institutionalist tradition question their effectiveness.

Institutionalists search for new solutions. Their point of departure is often the failures of the original three durable solutions. They pay closer attention to how the state can support forcibly displaced persons. Preston (1995) finds that the current three solutions have failed except for the period between 1947 and the 1970s when repatriation was close to becoming a durable solution. Repatriation, however, seems to be the ideal solution for the state. The state usually links refugee-related matters to national security and therefore sees this solution as a way to avoid humanitarian commitments. Thus, the sooner refugees are voluntarily repatriated, the better the host state will feel. This solution does not work well when a large number of people do not feel safe enough to voluntarily return to their place of origin. At the same time, second-generation refugees may not think of their parents' home as their own home (Hammond 2004). Many of them feel estranged once moving back to their parents' place of origin.

Furthermore, repatriation, in many cases, turns out to be forced return. Many refugees are compelled to do so by the host government out of their fear of the consequences of not repatriating (Whitaker 2002). Thus, many states violate the principle of non-refoulment, which forbids a host country from returning those who come to seek refuge from their country of origin in which there remain dangers and fear.

Local integration is the second solution that a large number of scholars have described as a "forgotten solution" (Jacobson, 2001). Fielden (2008) argues, however, that this solution is not forgotten but rather is rejected by the state or is not well documented. Bakewell (2005) contends that the lack of information may reflect the global trend of refugees in which most pursue self-settlement and integrate locally in the host country, especially in urban areas. Many refugees prefer to be in urban settings instead of in camps because they recognize that urban spaces can provide them with opportunities to access employment and life-sustaining resources. At the same time, they will not be restricted in terms of mobility. This solution, however, has been criticized because local integration requires refugee self-reliance, but, in most cases, refugees cannot afford to live on their own, especially when they lack access to job opportunities (Hovil 2013). More important, conflicts between refugees and the native population are a concern.

Resettlement is the last active solution to forced displacement situations. It often involves the relocation of refugees into a third country, especially in the global north (Robinson 1998). Having been resettled, refugees will have a new permanent status often as a citizen of the state to which they move. The problem in recent decades, however, is that only one percent of refugees have resettled in third countries. Many are still living in camps or stuck in a second country (Aleinikoff 2016; Long 2014). For this reason, refugee scholars suggest that the real challenge is not about where to resettle refugees in third countries but how to manage them in second countries (Betts and Collier 2017).

Based on problems related to the three durable solutions, institutionalists have suggested that perhaps sustainable solutions may be in mobility and migration itself. Long (2014) indicates that granting "regional citizenship" to refugees may allow them to move to a place where they

could be comforted best. Durable solutions, however, have been constrained by a lack of political will among the states.

In their recent book entitled *Refuge*, Betts and Collier (2017) recap and assess the current state of the global refugee policies, especially the three durable solutions. For them, the three durable solutions have turned into a regime of long-term encampment, urban destitution, and perilous journey. They thus suggest new thinking about refugee policies, in which refuge should be considered not only as a humanitarian issue but also a development issue. Refugees are entitled to basic needs and autonomy through education and jobs. Their main focus in the book is how to keep refugees in second countries, located mostly in the global south, through local integration. They claim that providing refugees free land for cultivation, as has occurred in Uganda, could yield a trickle-down effect to all parties involved in refugee management. Companies from the global north could invest in special global south economic zones where refugees can be employed, creating a win-win solution.

Scholars, however, have questioned the political will of host countries to comply with the new proposal and the sustainability of the solution. It is essential to recognize that there is no one-size-fits-all solution, especially when it comes to refugee matters. Therefore, even though one practice is working in one place, like Uganda, it may not work in other areas. At the same time, their solutions to refugee problems will likely yield disproportionate benefits to countries in the global north. Those countries may take no responsibility in refugee situations at all because refugees will probably be kept in the global south. What incentives would attract companies in the global north to invest in the global south? Questions about durable solutions remain.

Apart from practical questions related to settlement and durable solutions, institutionalists also raise concerns about the relationship between state and refugees in terms of trust and

national security. Whether refugees are fleeing to a camp or self-settlement, host states often worry whether refugees will become "troublemakers" in their sovereign territory. In many countries, prevailing thought is that refugees, like other groups of migrants, take away opportunities and jobs from residents (Daniel and Knudsen 1995). This mistrust leads to systematic surveillance of refugees (Turner 1995) and becomes the rationale behind the tightening control of migration known as the *securitization of migration* (Bourbeau 2017). This process refers to the moment "whenever a critical number of political elites—especially, but not exclusively extreme right political actors—within the receiving countries attempt to exploit the general public's unease with immigration by rhetorically framing migrants as a threat to its economic, cultural and/or physical [existence]" (Messina 2017: 27).

Through the securitization process, the state increasingly becomes skeptical of immigrants, especially refugees, who put their feet on its territory. As a result, it exacerbates mistrust between state and refugees as well as between locals and refugees. In Germany, the influx of refugees in the 1990s turned the situation into a so-called "foreigner problem." Refugees were regarded by the Germans as foreign, much like other groups of immigrants, since they would like to be settled in Germany (Peck 1995). This perception eventually obstructed many refugees from fully integrating into various aspects of German communities. This problem persists and has become a vital issue in almost every German election in the past two decades.

The mistrust and the securitization of migration have also led scholars to explore the other two essential practices of the state, namely offshore detention and deportation (De Genova 2010; Mountz 2010). In the case of Canada, a country often celebrated for championing refugee assistance, Mountz (2010) argues that the state capitalizes on high-profile smuggling events to tighten immigration control. Canada's practices include detention of refugees and migrants in

faraway areas with limited access to public and human rights defenders. This secret detention eventually makes refugee problems invisible in public discourse, allowing the state to manipulate immigration effectively. In recent years, however, there have been new developments in the way in which refugees are treated in Canada as Prime Minister Justin Trudeau aims to take in a more significant number of refugees. For Australia and Italy, offshore detention is their crucial practice. Refugees who travel by boats are turned away and put onto other islands or nearby countries where they live as if they are prisoners (Andrijasevic 2006; Gleeson 2016). Italy even patrols the border in Libya to prevent the arrival of refugees in its territories. These different practices have over the years turned the refugee and asylum regime into a detention and deportation regime with a high level of surveillance and mistrust.

In addition to the refugee literature in English, publications on forcibly displaced persons in the Thai language are also within the institutionalist tradition (Kridsada 2010; Phannee 1988; Supang 2011). Most studies focus on descriptive explanations of what the Thai state has done to assist forcibly displaced persons. Supang (2011), a prominent Thai sociologist, discusses Thai policies towards forcibly displaced Hmong from Laos in former temporary shelters, describing how this population fits the universal definition of refugees and obtains substantive support from varieties of organizations, including UNHCR, the Red Cross, and the Thai state. Since 1975, she argues that the National Security Council has played a significant role in initiating policies governing the Hmong in collaboration with the Ministry of Interior and the Office of the Royal Thai Armed Forces Headquarters.

One of the most important strategies pursued by the Thai state has been *humane deterrence*. This approach focuses on the closure of the border to the newcomers, removing any incentives that would allow migrants to come to Thailand (Chantavanich and Rabe 1990).

However, through negotiation with several countries in the global north, especially the US, as well as with UNHCR, Thailand has let some refugees temporarily stay in camps, waiting for their voluntary repatriation and resettlement in a third country. In the case of Hmong from Laos, Supang (2011) concludes that many eventually decided to go back to Laos and that the treatment of the Thai state has always been sufficient and humane, which is arguable from the perspective of the Hmong returnees.

Other Thai institutionalists make a similar argument. They mainly focus on policies and practices towards historically forcibly displaced persons in shelters and often defend the Thai state. They usually argue that the state has done its best to assist forcibly displaced persons (Kridsada 2010; Phannee 1988). However, legal scholars have pointed out shortcomings of the regime governing forcibly displaced persons in Thailand, especially regarding urban forcibly displaced persons. Pachernwit (2014), who studies the status and rights of urban forcibly displaced persons in Thailand, notes that this group of the population has struggled legally with its status and rights not fully recognized. The Thai state has set up legal mechanisms that limit access to welfare services, employment, and mobility. As a result, refugee status and accorded rights are constrained. They only benefit from those services, reserved exclusively for ethnic minorities from Burma, if they are in temporary shelters.

While there is a significant volume of literature on policies and practices governing forcibly displaced persons, especially with a focus on the state, most research that I have reviewed merely highlights practical implications and solutions to the problems. It neglects how the regime governing forcibly displaced persons in a particular country emerges, functions, and sustains. At the same time, these studies often take some underlying assumptions regarding state policies and practices for granted. How is it that forcibly displaced persons are allowed to stay in

specific countries, especially in those countries that do not fully recognize the status of refugees? This dissertation aims to address this question.

The Lived Experiences of Forcibly Displaced Persons

Apart from institutionalists whose studies focus on policies and practices governing forcibly displaced persons, another group of scholars has employed a sociopsychological approach to studying forcibly displaced persons. These scholars emphasize the lived experiences and livelihoods of people who have sought refuge in different settings ranging from camp settlements to urban spaces. This research tradition rises against the backdrop of the institutionalists. Malkki (1995) suggests that the study of refugees by institutionalists has reduced the refugee issue to the form of "the international order of things," in which refugee is treated as a "universal and dehistoricized category of humanity." Such an investigation ignores differences between refugees and turns refugees into a universal problem requiring universal solutions. For this reason, Malkki, together with other sociopsychologists, has called for emphasizing refugees themselves.

There are two sub-groups of sociopsychologists. The first group examines the impact of policies and practices on the lived experiences of forcibly displaced persons (Berner et al. 2010; Pittaway 2015; Pittaway and Bartolomei 2005). The second group investigates how these people construct their livelihoods in the refuge (Holzer 2015; Palmgren 2013). Of these two groups, the latter tends to give more agency to forcibly displaced persons while the former makes a refugee's agency contingent upon state policies and practices. Harrell-Bond (1986) observes, however, that refugees becomes passive actors contingent upon institutional policies and practices of states or even NGOs and IGOs, not because they have no agency but because they are made passive by

those institutions. For this reason, it is impossible to study refugees in isolation from the institutional actors and factors influencing them.

Sociopsychologists mostly work on topics related to living conditions and livelihood negotiation. Psychologists and public health scholars are the leading groups of people who investigate the living conditions of refugees. They pay close attention to the psychological and health impacts on children, women, and elderly, in particular (Eisenbruch 1988; Macksoud 1992; Rousseau 1995). Sociopsychologists highlight trauma and resilience. Some of them have developed tools to diagnose the extent to which refugees are affected by exile and how they may sustain themselves in times of crisis (Daud, Klinteberg, and Rydelius 2008; Macksoud 1992). For public health scholars and health practitioners, their focus has been on refugees' access to health services. They often find that refugees in the developing and the developed world struggle in the same way (Berner et al. 2010; Miedema, Hamilton, and Easley 2008; Spitzer 2011). For example, their access to healthcare is often limited, and there are overwhelming needs for health assistance, especially for mental health.

Regarding living conditions and livelihood negotiations, there is a distinction between scholars who investigate conditions of forcibly displaced persons in camps and those who explore urban settings. The first group of scholars focuses on camp conditions and the impact they have on refugees' lived experiences. The camp situation is often long-lasting (Adelman 2008; Loescher et al. 2008) and conditions are usually not conducive for living. Refugees, therefore, must struggle for jobs, food, and childcare (Rawlence 2016). Studies have demonstrated, however, that refugees were able to mobilize and organize political movements as if they were citizens of the host country (Holzer 2015; Lecadet 2016). Holzer (2015) examines the mundane lives and political engagement of Liberian refugees in the Buduburam refugee

camp in Ghana, to understand how and with what consequences people engage with regular politics in irregular circumstances. She arrives at a theory of humanitarian crisis as everyday life, explaining that refugees still engage in political, economic, and social activities even if they are in a refuge. In her case study, refugees, especially women, have formed a social movement that organizes sit-ins and protests against UNHCR. They have called for more emphasis on human rights and refugee protection.

Nonetheless, their grievances were not well received by camp administrators. In response, women refugees experienced violent repression. Holzer (2015) argues that the Ghanaian government and UNHCR did not see the political movements in the camp as mundane activities, but rather perceived such events as a threat, and took severe actions against refugees. Similar observations are found in the case of Sudanese refugees who reside in a camp in Cairo. Azzam (2006) demonstrates that when they called for better treatment from the host country and the UNHCR, they faced violent repression, which resulted in 28 deaths in 2005.

The two studies presented here illustrate a common theme regarding living conditions in refugee camps: while refugees live mundane lives as if they were in their own country, they have not been appropriately treated by the regime governing them. They lack access to resources, basic needs, and suffer from violations of their rights and dignity. At the same time, while they often attempt to voice their demands, the outcome they face is often violent repression from authorities. This should not be surprising, however, since refugees are not citizens. The host state usually does not allow them voice or rights.

Urban refugees face similar livelihood challenges. Most studies report that urban refugees often lack access to the UNHCR asylum-seeking process and have inadequate housing and accommodations (Hopkins 2015; Pittaway, 2015). This group is often afraid of applying to

officials for status determination. They fear surveillance by the host state. Usually, the lack of protection and accommodation occurs in countries where refugee status is not formally recognized, such as India, Thailand, or Malaysia. In her study of Burmese refugees in India, Bartolomei (2015) demonstrates that they face challenges of poverty and a lack of security. Even when they get jobs, those jobs are often low paid and considered undesirable by local citizens. Women also face constant sexual harassment in the workplace and by authorities. Despite poor conditions, academics point out that social capital plays a vital role in the survival of urban refugees. In the study of Khmer Krom, Rohingya, and Vietnamese forcibly displaced persons in Thailand, Palmgren (2013) argues that they can survive through an informal network of friends. This network allows them to navigate cities, get jobs, and access some basic needs, and it protects them from immigration officers. Palmgren does not make it clear whether the people whom he investigated are "refugees" or "economic migrants." As he mentions, some people, such as Khmer Krom, who have been deported to Vietnam, keep returning to Thailand. Thus, some of these people are likely not refugees but seasonal migrants.

Thai scholars have also used the sociopsychological tradition to study forcibly displaced persons (e.g., Khanchai 2003; Santikul 2007). Many highlight the challenges and hardships refugees face while living in Thailand, especially in terms of access to health services. Yawan (2008) explains that in the case of the Ban Mai Nai Soi Temporary Shelter, the forcibly displaced are often affected by upper respiratory tract infections, skin diseases, and diarrhea. These problems, according to him, are due not only to camp conditions but also the lack of coordination between area healthcare officials. In addition, a lack of financial support and resources necessary for assisting camp refugees contributes to poor health.

Despite efforts by Thai scholars to understand the lived experiences of forcibly displaced persons in Thailand, there is only one publication in the Thai language that focuses on people who seek refuge in urban space. There are two possible reasons behind this. First, urban forcibly displaced persons remain a newly conceptualized category that is more widely used among Western development practitioners and scholars. Second, since urban forcibly displaced persons in Thailand often do not identify themselves as refugees and are not labeled as such by the state, it is difficult for scholars to identify and locate them.

In recent years, however, there have been a few studies in English exploring urban forcibly displaced persons in the Thai context. The studies can serve as a basis for further discussion (Palmgren 2013; Pittaway 2015; Winter-Villaluz 2015). Pittaway (2015), for example, investigates the impact of Thai state policies on the living conditions of urban forcibly displaced persons from Burma in Mae Sot, Tak Province. She found that the Thai state does not treat these people appropriately since their status is only implicitly recognized, and they struggle to access welfare services. In the case of urban forcibly displaced persons from Burma, however, the distinction between their status as refugees and migrants is blurry. Some economic migrants claim refugee status, while some urban forcibly displaced persons, especially from Burma used to live in temporary shelters but managed to leave them, seeking employment in the city. Thus, the complexity and the shift in labels must be taken into consideration when investigating urban forcibly displaced persons from Burma in Thailand, which Pittaway (2015) does not do effectively.

While the sociopsychological approach has contributed enormously to our understanding of the lived experiences of forcibly displaced persons from Burma and has provided a way to give more agency to the people under investigation, it comes with limitations. Most research

assumes that forcibly displaced persons who are living in a particular country or even in the same camp share similar experiences or face identical living conditions. This assumption is correct only to the extent that they face common challenges from the governing regime.

If one takes a careful look at different groups of forcibly displaced persons, however, it becomes clear that their actual experiences and living conditions can vary drastically. Forcibly displaced groups possess various capacities and different social, economic, and political capital, for negotiating their livelihoods. For this reason, even though forcibly displaced persons may reside in a similar country and are subject to the same institutional constraints, their lived experiences vary. While this point may be obvious, it is not often taken seriously.

Finally, through the exploration of forced migration and refugee studies scholarship, I recognize that most scholars also fail to differentiate the dynamics in transit and third countries. Different types of receiving countries possess different sociopolitical dynamics. Each state acts according to how they interpret the presence of forcibly displaced persons and vice versa. Thus, distinguishing between transit and receiving countries allows us to explore variations in how receiving states manage forcibly displaced persons and the way those responses shape livelihoods and the lived experiences of different of forcibly displaced groups.

CHAPTER 3

The Historical Development of Responses to Forcibly Displaced Persons

Introduction

After the end of World War II, the global community witnessed new forms of political tension. As internal armed struggles and ethnic conflicts continued, various political consequences ranging from famine to genocide unfolded. Sovereignty continued to be a critical organizing principle that most nation states adhered to despite joining international regimes under the United Nations. Decolonization, thus, did not immediately bring peace and stability to newly independent nations (Blanton, Mason, and Athow 2001; Bosma 2019; Kingsbury 2011).

To preserve sovereignty and protect territorial integrity, many nations imposed more restrictions on previously porous borders. The international movement regime was established and quickly became an institution of control and surveillance. Valid documentation (e.g., passports and visas) became an essential requirement for international travelers. Not everybody possessed such credentials, however, since many people—especially those who opposed newly established regimes—were rendered stateless; they only belonged to a specific territory geographically but not politically. Many others also found themselves becoming victims of persecution by their government. Fleeing to adjacent nations was often the only means for survival.

The urgent need for the international community to seek ways to assist people who fled from countries of origin to seek asylum in another country paved the way for the creation of UNHCR in 1950. The original mandate of the organization was to ensure the protection and rights of those people, particularly in Europe, who qualified as refugees based on the definition in Article 1 of the 1951 Convention Relating to the Status of the Refugees. As new tensions

exploded elsewhere in the world, however, the international community agreed to amend the 1951 Convention in the 1967 Protocol to expand UNHCR's mandate worldwide.

The introduction of the 1951 Convention and the 1967 Protocol gave the commonly-used term *refugee*, which referred to people who flee from one country to another for asylum, significant legal meaning. A "refugee" has since become an international legal status. While several states have refused to recognize this terminology and rejected the Convention and its Protocol altogether, most states have embraced the norms, principles, and terms contained in those documents, turning the 1951 Convention and its 1967 Protocol into customary international laws, which arguably applies to signatories and non-signatories alike (Fieman 1989; Greig 1983; Hailbronner 1988).

As the world plunged more deeply into the Cold War after 1947, global security tensions further complicated worldwide forced migration situations. Through both "speech acts" and the incorporation of forcibly displaced persons into a governing regime emphasizing policing and national security, many governments conceived of groups of forcibly displaced persons, especially those who came from a different political bloc, as a security threat and spies who would jeopardize their national security (Huysmans 2006). Such a conception led states to actively refuse asylum to some groups of forcibly displaced persons. Border control and patrol, detention, and other political maneuvers became practices that many receiving states pursued to prevent forcibly displaced persons from crossing into their territories. States also used deportation as their management tool against forcibly displaced persons who had already arrived in their nation. The development of immigration control technologies eventually resulted in the securitization of migration (Bigo 2002).

The twin tensions of decolonization and global security after World War II brought significant challenges to the millions of people who were on the move in all regions, from the western edge of Africa to the southernmost island of the Pacific. Southeast Asia figured prominently in worldwide academic discussion of forced displacement during this period, partly because the flow of the forcibly displaced "that attended the process of decolonization in Southeast Asia had so many traits similar to the disappearance of the empires in Europe after the First World War" (Bosma 2019: 74). Besides, in 1981 Southeast Asia held more than two million of the world's nearly 13 million forcibly displaced. In the region, the spotlight was mainly on Thailand, which Rogge (1987: 233) called "the Southeast Asian first-asylum country bearing the brunt of the Indochinese exodus." Between the late 1970s and the early 1980s, Thailand alone accommodated more than 10% of forcibly displaced persons worldwide. Most came from Kampuchea,[3] Laos, and Vietnam. In the late 1980s, Thailand also grappled with challenges from an influx of ethnic minorities from Burma—a problem that continues to this day.

This chapter traces Thailand's historical responses to forcibly displaced persons from the end of the second world war to the end of the first decade of the twenty-first century. The investigation of historical Thai practices provides essential foundations for understanding its treatments of urban forcibly displaced persons in the present era. How did Thailand manage forcibly displaced persons? What factors shaped its responses? What characteristics of the Thai state affected the management of forcibly displaced persons?

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[3] Kampuchea (Democratic Kampuchea) refers to Cambodia under the rule of Pol Pot from 1976 to 1979. The People's Republic of Kampuchea (PRK) later succeeded it from 1979 to 1989 but was not recognized by the United Nations. It was succeeded by State of Cambodia from 1989 to 1992; and the Kingdom of Cambodia from 1992 to the present. In this dissertation. I use the terms Kampuchea and Kampuchean for Cambodia and its people when explaining events before the change of the country's name in 1989.

This chapter relies on primary sources—including internal memos within bureaucratic agencies, official pamphlets and reports, daily news records in *Siam Chotmaihet*, and funeral volumes. These documents are available at the Archival Unit of the Ministry of Foreign Affairs of Thailand and the Political Science Library of Chulalongkorn University. In addition, I derived data and insights from theses, dissertations, books, and in-depth interviews with former officials in the Thai government and the UNHCR.

In my in-depth examination of Thai historical responses to forcibly displaced persons, I found that the Thai approach was not unique. On the contrary, Thailand shared commonalities with other countries in the global south, where the management of forcibly displaced persons was also influenced by the Cold War context and the active involvement of UNHCR and other NGOs. The stories in this chapter are both the history of Thai responses to forcibly displaced persons and the Thai version of the historical development of global practices to manage forcibly displaced persons.

This chapter argues that the Thai historical response to forcibly displaced persons was an evolving development guided by the principles of security and humanitarianism. Thai government officials interpreted security in the realm of national security, which concerned territorial integrity, sovereignty, and international relations between Thailand and its neighboring countries and allies. The management of forcibly displaced persons turned into a national security issue not only because of the framing of far-right politicians but also because of its association with other policy issues considered security matters at the time (Huysmans 2006). In the Thai case, it was the threat of communism in the context of the Cold War. Thailand sided with the Western bloc, producing complicated relations between Thailand and adjacent newly independent nations. As Bigo (2002: 65) would suggest, "the fear of politicians about losing their symbolic control over the territorial

boundaries" as well as "the *habitus* of the security professionals" shaped the securitization of forcibly displaced persons. The delegation of business related to the management of forcibly displaced persons to officials in the security agencies, such as the Ministry of Interior and the National Security Council, notably solidified issues related to forcibly displaced persons as a matter of national security and turned forcibly displaced persons policy into an extension of Thailand's security policy. Security has since become the dominant lens through which the Thai government views its approach to forcibly displaced persons.

The framing of forcibly displaced persons as a national security matter in Thai policy circles has been perpetuated over the years through the everyday involvement of security agencies, which implemented security measures to manage forcibly displaced persons. Historical elements of Thai security responses to the forcibly displaced include: positioning forcibly displaced persons, such as former Kuomintang soldiers and ethnic minorities from Burma, as a buffer between Thailand and its neighbors; denying admission to the forcibly displaced coming from countries in a different political bloc, such as the Vietnamese; imposing mobility and residential restrictions and detaining early groups of forcibly displaced persons who had already settled in Thailand; and refusing to sign the 1951 Convention and its 1967 Protocol.

The massive arrival of forcibly displaced persons from Kampuchea, Laos, and Vietnam since 1975, however, prompted Thailand to realize that security measures alone would not guarantee the national security of Thailand. The Thai government notably lacked financial and human resources to contain and prevent millions of forcibly displaced persons arriving from multiple directions at the same time. The failure to assist forcibly displaced persons could damage the international reputation of Thailand and jeopardize its foreign relations with allies. These

tensions eventually forced the Thai government to embrace humanitarianism as an approach to managing forcibly displaced persons while continuing its implementation of security measures.

Humanitarianism generally refers to life-saving relief and operations (Barnett 2018). Barnett (2011: 221), however, reminds us that "[humanitarianism] is not one of a kind but rather has a diversity of meanings, principles, and practices." For the period after the second world war, Barnett (2011) suggests that *neo-humanitarianism* was the dominant mode of humanitarian pursuits. Humanitarianism had become a secularized, professionalized, and institutionalized operation. Technocratic expertise and knowledge became the justification for providing emergency relief and assistance for forcibly displaced persons without involving the affected populations in planning and decision-making processes. Temporary shelter was the primary operating space during this period. This approach turned into *liberal humanitarianism* after the Cold War, grounded on finding long-term solutions and focused on the elimination of the root causes of human suffering.

Since humanitarianism could take several forms, Colson (2013: 67) notes that the state's humanitarian policies might be "designed explicitly to address national security interests and to further domestic political agendas, not in the interests of refugees, which was the explicit focus of humanitarianism." This statement was partially correct in the case of Thailand in the 1970s and the 1980s. The humanitarian-turn in the Thai responses to forcibly displaced persons stemmed from the desire to serve Thailand's national security interests. The Thai government needed international resources—ranging from financial endowments to personnel to manage the sequestering of the forcibly displaced by keeping them in border areas so that they would pose no threat to the Thai public. The humanitarian approach would eventually project a positive image of Thailand in the eyes of the international community and reinforce a close connection between

Thailand and its political allies, particularly the United States. The relationship with the latter helped generate other commercial, military, and development aid resources. The security intentions of Thai humanitarian pursuits, however, did not suggest the absolute absence of a philanthropic mindset among government officials and politicians at that time. Figures in the Thai government, such as Prime Minister Seni Pramoj, continued to express sympathy towards forcibly displaced persons and argued for genuine humanitarian support.

I refer to the Thai response to forcibly displaced persons—which, starting in 1975, embraced both security and humanitarian thinking—as *strategic humanitarianism*. This approach was strategic because the security professionals who decided on the approach to manage forcibly displaced persons pursued humanitarianism in a way that would also accommodate Thailand's national security interests. "Balancing security and humanitarianism" was the guiding principle that figured prominently in the approach. The main components of *strategic humanitarianism* included: positioning Thailand as a temporary host of forcibly displaced persons; pursuing encampment; granting permission for forcibly displaced persons to remain in temporary shelters along the borders while awaiting repatriation or resettlement; turning a blind eye to the informal economy that emerged around temporary shelters; developing close coordination between Thailand and the international organizations and NGOs to ensure international support and assistance; committing to international norms and practices to a degree that would allow Thailand to maintain its favorable international reputation; and avoiding pull factors that would attract additional forcibly displaced persons into Thailand.

In the following sections, I trace the development of the historical Thai responses to forcibly displaced persons over seven decades, starting from the period immediately after the second world war to the end of the 2000s. The discussion proceeds in chronological order based

on the change in the way Thailand managed forcibly displaced persons from Vietnam, China, Indochina, and Burma. Thus, my chronology could be different from other scholars who may focus on the "waves of flight." Throughout the chapter, I particularly highlight how the principles of security, humanitarianism, and eventually balancing security and humanitarianism materialized and reshaped Thai practices before specifically investigating how *strategic humanitarianism* emerged and became the dominant approach that Thailand has applied since 1975.

The Early Responses to Forcibly Displaced Persons

Thailand, like many countries, has porous borders, which have allowed different people to cross for settlement for centuries. Shortages of labor for its vast agricultural lands and a lack of military personnel needed in wartime, a common problem across the Asian continent (Wales 1965), has led Thai kings to welcome immigrants and take war captives after winning battles against adjacent territories. The entrance of migrants allowed Thailand to increase the labor supply and human resources.

French and British colonial conquests in Southeast Asia in the nineteenth century, however, challenged the region's open borders. European powers negotiated among themselves and with the local rulers on how to define clear boundaries. Thailand engaged in several rounds of negotiation and military battles with the French and British before its first bounded map appeared in 1893. Winichakul (1994: 142) argues that the Franco-Siamese War of 1893 was "the culminating moment of the emergence of the geo-body of Siam." The war also scarred the Thai elites because it consolidated an "imagined loss" of territories,[4] which later become a significant

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[4] The "imagined loss" of territories refers to the famous historical narrative used by the Thai elites and the conservative to explain how the loss of territories of Thailand to European powers was equal to the loss of the Thai sovereignty. Winichakul (2011) suggested that such an explanation was groundless and established based on four fallacies: ancient state (before the twentieth century) was much concerned about their territorial integrity; tributary states were an integral part of the sovereignty of the great state; the great state had absolute control over its satellites; and the boundaries of the ancient states were clearly demarcated.

part of nationalist rhetoric for nation-building. The new Thai map came with the introduction of sovereignty, citizenship, immigration, and border control. Thailand required its citizens to hold travel documents when crossing into different areas. Nonetheless, the first immigration act did not emerge until 1927,[5] and ordinary citizens continued to travel freely using natural borders.

Only after the second world war did border control and immigration become highly significant. Thailand experienced an influx of people fleeing conflicts in adjacent countries, including Vietnam, China, and Burma. There were approximately 80,000 displaced persons in Thailand between 1945 and 1975. Vietnamese made up the biggest group with around 40,000 people. Ethnic minorities from Burma were the second largest group of forcibly displaced persons before 1970, arriving mostly after General Ne Win seized power from U Nu and turned the country socialist in 1962. The smallest major group was around 11,000 former Kuomintang soldiers and their families, who fled China after Mao's victory in 1949 (Committee for Coordination of Services to Displaced Persons in Thailand 1982).

The first group of forcibly displaced persons to arrive in Thailand after the second world war was the Vietnamese who fled the League for the Independence of Vietnam's (*Viet Minh*) struggle for independence from France between September 17, 1945 and January 31, 1946. At the time of the influx, Thailand already had its immigration act for the management of immigrants but lacked practical tools to handle forcibly displaced persons. The nature of their movement was different from regular migrants, and they posed a different set of challenges. The Thai government, thus, turned to the United States, which was its major ally at the time, for policy recommendations.[6]

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[5] Following the enactment of the 1927 Immigration Act, the future Thai governments annulled this act and issued a new legislation in 1937 and again in 1950.

[6] While the political and security alliance between Thailand and the US strengthened after the end of the second world war, the closeness was deepened during wartime through the Free Thai Movement (Thai *Seri Thai*)—a

At the time, recognizing that colonialism contributed to both world wars (Barnett 2011), the US arduously encouraged humanitarianism, self-determination, and the independence of states worldwide. Thailand and the US also wanted to gain access to markets in those newly independent countries. Once Bangkok requested suggestions, the humanitarian approach was the answer. The US encouraged Thailand to pursue a liberal policy also because "it hoped that Thailand with its long history of national independence and a lack of colonial rule would serve as a democratic example to the newly-independent nations emerging in the area" (Darling 1962: 97). The early response of the Thai government to forcibly displaced persons was therefore humanitarianism. The decision to assist the Vietnamese also served Thailand's strategic interests since it allowed the government to build trust and to develop a close friendship with the US as well as with the newly formed government of Vietnam in Hanoi.

In implementing its humanitarian policies, the Thai government under Mom Rajawongse Seni Pramoj[7] exempted forcibly displaced Vietnamese from the second Immigration Act of 1937 and allowed the Ministry of Transportation to hire the Vietnamese as construction workers. It also allocated money to the Ministry of Interior to assist the Vietnamese in building shelters and providing necessities (Champeesri and Suphan 1976). In a telegram to the governor of Nongkhai on November 21, 1945, Thawi Bunyaket, the minister of Interior under Seni, urged the governor to allow Vietnamese to "seek refuge in Thailand to avoid French repression" (cited in Phipatanakul 2001). Thawi also said that forcibly displaced Vietnamese should be treated with

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clandestine organization that provided intelligence support for Allied powers during World War II and fought against the Japanese occupation of Thailand. *Seri Thai* was formed by Pridi Banomyong and other members of *Khana Ratsadon*—the group that engaged in the transition of Thailand from an absolute to a constitutional monarchy.

[7] Mom Rajawongse Seni Pramoj was a descendant of the Thai Royal Family. He served as the prime minister of Thailand for three times. During the second world war, he served as the Thai Ambassador to Washington, DC, and played a significant role in the *Seri Thai Movement*. He became the Thai prime minister for the first time after the war ended.

the "ultimate sympathy," be allowed to live anywhere in Thailand, and have a pathway to Thai

citizens (Phipatanakul 2001). At that time, the forcibly displaced Vietnamese could live freely

anywhere in Thailand, leading them to spread across Thailand into more than 50 provinces. They

resided, however, mainly in the northeastern region of Thailand.

In March 1946, Pridi Banomyong[8] became prime minister of Thailand and continued

Seni's humanitarian responses. Pridi ordered the distribution of agricultural lands to the

Vietnamese and allocated funds to support them. The initial fund was three million THB and

would increase to five million THB in the subsequent years. Tiang Sirikhand, a member of

parliament from Sakon Nakorn who had a good relationship with the Vietnamese and who was

arrested for being a communist in the 1930s, was appointed to supervise financial management

(Boonwanna 2002).

Thailand's cozy relationship with the Vietnamese extended beyond the forcibly displaced

persons to North Vietnam's government in Hanoi. Pridi annulled the Communist Act of 1933

and allowed Ho Chi Minh a representative based in Bangkok. The Pridi administration also

supplied the Vietnamese nationalist movement with weapons for their struggle for independence

against the French.

Thailand's humanitarian response, however, was as short-lived as the government of

Pridi. Political opponents accused Pridi of being involved in the death of the young King Ananda

Mahidol in August 1946, and he was forced to resign from the premiership. Pridi endorsed

Thawan Thamrongnawasawat, his close affiliate, to replace him as prime minister. Thawan

continued the generous responses to the forcibly displaced Vietnamese for another year before

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[8] Pridi Banomyong was a Thai politician and statesman who served as prime minister (March 24, 1946 - August 23, 1946), and a regent of Thailand (December 16, 1941 – December 5, 1945). He was also one of the key figures in the People's Party (*Khana Ratsadon*), which transformed Thailand from absolute monarchy to constitutional monarchy. Arguably, he was one of the fathers of modern Thailand.

General Phin Choonhavan, a military strongman of Marshal Phibunsongkhram[9] (hereafter

Phibun), ousted him in a successful coup in November 1947. Phin first installed Khuang

Aphaiwong as a prime minister before forcing him to resign six months later, when he invited

Phibun to assume a premiership in April 1948. The coup brought the early era of Thai

humanitarianism to an end.

From Humanitarianism to Security-Based Responses

Phin's coup against Thawan in 1947 and the rise of Phibun in 1948 coincided with the

beginning of the Cold War. Global politics entered a new stage marked by ideological

competition between the communists and the Western bloc. The fall of China to communism in

1949 and the growing power of the communist regime in North Vietnam particularly worried

Phibun because he was afraid that Thailand would fall under communist rule as predicted by the

domino theory. Despite acting against US and Allied powers during the second world war,

Phibun fully cooperated with the US throughout his second premiership, from 1948 to 1957.

During this period, he continued a nationalist project to forge a Thai national identity—the

project which he had begun during his first premiership a decade earlier.[10]

Instead of recognizing Ho Chi Minh's government like the previous administrations, the

Phibun government followed the US-led coalition in endorsing the government of Bao Dai and

developing a closer relationship with South Vietnam. This action placed Thailand at odds with

North Vietnam but earned Thailand a large sum of US financial and military resources

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[9] Marshal Phibunsongkhram or Pleak Phibunsongkhram or Phibun was the longest serving prime minister and a dictator of Thailand. He was a prime minister twice from 1938 to 1944 and from 1948 to 1957 and a member of *Khana Ratsadon* along with Pridi.

[10] During his first premiership between 1938 and 1944, Phibun implemented several fascist and ultra-nationalist projects. He created a personality cult in which he imitated fascist leaders. His pictures could be found everywhere in Thailand, while his quotes were repeated over the radio. Phibun changed the name of the country from Siam to Thailand in 1939 and adopted cultural changes, including the centralization of Thai language, saluting the national flag, a national and royal anthem, and the alteration of national attire. Phibun's project aimed at creating a new Thai identity and a sense of belonging among those who lived in Thailand (Ferrara 2015).

(Boonwanna 2002). As Phibun intensified his anti-communist rhetoric, he put in place several anti-communist policies and laws, including the Anti-Communism Act of 1950, threatening harsher punishment to those who sided with China or the Soviet Union.

During the second Phibun premiership, Thailand framed issues related to forcibly displaced persons as a security matter for the first time, a process that was closely tied to the implementation of Phibun's anti-communist policy. The Phibun government drew a close connection between the threat of communism and forcibly displaced persons from Vietnam, recognizing that more than 50,000 of the forcibly displaced Vietnamese in Thailand were originally from the northern region of their country, where Vietnam's communist government was based, and assuming that they revered Ho Chi Minh (Ministry of Interior 1950). The goal of new security efforts was to prevent forcibly displaced Vietnamese from providing financial or logistical support for the communist government of Vietnam in Hanoi and to surveil any political activities that might affect Thailand.

Security measures under Phibun ranged from the establishment of a security unit, to forced deportation. First, the Thai government established "the Central Monitoring Commission (*Khanakhammakan Raksakan Klang*)," to oversee situations related to forcibly displaced Vietnamese in 1949, including representatives of essential security domains in Thailand, such as the Ministry of Interior, the Internal Security Department, the Royal Thai Police, and the Attorney Department (Champeesri and Suphan 1976). This commission marked the earliest formal attempt to treat forcibly displaced persons as a security matter, bringing security officials from different agencies together to participate in decisions regarding forcibly displaced persons control.

On February 20, 1951, however, the Phibun government made an institutional change to the management of forcibly displaced persons, transferring the responsibilities and mandates of the Central Monitoring Commission to the Royal Thai Police, forming "the Central Registration Unit for the Forcibly Displaced Vietnamese" within the Special Branch Bureau (*Santiban*). This new organization was tasked to register and surveil the Vietnamese who lived in designated provinces (Champeesri and Suphan 1976). The creation of the new agency under the Special Branch Bureau further reflected how the Thai government strengthened its conceptualization of forcibly displaced persons issues as a matter of national security. The primary mandate of the bureau has always been intelligence gathering and managing person(s) or groups of persons who may threaten Thailand's security.

Second, the Thai government restricted the mobility and residency of forcibly displaced Vietnamese to make their surveillance more convenient and to prevent them from pursuing political or revolutionary activities that might affect Thailand's national security. On October 11, 1949, Phibun enacted Order 418/BE[11]2492, allowing forcibly displaced Vietnamese in Thailand to live in only 19 specific provinces, before further restricting them a year later to only eight: Nongkhai, Nakhon Phanom, Ubon Ratchathani, Sakon Nakhon, Udon Thani, Khon Khaen, Sisaket, and Prachinburi. Eventually, the Ministry of Interior dispatched another telegram ordering provincial officers to limit the residency of forcibly displaced Vietnamese to only five provinces: Nongkhai, Sakon Nakhon, Nakhon Phanom, Ubon Ratchathani, and Prachinburi (Boonwanna 2002; Champeesri and Suphan 1976).

The government also ordered the Vietnamese to re-register themselves and required them to carry a permit stamped by the superintendent of the province when traveling outside their area.

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[11] Thailand has used the Buddhist Era as the official year numbering system. It is a Thai version of the Gregorian calendar, but years are counted 543 years ahead of the Gregorian.

In the new identification cards for these Vietnamese registrants, their labels changed from "alien," which referred to a foreigner in general, to "displaced Vietnamese (*Yuan oppayop*)" (Champeesri and Suphan 1976). The change of label was expected to make it easier for Thai officers to monitor and identify forcibly displaced Vietnamese.

Third, starting in 1953, the Phibun government relocated some forcibly displaced Vietnamese from the northeastern provinces close to Vietnam's borders to the southern part of Thailand to reduce their ability to communicate with the communist regime in Hanoi. This operation began on May 21, 1953, when provincial police arrested around 540 men aged between 16 and 45 years old and forced them to relocate to Phatthalung province. A second group of around 180 was arrested in June and sent along to the south. The massive forced relocation made a group of forcibly displaced Vietnamese resentful, and they staged several protests; however, the government continued to pursue the same strategy and even intensified it after the 1954 Geneva Conference, when the first Indochina war ended and Vietnam split into North and South Vietnam.

Finally, the Phibun government involuntarily resettled displaced Vietnamese in South Vietnam, which was not from where most came. Thailand started a campaign to repatriate displaced Vietnamese to South Vietnam in 1953. In an interview with a French news agency, Phibun commented, "The Thai government is negotiating with the government of Bao Dai to resettle around 10,000 Vietnamese to [South] Vietnam. We must resettle them because the Viet Minh brainwashed these people, and they are dangerous to Thailand's internal security" (cited in Boonwanna 2002). The South Vietnam government, however, was not ready for the resettlement due to financial shortages and the many potential returnees who were associated with communism. Thus, the resettlement was delayed. In the short-term, however, Thailand continued

the relocation policy and organized a mass arrest of displaced Vietnamese before charging them

with the crime of supporting communism.

Phibun lost power in 1957,[12] and Marshal Sarit Thanarat, his right-hand man, assumed

the premiership with US support. The new administration provided only minimal humanitarian

support for forcibly displaced persons, especially those from Vietnam. The Sarit government

coercively resettled forcibly displaced Vietnamese in South Vietnam; restricted their job

opportunities; and beginning in 1959, tried to deprive them financially. For example, the Thai

government compelled the forcibly displaced Vietnamese to pay 1,000 THB per year as a tax on

workers and an additional 500 THB per year as a tax on commerce if they owned shops

(Champeesri and Suphan 1976). These practices were aimed at pressuring displaced Vietnamese

to leave Thailand, and they were moderately successful.

Positioning Forcibly Displaced Persons as a Buffer

When significant numbers of Vietnamese were arriving in Thailand during the First

Indochina War, Thailand also received thousands of forcibly displaced persons from China. They

were mainly former KMT soldiers, and their families, from the 93rd Infantry Division Army

based in Yunnan; this division, which refused to surrender to the Chinese Communist Party, had

been the last standing troops of the nationalist government. The division split into two groups

after its defeat. The first group, around 5,000, sought refuge in Laos and Vietnam, while the

second group of approximately 13,000, moved into the Shan State and the Wa Division of

Burma (Bamrungphruk 1990). The troops quickly reorganized themselves as guerrilla forces and

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[12] Despite having a tight control of the Thai political and societal life and effective policy against communism, Phibun faced fierce challenges from different groups of people in 1957 who felt that his regime put too much control on freedom of press and freedom of expression of the people. The outcry of the public led to many protests and put Thailand into chaos and at risk of communist challenge. Marshal Sarit Thanarat, a close affiliate of Phibun, with support from the CIA eventually staged a coup and forced Phibun into exile in Japan (Darling 1962).

established a connection with the government in Taiwan. In January 1951, the army became

known as "The Yunnan Anti-Communist Salvation Army." Formed to resume the fight against

communism, the army obtained military training and assistance from Taiwan, the US, Thailand,

and other countries in the Western bloc. The Salvation Army leaders recruited forcibly displaced

persons from China and formed a 14,000-member regiment by the end of 1951.

Most former KMT soldiers who came seeking refuge in Thailand had refused to evacuate

to Taiwan following the two evacuations in 1953[13] and 1961.[14] The Thai government viewed the

KMT soldiers differently from the forcibly displaced Vietnamese for at least two reasons. First,

they were the former nationalist soldiers of Chiang Kai-Shek, whom the US and Thailand

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[13] The KMT faction that traveled to Burma obtained significant amount of support from Western countries, including the US, Thailand, and Taiwan, but it experienced fierce antagonism from the Burmese government that pursued neutral policy during the early period of the Cold War. The Burmese government perceived the presence of the former KMT army in Burma as a threat to its domestic stability and internal security because the former KMT army also worked in collaboration with several ethnic minorities who fought against the Burmese government. As a result, the Burmese Armed Forces (*Tatmadaw*) started to launch military campaigns against the former KMT soldiers but was unable to defeat them. Accordingly, the Burmese government requested the US to urge Taiwan to repatriate its population. Negotiations failed since Taiwan had not done enough to persuade its former soldiers to leave Burma, the Burmese government eventually took the matter to the UN in 1953. Only through this multilateral diplomatic platform was Burma able to pressure the Taiwanese government to resettle KMT soldiers and their families to Taiwan. However, only 6,750 soldiers and their family evacuated while more than 9,500 troops remained stationed in Burma. Some moved farther south into the northern provinces of Thailand (Prakatwutthisan 2004).

[14] As some former KMT troops refused to evacuate to Taiwan, the fight between KMT guerillas and *Tatmadaw* continued near the Thai-Burmese border areas. In 1960, the Burmese government decided to join an alliance with the Chinese Communist Army to intensify the fight against the former KMT. With the combined force of 26,000 personals, they launched the 'Mekong Operation' to capture the military base of the former KMT in Keng Lap which was successful on January 30, 1961. At Keng Lap, Tatmadaw found significant amounts of weaponry produced in the US and capitalized on the discovery to urge the US government to act against the former KMT soldiers. On February 24, 1961, Washington announced that KMT in Burma, China, Laos, and Thailand should surrender and travel to Taiwan (Prakatwutthisan 2004). The announcement led to a second evacuation. General Lai Ming Tang, a Deputy Chief of Staff of the Republic of China, visited Thailand on March 5, 1961 to meet with Air Chief Marshal Dawee Chullasapya—a chief of staff of the Royal Thai Armed Forces Headquarters, a representative from the US, and a representative from the former KMT army, to discuss a troop withdrawal plan. As of the final day of the departure on April 30, 1961, there were only 4,349 people—including soldiers and their families—who agreed to repatriate to Taiwan, while more than 6,600 people still refused to relocate to the new republic. General Li Wen-Huan and General Duan Xiwen, together with around 4,000 soldiers and their families, decided to move further south into Thailand and settle in the northern provinces, including Chiang Rai, Chiang Mai, and Mae Hong Son Provinces, where they began to engage in the gemstone trade and drug trafficking to garner income that they hoped would accompany their return to China (McCoy 2003).

recognized as a legitimate leader of China. Second, these soldiers were also military partners since, like Thailand, they had fought communism.

Despite the amicable reception of former KMT soldiers, Thailand continued to view these forcibly displaced persons through a security lens. The Thai government used the KMT soldiers to serve as a buffer between Thailand and communist China. In the short-term, the Ministry of Interior unofficially allowed former KMT soldiers to seek temporary refuge in limited bordered areas in Chiang Mai and Chiang Rai Provinces, where provincial administrative officers provided close surveillance. The Thai government at that time did not see the KMT as a threat as it crossed between Burma, China, Laos, and Thailand. KMT soldiers lived by growing crops in the highland sustainably (Prakatwutthisan 2004).

Thailand's concerns about former KMT soldiers, however, grew after the Thai government, with information from the Central Intelligence Agency (CIA), discovered that the KMT was deeply engaged in drug trafficking in the area under their control in the 1960s. At that time, KMT military caravans transported almost all of Burma's opium export into Thailand before selling it to Chinese traders. "After the 1967 Opium War, the KMT solidified its control over the Burma-Thailand opium trade" (McCoy 2003: 287). The main reason propelling former KMT soldiers to engage in drug trafficking was financial need. General Duan Xiwen once said, "We have to continue to fight the evil of communism, and to fight you must have an army, and an army must have guns, and to buy guns you must have money. In these mountains the only money is opium" (cited in McCoy 2003).

Instead of turning a blind eye to the KMT's involvement in the opium trade, Sarit and his successor, Thanom, considered the activity a threat to Thailand's national security. Once Sarit assumed power in 1957, he imposed a ban on opium and criminalized those who engaged in

opium consumption or trade. At one event, Sarit said, "I insist that selling and using opium is a dangerous criminal activity. Whoever violates it shall receive severe punishment. Foreigners shall face deportation while the Thai shall be called a traitor who does not sacrifice for the nation" (cited in Setabutr 2019).

This hardcore approach towards the opium situation in Thailand eventually affected the relationship between the government and the former KMT soldiers. While still needing the soldiers to protect Thailand's northern frontier from communism, the government became highly suspicious of the KMT's drug-related activities. The concern led Thailand to restrict KMT mobility and then to urge them to leave Thai soil. The government, however, allowed the group's logistical wing to remain in Thailand to supply food and necessities.

Despite its attempt to strictly control drug activities, Thailand ultimately could not push former KMT soldier out of Thai territory, as they often ran back into Thailand after defeats in Burma or China. Thai security officials reconsidered the engagement approach. At a meeting on January 3, 1969, the Thai security community acknowledged the benefits of having the former KMT soldiers stationed along the Thai-Burmese borders as a buffer and warned that removing the KMT soldiers might allow communist penetrators to take control of the area. Thus, instead of urging them to relocate to Taiwan or settle elsewhere, Thai officials agreed that the government should call on Taiwan to provide financial assistance to those who remained in Thailand to reduce the drug trade and to encourage them to continue fighting communism (Prakatwutthisan 2004).

Based on this meeting, Thailand opened a new round of negotiations with Taiwan in 1969 and with Generals Duan and Li, the leaders of the former KMT soldiers. The duo decided in February 1970 that they, along with their troops, would settle in Thailand as displaced persons

if Thailand officially accepted their request for asylum. Duan and Li, however, demanded

Thailand allocate agricultural land and provide jobs. They pledged they would let Thailand

determine their legal status; allow troops who were left in Burma to enter the kingdom; strictly

follow Thai laws, traditions, and customs; disarm and surrender their weapons to Thai

authorities; and serve Thailand in its fight against communism (Prakatwutthisan 2004). The Thai

government agreed, recognizing that arable land in those mountainous areas was isolated and far

from Thai settlements. Granting those lands to the KMT soldiers would not affect ethnic Thais

economically nor limit Thai job opportunities; by allowing KMT settlements, Thailand would be

able to exercise its symbolic sovereignty over the remote frontiers where boundaries remained

ambiguous; and Thailand would have a buffer in case of communist bloc land invasions.

The Thai government extended the same security-based management approach to ethnic

minorities from Burma who came to seek refuge in Thailand after the coup of General Ne Win in

1962.[15] Since these people only came to Thailand after the Burmese military coup and returned

home after the threat evaporated, and since their number was relatively small, the Thai

government neither strictly controlled their mobility nor closely surveilled their activities. In fact,

it recognized the ethnic minorities as a "buffer" between Thailand and the newly established

socialist regime, and Thailand used them to gather intelligence from inside Burma. The

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[15] After General Ne Win staged a revolution against U Nu and turned Burma from democracy to socialism on March 2, 1962. The military annulled the Panglong Agreement, which brought all ethnicities together to form the Union of Burma. It then initiated a new development direction known as the 'Burmese way to socialism,' which emphasized the extensive role of the military in politics and focused on the rural population as well as Burmese nationalism (Holmes 1967). Fundamentally, this approach was grounded in anti-Western sentiment, Marxist ideology, and the radicalization of Buddhism. Close allies of Ne Win believed that his aspiration for the approach developed during his visit to China in 1960. Ne Win highly admired Mao Zedong and appreciated when people referred to him as a "Chairman" (Smith 2002).

As soon as Ne Win assumed power, he ordered the Burmese Armed Forces to suppress domestic insurgencies, including the ethnic minorities in several states across the country that continued to resist his central government in Yangon. The strongest ethnic armies engaged in the fight included the Karen National Union (KNU), the Karenni Army, the Mon National Liberation Army (MNLA), and the Shan State Army (SSA), which used the areas along the Thai-Burmese borders as their operative bases.

positioning of these groups of people as a buffer was not a new policy towards Burma's ethnic minorities. The Thai state has pursued such an approach for centuries (Trichot 2005). Throughout history, Thailand viewed Burma more as a foe than a friend.

Rejecting the 1951 Convention and Its 1967 Protocol

As Thailand developed a new approach to the management of forcibly displaced persons at the beginning of the Cold War, it joined neighboring countries, including Indonesia, Laos, and Burma, in refusing to ratify the 1951 Convention or the 1967 Protocol. Both documents are based on Article 14—the right to seek asylum—of the Universal Declaration of Human Rights, which Thailand signed. For Thailand, however, the approval of the Convention would have implied that Thailand accepted the burden of accommodating displaced persons, especially from Vietnam, which it believed potentially posed a communist threat. Thus, signing the Convention was off the table for the Phibun administration, which instead pursued security measures to manage the group. Legally, Thailand argued that the Convention contained several articles that contradicted Thai laws or constitution, or were ambiguous. For example, the definition of a refugee was vague and incomprehensive since it provided no condition for ending refugee status. At the same time, non-refoulment went against Thai immigration laws (MFA Archive 1992).

Vitit Muntarbhorn (2004), a leading Thai international law scholar, argues that there were three rationales behind the decision of the Thai state not to sign the Conventions. First, given the context of the Cold War, Thailand did not want neighboring countries to perceive the approval of refugee status as an unfriendly act. Second, Thailand hoped to maintain a "large margin of discretion" when it came to practices regarding forcibly displaced persons. It did not wish to be bounded by international instruments or laws. Third, forcibly displaced persons were a low priority in Thai policy circles. Thus, the Thai state felt that domestic laws would be enough in handling

the refugee situations. While I agree with Vitit (2004) on his first two points, I disagree about the last. Since the beginning of the Cold War, the forcibly displaced persons issue had been a national security matter, which Thailand regarded as an extension of its anti-communist policy and a great concern of the country. Thus, to say that this issue was a low priority in policy circles denies its significance. Besides, the rejection of the Convention occurred in the period when Phibun attempted to glorify Thai nationalism, when he hoped to stand at the top of the Thai social pyramid to exercise an iron fist without the interference of international influences. Thus, the refusal of the 1951 Convention also served Phibun's larger political goals.

In 1967, as the temporal and geographical restrictions of the 1951 Convention were lifted, the US and other countries decided to sign the 1967 Protocol. Thailand continued to refuse both international agreements. It consistently made the same argument that it had used to snub the Convention in 1951. An event that may have profoundly affected Thailand's reluctance to join the Convention and its Protocol in 1967 was the loss of Preah Vihear Temple, an ancient Hindu Temple situated on the cliff of the Dangrek Mountains, to Cambodia in 1962. The International Court of Justice (ICJ) ruled 9 to 3 that the temple was in the territory of Cambodia, and Thailand had to return any antiquities that it removed from the temple to Cambodia. This event brought back the "imagined loss" of territories that continued to haunt Thai elites and public. Since the loss of the Hindu temple occurred in the context of international cooperation under the United Nations system, Thailand became more cautious about engaging with the community of nations and international conventions and laws. It did not wish to see itself bound by international agreements and regulations that might affect its sovereignty.

Forcibly Displaced Persons as a National Security Matter

Before the next round of mass exodus started, it was clear that the Thai government had embraced security as the critical lens for managing forcibly displaced persons. At the same time, issues related to forcibly displaced persons also turned into national security matters, which heavily involved security agencies. The securitization of migration occurred mainly because Thai politicians and elites acknowledged and framed a close connection between this issue and existing security concerns, especially the threat of communism and complicated foreign relations between Thailand and its neighbors and political allies.

The development of the Thai responses to forcibly displaced persons between 1948 and 1975 was in reaction to global and regional political contexts and Thailand's foreign relations with neighboring countries and allies. Its responses reflect Thailand's reaction to the country's overall security policy. This same mode of crafting forcibly displaced persons policies continued.

The Mass Multidirectional Influx from Indochina

After the end of the First Indochina War in 1954, Kampuchea, Laos, and Vietnam achieved their independence. Nonetheless, the conflicts in those nations were far from over. All three countries plunged into civil wars at the height of the Cold War with Thailand heavily involved in US war efforts in support of the wars. The ongoing conflicts unleashed massive numbers of forcibly displaced persons into Thailand, especially after Cambodia, Vietnam, and Laos fell to communism on April 17, April 30, and December 2, 1975, respectively, and after the Vietnamese invasion of Kampuchea at the end of 1978.

Since Thailand was on the frontier of the Indochina wars, it became one of the major countries of first haven. As of 1988, it received 150,000 forcibly displaced persons from Vietnam, more than 200,000 from Kampuchea, and around 350,000 from Laos (Burutphat 1988;

Piromya 1990). In addition, thousands of people hid in the forest along the borders between Thailand, Laos, and Kampuchea, but these numbers were difficult to ascertain.

Siddhi Savetsila and the National Security Council

From the beginning of the mass influx from Indochina, Siddhi Savetsila, secretary-general of the National Security Council, became one of the central figures influencing Thai responses. Siddhi turned the National Security Council into an active agency heavily involved in collecting intelligence for the formation of Thailand's security policy, including forcibly displaced persons policy.[16] Institutionally, the Thai prime minister chairs the National Security Council, in reality delegating most of the work to the National Security Council's secretary-general. Because he served as the head of the agency, Siddhi usually led Thai delegations in international meetings on matters related to forcibly displaced persons, instead of officials from the Ministry of Foreign Affairs. He even said in his memoir, "The National Security Council under my leadership was very prosperous. We had so much power" (Siddhi 2013: 62).

On May 24, 1979, Siddhi became a minister attached to the prime minister's office in addition to serving as the secretary-general of the National Security Council, responsible for the management of forcibly displaced persons. After a year, he was promoted to Thai foreign minister—a post that he held for more than ten years, from February 11, 1980 to August 16, 1990. Thus, throughout the time, between 1975 and 1990, when Thailand managed forcibly displaced persons from Indochina, Siddhi was arguably the most significant figure directing Thailand's policies and practices governing forcibly displaced persons.

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[16] Thailand's modern National Security Council was established in 1959 to advise the cabinet on a wide range of security policies, both domestically and internationally. Before 1975, the National Security Council was an inactive agency whose leading figures lacked any background in security matters. At the same time, the Royal Thai Armed Forces, the Ministry of Foreign Affairs, and the Ministry of Interior played a relatively more important role in security policy decisions and recommendations. Prime Minister Kriangsak Chamanan (1977-1980) even considered abolishing the National Security Council at one point, but his close friend, Lek Naewmali, who once led the organization, advised otherwise (Siddhi 2013).

Responding to the Mass Influx at Its Doorsteps

With Siddhi and the National Security Council in charge of the management of forcibly displaced persons, security remained the dominant concern that Thailand used in developing its responses. Admission denial, mobility and residential restriction, arrest, and repatriation were standard practices pursued. A June 3, 1975 cabinet resolution articulated:

(1) Thailand does not prefer to have "displaced persons" who are fleeing conflict coming into the kingdom. If found, they must be forced to leave the country as soon as possible. If barring them is impossible, Thai officials may receive them and put them in receiving centers.

(2) Those who have arrived in Thailand must report within 20 days to Thai officials and remain in receiving centers (from July 15, 1975, onwards). Those who follow this guideline shall be treated as a displaced person. Those who violate the instruction shall be treated as illegal aliens and are subject to punishment according to Thai immigration law.

(3) Thai officials shall disarm displaced persons. If those arms are war weapons, they shall be delivered to the military officers in command of the area. If they are personal weapons, they shall be given to the provincial police.

(4) The Ministry of Interior shall delimit control zones and establish receiving centers in the provinces along the Thai borders to temporarily receive displaced persons following international humanitarian law. The Ministry of Interior has a full mandate to manage displaced persons.

(5) The Ministry of Foreign Affairs, other ministries, and international organizations shall coordinate with the governments of Laos, Kampuchea, and Vietnam for repatriation of forcibly displaced persons (Operation Center for Displaced Persons 1977).

Based on the same cabinet resolution, the Ministry of Interior created 21 displaced persons receiving centers in provinces along the Thai-Laos and the Thai-Kampuchea borders. It also established the Operation Center for Displaced Persons (OCDP) as the agency to administer these people. The principal mandate of the OCDP was to "facilitate resettlement and repatriation of displaced persons." The establishment of these agencies demonstrated that Thailand was hesitant to provide any support for forcibly displaced persons. The multidirectional influx of forcibly displaced persons from Laos, Kampuchea, and Vietnam left Thailand with limited choices, however. Thailand only wanted to see the forcible displaced remain in its territory's restricted areas a short period before repatriating or resettling them in third countries.

At least two security concerns made the Thai government hesitant to admit forcibly displaced persons. First, Thailand had already hosted many forcibly displaced in the past, which caused dissatisfaction among the public, which argued that budgets and human resources that went to support forcibly displaced persons should instead go to help poor Thai citizens. In northeastern Thailand, where the early group of forcibly displaced persons from Vietnam sought refuge, violent conflicts erupted between Vietnamese and locals. These disputes became particularly intense between 1975 and 1976 when drought hit the area (*Siam Chotmaihet* 1976b: 883). Forcibly displaced Vietnamese became the target of violence in Sakon Nakorn and Nakhon Phanom Provinces; Vietnamese shops were burned down, while the forcibly displaced Vietnamese suffered physical abuse. Locals viewed forcibly displaced persons to be an economic threat. The Ministry of Interior and the provincial police eventually had to intervene to resolve the situation. They imposed curfews on the Vietnamese while arresting any Thai who provoked violence.[17]

Second, the admission of forcibly displaced persons, who were considered dissidents in their respective countries, could be perceived by neighboring countries as an unfriendly act. The arrival of General Vang Pao, for example, worried Thailand about any damage that he and his supporters might cause to Thai-Lao relations. In his memoir, Siddhi Savetsila (2013: 80) wrote, "Hmong considered General Vang Pao a hero of the [Royal] Lao Army, not only of the Hmong.

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[17] In a highly confidential meeting between Chatichai Choonhavan, foreign minister of Thailand, and Ieng Sary, deputy prime minister of Democratic Kampuchea, on October 28, 1975, Chatichai elaborated his concern. He said:

> Thailand is concerned [about hosting forcibly displaced persons]. The Thai people are very unhappy because, while assisting these people as a Buddhist, we have faced so many criticisms. Thailand has hosted so many groups of [forcibly displaced] people, including Shan, Mon, and Karen. Recently, we have 30,000 Laotian, 17,000 Hmong, and many Khmer. In the past, we also faced the same situation. For example, we had to welcome the former KMT after they lost the war in China and Vietnamese people who have been in Thailand for over 30 years since World War II … For the [Thai] government, we are facing an administrative burden partially because these displaced persons do not work and rely on the Thai government for support. Thus, the poor Thai people began to condemn the government [noting] that we provide better welfare for displaced persons than its citizens (MFA Archive 1975).

Thus, whenever Vang Pao was in Thailand, the Lao government was unhappy." Besides, Thailand was afraid that admitting forcibly displaced persons might lead foreign troops to cross into Thailand for a preemptive attack—an invasion that could damage the property and endanger the lives of Thai who resided along the border.

Strategic Humanitarianism

Despite its hesitance, the mass movement of forcibly displaced persons into Thai territories made it nearly impossible for the Thai government to deny assistance. Thailand had to turn towards humanitarianism of some kind. Under the direction of the National Security Council, Thailand pursued humanitarianism in a way that would accommodate security interests or at least not jeopardize its national security interests. That was the moment for cultivating *strategic humanitarianism*, an approach guided by the vague principle of balancing security and humanitarianism. Thailand pursued this approach involuntarily, as a response to the emergency crisis that Thailand faced. This approach, however, became the dominant mode of practice, which Thailand has used to address problems related to forcibly displaced persons over subsequent decades.

Strategic humanitarianism encompasses a set of security and humanitarian techniques that Thailand had used to manage forcibly displaced persons, including positioning Thailand as a temporary host of forcibly displaced persons; pursuing encampment and granting permission for forcibly displaced persons to remain in temporary shelters (previously known as receiving centers) along the borders while awaiting repatriation or resettlement; turning a blind eye to the informal economy that emerged around temporary shelters; developing close coordination among Thailand, international organizations, and NGOs to ensure international financial support and assistance; committing to international norms and practices to a degree that allowed Thailand to maintain its

favorable international reputation; and avoiding pull factors that might attract new groups of forcibly displaced persons into Thailand. The government did not pursue these different practices all at once. In contrast, each gradually emerged as Thailand reacted to different situations at different times.

Encampment

Immediately after receiving the influx of forcibly displaced persons from Indochina, the Thai government, in late 1975, decided to pursue encampment as a short-term relief operation. Thailand believed that the technique would allow it to ensure border security and prevent forcibly displaced persons from migrating deeper inside the country. Between the 1970s and 1980s, with the endorsement of UNHCR, the encampment became a widespread practice in all regions of the world (Rogge 1981). This means of assisting forcibly displaced persons required "[them] to live in a designated area set aside for [their] exclusive use, unless they have gained specific permission to live elsewhere" (Bakewell 2014: 129). The government allowed approximately 30 temporary shelters to open along the Laos and Kampuchean borders after 1975. There were also numerous unofficial and unrecorded shelters established in the forested areas along the eastern and northeastern edges of Thailand. The largest and perhaps best-known shelters were Ban Vinai, Sikhiu, and Phanat Nikhom.

Although encampment was a form of humanitarian practice, this form of accommodation allowed the government to exercise its symbolic power and assert control over forcibly displaced persons. The mobility and rights of forcibly displaced persons from Indochina were restricted to the shelter areas. Keeping forcibly displaced persons in shelters allowed the Thai state to curtail the operations of international aid workers as well. This solution accordingly served the state's national security interests.

The decision of the Thai government to pursue encampment earned Thailand a seat on the executive committee of UNHCR in 1977, even though Thailand had never signed the 1951 Convention and its 1967 Protocol. Through the committee, Thailand provided insights from its experiences managing forcibly displaced persons to the High Commissioner and could review UNHCR budget allocations.

Engaging International Actors

Once it decided to open temporary shelters, Thailand granted permission to international organizations, particularly UNHCR, and NGOs (known as voluntary agencies at that time) to enter shelter areas for daily operations. Thailand had refused to allow UNHCR to operate in its territories for decades because of the burden of regular donations, and the pressure to sign the 1951 Convention and the 1967 Protocol (MFA Archive 1973). Nonetheless, after spending more than 500,000 USD to manage forcibly displaced persons in its first few months, the Thai government realized its urgent need for extra support from UNHCR and the voluntary organizations to ease its financial burden (Committee for Coordination of Services to Displaced Persons in Thailand 1982).

From July 1975 on, Thailand allowed UNHCR to operate in its territories—two months after it tried to rely on its own for the management of forcibly displaced persons. Their first agreement was signed on July 30. Both parties agreed to collaborate in "a program to provide humanitarian aid to displaced persons from Kampuchea, Laos, and South Vietnam … and to collaborate in seeking durable solutions, including voluntary repatriation and resettlement in other countries" (Agreement 1975a). The second agreement, signed on December 22, covered "the humanitarian aid program," and settled the terms of the initial deal. Thailand decided to "assume the responsibility for identifying the specific needs of the displaced persons in the

Kingdom of Thailand and for providing them with all necessary temporary assistance including food, shelter, clothing, and medical care" with the assistance of UNHCR (Agreement 1975b). The contents of both documents reflected Thailand's move towards humanitarianism.

The Thai government's decision to engage UNHCR allowed Thailand to attract significant financial support for its relief operations. Between 1975 and 1976, UNHCR provided the Thai government with more than 250 million THB (~12 million USD) (*Siam Chotmaihet* 1976a). It also coordinated with Thailand regarding food and other services within the temporary shelter areas. In September 1975, Prince Sadruddin Aga Khan, UN High Commissioner for Refugees, visited different temporary shelters in Thailand. He characterized UNHCR activities in Thailand at that time as the one of "containment," meant to prevent the crisis from expanding (Aga Khan 1976).[18]

In addition to UNHCR, Thailand also allowed the International Committee for the Red Cross (ICRC) and other foreign NGOs to operate in temporary shelters. There were more than 60 NGOs involved in providing services for forcibly displaced persons in different shelters, including the American Refugee Committee (ARC), the Cooperative for American Relief Everywhere (CARE), the Catholic Office for Emergency Relief and Refugees (COERR), the International Rescue Committee (IRC), Médecins Sans Frontières (MSF), and the Norwegian Refugee Council.

Approximately fifty organizations became part of the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT). The main objectives of the agency were

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[18] On December 1, 1977, Thailand allowed UNHCR to open its regional office in Bangkok. Article 1 of the agreement stated, "The UNHCR Regional Office will exercise functions assigned by the High Commission in relation to his activities in the Kingdom of Thailand and the region" (Agreement 1977). The mandate of the second office in Bangkok was to administer forcibly displaced situations not only in Thailand but also elsewhere in Southeast Asia.

"to coordinate through consensus; to provide a forum for the development of a common approach to the problems of displaced persons, to provide a regular flow of information for member agencies; and to develop a Resource Center for agencies running or developing programs in the field" (Committee for Coordination of Services to Displaced Persons in Thailand 1983: V). The CCSDPT was funded mainly by member agencies as well as UNHCR. It also had a secretariat to handle administrative matters and day-to-day engagement with Thai officials. The CCSDPT structure gave different voluntary agencies a centralized command that could coordinate services within a single temporary shelter or across shelters. An "imagined community" of relief efforts emerged during this period, which was beneficial for humanitarian projects.

NGOs in Thailand engaged in twelves areas of services, including banking and postal service; construction of community centers and facilities; distribution of donated goods and essential household equipment; education; healthcare; nutrition and supplementary feeding; resettlement training and cultural preparation; recreation; skills training; social welfare service with a particular focus on psychological welfare and physical rehabilitation; caring for unaccompanied children and tracing families; and water, sanitation, and public health. The difficulties that they faced were the shortage of funding and confusion over Thai intentions, since they fluctuated constantly.

While the involvement of UNHCR and NGOs relieved the Thai government of financial and service delivery burdens, their presence also posed challenges. In 1979, the ICRC, for example, fiercely criticized Thailand's repatriation of Kampucheans, which prompted Prime Minister Kriangsak to respond, the "ICRC didn't understand Thailand's necessity and made nonsense criticism. Thailand had to repatriate these people to preserve its national security

interests" (*Siam Chotmaihet* 1979a). This event was one of several incidents that put the

government at odd with foreign relief organizations. Nonetheless, Thailand allowed the

organizations to operate on its territory because they provided essential services at no cost to the

government and because their operation areas were limited to temporary shelters.

The Rise of the Informal Economy Within and Around Temporary Shelters

Besides allowing NGOs to operate in temporary shelters, Thailand also lessened its

financial burden by turning a blind eye to the rise of an informal economy within and around

shelters. The government implemented this practice implicitly, since the official stance of

Thailand was that forcibly displaced persons were not allowed to work at all while living in

shelters. The informal labor market allowed forcibly displaced persons to work, while reducing

tensions from the locals living around shelters, who could trade with shelter residents, and from

the officials who could benefit from facilitating trades.

According to the International Labor Organization (2014: 4), the informal economy refers

to:

> all economic activities by workers and economic units that are—in law or practice—not
> covered or insufficiently covered by formal arrangements. Their activities are not
> included in the law, which means that they are operating outside the formal reach of the
> law; or they are not covered in practice, which means that—although they are operating
> within the formal reach of the law, the law is not applied or not enforced; or the law
> discourages compliance because it is inappropriate, burdensome, or imposes excessive
> costs.

Economic activities within and around temporary shelters operated beyond the formal reach of

law and the Thai government left them unregulated. Officials were also involved in these

economic activities to the degree that they found them beneficial.

According to a group of women who resided near Khao-I-Dang, one of the largest

Kampuchean temporary shelters in the 1980s, many local people were able to enrich themselves

through trade with shelter residents. They refer to such economic activity as *niphasi*, which can

be translated as "tax invasion" (Interview#17—July 6, 2018). This term may have been widely used because the economic activity operated outside the reach of law and was unregulated by the officials. It reflected the nature of the informal economy.

Noi, one of the locals, told me, "Inside the shelter was just like a regular community. It had everything from shops to a market and hair salon." She then described the trading method. "The way we traded was simple. There would be stores inside the shelter, and they would contact us and give us a list of goods they wanted. We would then order and deliver merchandise to them. At that time, only Unit 1, 5, and 9 had a grocery shop." She claimed that her family were the only locals in the area to have a truck and, some days, she could make up to 50,000 THB (~1,600 USD) from trading. Shelter residents even paid her in US dollars and occasionally in gold. Som, who was a few years younger than Noi, also said that barter trade was a pervasive form of exchange. "Shelter residents would sometimes trade their food rations, such as canned fish, for the crops we grew," said Som (Interview#17—July 6, 2018). Illustrating the vibrancy of the informal economy, these descriptions highlight a close economic tie between trading partners within and around shelter sites. The mutual economic benefits not only allowed shelter residents to access their preferred products but also satisfied Thai locals who could generate income from trades. The existence of the informal economy also prevented Thai residents from protesting the presence of temporary shelters near their homes.

Despite its liveliness, the existence of an informal economy within and around shelter sites also brought significant challenges to the livelihoods of forcibly displaced persons. Interviews with former UNHCR officials and local Thais revealed reports of physical abuse against some wealthy shelter residents (Interview#17—July 6, 2018; Interview#32—October 26, 2018). Though violence existed, the economic activity continued to operate.

The informal economy was a crucial part of the temporary shelters—not only in Thailand but around the world. Rawlence (2016) has documented similar economic activity in Dadaab, an enormous camp in Kenya. Informal work there includes market jobs, driving, butchering, and selling food rations. Local residents also traveled to interact with the shelter residents regularly. The informal economy allows forcibly displaced persons to live ordinary lives even though they are confined in a limited space and operates in the way that benefits the host nation.

Negotiating Repatriation, Resettlement, and Burden-Sharing

While originally envisioning the temporary shelters as a short-term solution, the government soon realized that its assessment was wrong. Forcibly displaced situations in Indochina became more prolonged and complicated. New arrivals came to Thailand daily, and shelter populations needed food and necessities to sustain their lives everyday as well. In 1976, therefore, Thailand reconsidered its forcibly displaced persons policy and gradually turned towards even more humanitarian policies.

At that time, Mom Rajawongse Seni Pramoj, who had been the premier when Thailand first pursued humanitarianism in 1945, became prime minister for a second term. One of his administration's earliest proposals in 1976 was a grant of 200,000 *rai* of land (around 80,000 acres) to forcibly displaced persons (*Siam Chotmaihet* 1976b). This plan, however, faced fierce opposition from the public and members of the House of Representatives from rural provinces, as well as from security officials who remained in charge of the forcibly displaced persons policy implementation.

Seni's government eventually decided to adhere to the idea of balancing security and humanitarianism, but urged officials to pursue additional humanitarian measures. These additions included hiring displaced persons to work as laborers to maintain temporary shelters in

the areas of sanitation, administration, and guarding; providing shelter residents with education and occupation training so that they would be able to care for themselves in the future; teaching residents the Thai language and allowing them to teach lessons in their native language, English, or French, as well as civic and moral education; and permitting displaced persons to have jobs while living in the shelters so that they could sustain themselves and relieve the burden on Thailand (Operation Center for Displaced Persons 1977).

The government sought every means possible to close temporary shelters quickly and to prevent new groups of forcibly displaced persons from coming to Thai territories. Thailand had become proactive in negotiating the terms of repatriation, resettlement, and burden-sharing with countries of origin and third countries, using bilateral and multilateral platforms. First, the government actively engaged in bilateral negotiations with countries of origin and a potential third country to repatriate and resettle forcibly displaced persons. In discussion with Ieng Sary, Deputy Prime Minister of Democratic Kampuchea in 1975, Chatichai, Thai foreign minister, urged Democratic Kampuchea to receive Kampuchean returnees. The Thai side even proposed to Ieng that the Thai government could send officials to persuade forcibly displaced persons to return to Kampuchea. It would explain to them that "the war in Kampuchea is over and peace has been completely restored" (MFA Archive 1975). A similar discussion was pursued with leaders of Laos and Vietnam.

At the same time, Thailand raised the topic of resettlement whenever high-ranking officials met with key figures from a potential third country. During Vice President Walter Mondale's visit to Thailand between May 4 and 5, 1978, Prime Minister Kriangsak Chamanan expressed concern about the incapability of Thailand to protect additional forcibly displaced persons from neighboring countries, and urged the US to provide more assistance. Mondale

informed Kriangsak that the US government would accept 25,000 forcibly displaced persons from Thailand annually (United States International Communication Agency 1978).

Second, Thailand used the Association of Southeast Asian Nations (ASEAN) as a regional platform to express its concerns regarding forcibly displaced persons. Between August 4 and 5, 1977, Prime Minister Thanin Kraivixien brought his concern about forcibly displaced persons and forced migration to the Second ASEAN Summit in Kuala Lumpur and pushed for the inclusion of a statement regarding forced migration challenges in Indochina in Article 48 of the Joint Communique:

> Noting that the presence of a large number of refugees from Indochina has resulted in serious problems for some ASEAN countries and recognizing the need on humanitarian grounds to solve this problem, the Heads of Government called on the UNHCR and other relevant agencies to take immediate measures for the expeditious resettlement of these refugees in third countries (ASEAN Secretariat 1977).

Thailand continued to apply the same diplomatic technique in other ASEAN forums, making forcibly displaced persons a concern not only of the government but also of other ASEAN governments.

Third, Thailand used the United Nations platforms to raise the significance of these issues. One of its most important statements came on December 11, 1978, when Siddhi Savetsila led the Thai delegation to the Indochinese Refugee Meeting in Geneva, where he made two essential demands. First, he urged more developed countries to share the burden of assisting forcibly displaced persons. Second, he insisted that if the international community did not act appropriately on this matter, it would indicate the failure of international humanitarian cooperation (Siddhi 2003).

Through these outward-looking efforts, Thailand amplified the significance of burden-sharing to the international community and attempted to repatriate and resettle one-third of the

forcibly displaced persons residing in Thailand between 1975 and 1979. It also obtained several million US dollars in financial support from Western nations (Burutphat 1988).

Managing a New Round of Crisis

Despite is success in resettling nearly ten thousand forcibly displaced persons in the US between 1975 and 1978, Thailand experienced a sharp increase in the number of "Vietnamese Boat People" after 1978. According to UNHCR, Thailand received approximately 120,000 Vietnamese boat people, mostly from South Vietnam. They fled their homes due to a combination of economic sanctions from the Western bloc, harsher economic policies, and ongoing conflicts between Vietnam and neighboring countries. The pattern of the mass exodus from Vietnam was, thus, one of "mixed-migration." War, conflicts, and persecution were not the only factors leading to the migration (Burutphat 1988; Piromya 1989).

In the same period, Thailand also received a significant number of Kampucheans who left their homes after Vietnam invaded, citing genocide as its rationale for occupying Kampuchea between December 1978 and September 1989. The exact number of people who fled Kampuchea during that time is unknown, but approximately 300,000 Kampucheans sought refuge in temporary shelters and sites along the Thai-Kampuchea border (Burutphat 1988; Bhaeddee 1985).

From 1977, the Thai government insisted that it was no longer willing to host forcibly displaced persons, as the numbers were rising daily. At the same time, these arrivals required significant financial and human resources for management. The government shifted its stance; new security responses involved prevention and deportation of newcomers. The Royal Thai Navy would intercept Vietnamese boats in the sea and urge them to travel outside of Thai waters. If they reached Thai territory, the government ordered officials to fix their boats and provide

them with food, fuel, and medicine before requesting they leave Thailand within 30 days of arrival (Suksamran, Phongphaew, and Chirakraisiri 1981).

Thailand applied a similar policy to the massive number of Kampucheans who arrived at its borders. The Thai government initially allowed only the wounded to temporarily cross the border to receive medical treatment. It cited the stress on the Thai area and budget constraints as the rationale for refusing to admit Kampucheans. Limpoka (1985), however, suggests the reasons behind the blockade were that Thailand hoped the Khmer Rouge regime could continue to serve as a buffer between Thailand and Vietnam. At the same time, the Thai government aimed to prevent foreign spies, disguised as forcibly displaced persons, from entering Thailand.

Nonetheless, as the number of forcibly displaced Kampucheans rose sharply, and as Thailand faced increasing international pressure, the government considered opening its border. In a meeting with US Ambassador to Thailand Morton Abramowitz on June 15, 1979, Prime Minister Kriangsak reported that Thailand would consider receiving forcibly displaced persons. He also said, nonetheless, "Thailand needs to balance humanitarianism and national interest and national security" (*Siam Chotmaihet* 1979b). More than hinting at an open-door policy towards Kampuchea, the meeting was a critical moment for the formal expression of the principle of balancing of security and humanitarianism in managing forcibly displaced persons.

The government pushed for an open-door policy towards Kampucheans in October 1979.[19] [20] Most of the forcibly displaced from Kampuchea settled in Sa Kaeo Province. Thailand continued to call for collective responsibility. Several countries, including the US, the UK, Canada, France, and Italy resettled more than 200,000 Kampucheans from Thailand between 1979 and 1981. Several countries, such as Singapore, Japan, and West Germany, contributed more than 100 million USD to support the Thai government (Limpoka 1985).

The Vietnamese-supported government of Kampuchea under Heng Samrin, however, refused to receive the Kampucheans who were willing to return home. Heng Samrin proposed two conditions. First, the Thai government had to endorse his government as the only legitimate government of Kampuchea. Second, his government would screen returnees itself. The government, in consultation with other ASEAN governments, rejected both propositions, especially the requirement that Thailand endorse Heng Samrin's government. Such action, ASEAN governments argued, would signal Thailand's support for the Vietnamese occupation of Kampuchea, which was not the position of Thailand or other ASEAN countries (Thiparat 1994).

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[19] In February 1979, the Thai government enacted a new Immigration Act, restricting entry, mobility, but provides job opportunities for immigrants and draws a clear boundary between legal and illegal migrants. The significance of this legislation was that it became a tool for the management of forcibly displaced persons. In case forcibly displaced persons resided outside the temporary shelter without valid travel documents, they would be considered illegal migrants—subject to arrest, detention, and deportation. The Act includes Article 17, which provides an exception for some group of people to remain in Thailand temporarily contingent upon the approval of the Cabinet. The article reads,

> in certain special cases, the Minister, by Cabinet approval, may permit any alien or any group of aliens to stay in the Kingdom under certain conditions, or may consider exemption from being conformity with this Act.

It was through this article, since 1979, that forcibly displaced persons were granted permission to remain temporarily in Thailand.

[20] Siddhi said in his memoir, "at that time forcibly displaced persons from Kampuchea were suffering. They did not have food, medicine, and might have been dead if we were slow. If we didn't help, the Khmer Rouge would be defeated for sure. [Kriangsak] announced in front of foreign diplomats that Thailand would start to receive Kampucheans for refuge in Thailand temporarily. But we urge foreign nations to help—to share the burden of resettlement, grant citizenship, or provide sanctuary" (Siddhi 2003: 87).

Committing to the Principle of Balancing Security and Humanitarianism

Kriangsak Chamanan resigned from premiership on March 3, 1980, paving the way for

Prem Tinsulanonda to become prime minister. A few weeks later, Prem became the first prime

minister of Thailand to officially include a forcibly displaced persons policy in his address to the

parliament. He said:

> [the government] will use humanitarian principles as well as the principle of sovereignty,
> security, safety, and national interest in dealing with significant numbers of forcibly displaced
> persons from Indochina in Thailand. The government will employ political and diplomatic means
> to engage international organizations and the international community for burden-sharing.
> Thailand will especially urge other countries to resettle more forcibly displaced persons from
> Thailand. This approach will hopefully help relieve burdens and problems faced by Thailand and
> the Thai people as much as it could (Tinsulanonda 1980).

Prem's declaration highlighted the importance of the principle of balancing security and

humanitarianism as a basis for Thai responses to forcibly displaced persons, the same policy he

reiterated in an address to parliament three years later.

Under the new administration, the government realized that Thailand's open-door policy

was itself a pull factor, prompting a wide range of people in addition to forcibly displaced

persons to come to Thailand hoping for resettlement. The government changed its approach and

began closing temporary shelters, ending the chance of resettlement. Both practices—known

later as *human deterrence* (Chantavanich and Rabe 1990)—aimed to dissuade newcomers from

Thailand.

Shelter closure was launched in 1981. The last shelters to operate were Ban Na Pho (for

lowland Laotians), Chiang Kham and Ban Vinai (for Hmong), Khao-I-Dang (for Kampucheans),

and Phanat Nikhom. These temporary shelters finally closed in the 1990s. In addition to shelter

closures, the government ended resettlement opportunities by setting a cut-off date.[21] *Humane*

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[21] The Thai government allowed the resettlement program to resume in 1983 to resolve the situation of
forcibly displaced persons from Laos and Vietnam (Na Songkhla 1985). It also created the "Lao Screening" program
to distinguish new arrivals who might be qualified as forcibly displaced persons (Purcell 1986).

deterrence significantly reduced the number of newcomers from Laos and Vietnam. Forcibly

displaced persons from Laos dropped from 20,000 persons in 1981 to 5,000 in 1982, and arrivals

from Vietnam dropped from around 20,000 to 6,000 during the same period. Burutphat (1988)

argues that another factor contributing to the reduced number of new arrivals was the

implementation of UNHCR's "orderly departure" program, which provided Vietnamese boat

people with a safe means of departure from Vietnam.

In 1989, Thailand, together with ASEAN countries, pushed for the creation of the

Comprehensive Plan of Action (CPA), which was an important mechanism to manage boat

people and displaced persons from Laos. The CPA was adopted at the International Conference

on Indo-Chinese Refugees held in Geneva on June 13-14, 1989. It involved countries of origin,

regional countries of first asylum, and third countries. Burden sharing was at the heart of the

CPA, and the screening mechanism was its vital practice. The screening mechanism under CPA

aimed to distinguish forcibly displaced persons from economic migrants. Despite criticisms

regarding its arbitrariness and the restrictiveness of the screening process, CPA was considered

successful in resettling and repatriating forcibly displaced persons to Laos and Vietnam (Betts

2006; Davies 2008).

The Thai government had no intention of having Kampucheans remain in Thai territories.

Throughout the 1980s, it attempted to negotiate with the Kampuchean government while

allowing UNHCR and the United Nations Border Relief Operation (UNBRO)[22] to operate in

temporary shelters. A political settlement was finally reached in June 1991, leading to the Paris

Peace Agreement in October 1991 and the transition of power in Kampuchea under the United

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[22] UNBRO was established on January 1, 1982 to provide humanitarian efforts along the Thai-Kampuchean border between 1982 and 2001.

Nations Transitional Authority in Cambodia.[23] The re-formation of Cambodia eventually led to the voluntary repatriation of Cambodians along the Thai border.

Strategic Humanitarianism and the Management of Ethnic Minorities from Burma

Strategic humanitarianism served Thailand's security interests well when it came to the management of forcibly displaced persons since 1975. When the government had to handle another group of Burmese forcibly displaced starting in the mid-1980s, it adopted the same approach for management. The practices included encampment, engagement with international actors for service delivery, urging resettlement and repatriation, and avoiding pull factors.

Forcibly displaced persons from Burma became a growing concern for the Thai government after 1984 with the arrival of approximately 35,000 people from the Mon state, the Kayin (Karen) State, the Kayah (Karenni), the Kachin state, and the Shan state. The changing politico-economic policy of Thailand facilitated an influx of ethnic minorities in the late 1980s. Trichot (2005) argues that several forestry and natural gas concessions granted by the Burmese government to Thai companies led to the "development" of the area in the states where many ethnic minorities resided. The construction of roads and infrastructures allowed the Burmese government to effectively solidify its territorial control, and facilitated its oppression of ethnic minorities. Since then, the *Tatmadaw*, the Burmese Armed Forces, has changed its strategy from

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[23] According to Pranee Thiparat (1994), at least four breakthroughs led to the settlement. First, Prince Norodom Sihanouk, the President of the Coalition Government of Democratic Kampuchea (CGDK) informally met with Hun Sen, the leader of Vietnam-supported Kampuchea twice in Paris for negotiations in December 1987 and January 1988, before meeting again in the first Jakarta Informal Meetings (JIM) in 1988. The meeting allowed the CGDK to develop a cozy relationship with the People's Republic of Kampuchea (PRK). Second, the USSR agreed to normalize its ties with China in 1987, leading the former to support national reconciliation in Kampuchea. USSR then urged Vietnam to withdraw troops from Kampuchea speedily. Third, the change of government in Thailand in 1988 led it to abandon its hardline position towards the Vietnamese. It also led to re-engagement with the government of Kampuchea. Thailand's "changing a battlefield into the marketplace" allowed itself to engage more constructively with its neighboring countries in Indochina for mutual economic gains. Finally, the four political factions in Cambodia, including three factions that formed CGDK and another faction of Hun Sen, met in Pattaya, Thailand, in June 1991. All parties agreed to functionalize the Supreme National Council (SNC)—a critical institutional element for transition under the UN Framework.

attacking ethnic militias in the dry season and leaving in the rainy season, to permanent stationing in those areas. Apart from ethnic minorities, many Burmese who fled to Thailand were political dissidents. These people left Burma after the State Law and Order Restoration Council (SLORC)[24] took power in 1988 during a bloody coup, and in 1990 when the SLORC refused a transition to democracy.

Encampment Revisited

Thailand pursued encampment to contain populations of forcibly displaced Burmese as well as the activities of NGOs. The Thai government labeled forcibly displaced persons from Burma as "persons fleeing fighting" or sometimes "displaced persons from fighting"; and termed receiving centers or camps as "temporary shelters" (Vungsiriphisal et al. 2014). The use of these terms reflected the Thai government's intention to admit forcibly displaced persons temporarily. It also pursued those terms to avoid committing to the international obligations of caring for people designated as refugees. The Thai government assigned the Ministry of Interior —one of its security apparatus—to oversee the shelters, indicating how Thailand continues to treat forcibly displaced persons as a security matter.

In the early 1990s, there were at least 13 temporary shelters for forcibly displaced ethnic minorities from Burma, such as Huai Kalok, Mae La, Sogo, etc. Some temporary shelters were later consolidated. In 2019, there are only nine remaining temporary shelters: Ban Mai Nai Soi,

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[24] The State Law and Order Restoration Council (SLORC) ruled Burma between 1988 and 1997. It was abolished and replaced by the State Peace and Development Council (SPDC). It came to power after several events in 1988. After General Ne Win resigned from leadership in July, widespread protests across Burma against the military rule began in March 1988. On August 8, 1988, in the event known as the 8888 Uprising, the military government brutally cracked down on protestors. The uprising ended in September 1988 when SLORC staged a coup. The junta promised a general election, which was held in 1990. However, after Aung San Suu Kyi—a daughter of General Aung San, the founding father of modern Burma—won 81% the election, the junta annulled the results and put her under house arrest. SLORC continued to rule Burma brutally, crushing the opposition, especially opponents affiliated with the National League for Democracy of Suu Kyi. SPDC ran Burma until 2011 when the presidential system was reinstituted, and the country was renamed Republic of the Union of Myanmar.

Ban Mae Surin, Ban Mae La Oon, Ban Mae La Ma Luang, Ban Mae La, Ban Um Piam, Ban Nu

Po, Ban Don Yang, and Ban Tham Hin. While the shelter consolidation demonstrated Thailand's

effort to control forcibly displaced persons more conveniently, it also allowed Thailand to better

secure its border.

For Burmese student activists who left Burma, the Thai government responded slightly

different. Since many of them traveled to Bangkok and other cities along the Thai-Burmese

border for refuge (United States Committee for Refugees and Immigrants 2000), the Thai

government tried to avoid any care burden by allowing UNHCR to engage with them instead.

These people would go through the UNHCR's refugee status determination (RSD) process. For

those able to prove their involvement in the 1988 political struggle who showed a genuine need

for protection, UNHCR would recognize them as persons of concern. The Burmese activists

were among an early group of urban forcibly displaced persons in Thailand. They were scattered

throughout different parts of Bangkok. Despite obtaining person of concern status from UNHCR,

the government considered student activists as illegal migrants under Thai immigration law.

However, after student activists participated in the Karen National Union's (KNU) 1999

siege of the Burmese Embassy in Bangkok and a 2001 siege of a local hospital in Ratchaburi

Province,[25] most of the Burmese forcibly displaced in the city were sent to the Maneeloy center

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[25] On October 2, 1999 God's Army, a heavily armed branch of KNU and the Vigorous Burmese Student Warriors (VBSW) seized the Burmese Embassy in Bangkok. After almost a day, the group retreated to Burma. They also took Mom Rajawongse Sukhumbhand Paribatra, a deputy foreign minister of Thailand and Mr. Chaiphruk Sawaengcharoen, the former head of Maneeloy Center, as hostages boarding a helicopter until they reached Burma. This event significantly disappointed the Burmese government leading the *Tatmadaw* to launch several heavily armed operations against the KNU. Less than two years later, in January 2001, God's Army seized a hospital in Suan Phung district of Ratchaburi Province and held around 700 patients and staff members hostage. The group wanted doctors and nurses to care for their wounded from the fights with the *Tatmadaw*. The Thai government, however, refused to give in to their demands and sent security forces to storm the hospital and kill all gunmen. After the incident, most of the Karen groups denounced God's Army. Their two leaders led the group to surrender to the Thai authorities in 2001. They were later moved into Don Yang Temporary Shelter.

in Ratchaburi. The center was closed in 2003 after many residents returned to Burma. The

remaining residents were moved to the Ban Tham Hin Temporary Shelter (Trichot 2005).

Engaging with International Actors and Informal Economic Activities

For the daily operations in temporary shelters, the Thai government allowed international

organizations and NGOs to deliver services. The Committee for Coordination of Services to

Displaced Persons in Thailand (CCSDPT)—a consortium of charitable organizations working to

assist forcibly displaced persons in Thailand—continued to serve as the primary coordinator for

service delivery in temporary shelters. From 1984 to 2007, the CCSDPT consisted of around 20

member organizations, coordinating around 30 projects in seven areas: health and sanitation,

education, environmental health, protection, shelter management, livelihood, and food and

nutrition. The CCSDPT has worked in close collaboration with the UNHCR and the Ministry of

Interior in assisting forcibly displaced persons from Burma.[26]

Among several organizations within the CCSDPT, the Thai Burma Border Consortium

(TBBC)[27] was perhaps the most active, with elaborated mandates in assisting forcibly displaced

persons from Burma. The consortium itself was composed of around ten organizations. The role

of TBBC was not limited to providing services to forcibly displaced persons; it also engaged in

advocacy. In 2005, for example, it pushed the government to allow skills and jobs training in the

temporary shelters, and the latter eventually agreed. By providing such opportunities, TBBC

argued that forcibly displaced persons could "contribute positively to the Thai economy, promote

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[26] As of March 2019, there were 13 organizations which still members of the CCSDPT: Agency for
Technical Cooperation and Development (ACTED); Adventist Development and Relief Agency (ADRA); COERR
Foundation; DARE Network; Humanity & Inclusion (HI); International Rescue Committee (IRC); Jesuit Refugee
Service (JRS-Asia Pacific); Malteser International (MI); Right To Play; Save The Children; Shanti Volunteer
Association (SVA); The Border Consortium (TBC); and Women's Education for Advancement and Empowerment
(WEAVE) (The Border Consortium 2019).
[27] The Thai Burma Border Consortium was later renamed the Border Consortium (TBC).

dignity and self-reliance, and gradually reduce the need for humanitarian assistance" (Border Consortium 2019).

In addition to NGOs, Thailand allowed UNHCR to operate in temporary shelters as well. The cabinet of Prime Minister Chuan Leekpai invited UNHCR to engage with forcibly displaced persons from Burma on 24 March 1998. In the Thai-UNHCR Working Arrangements, the government allowed UNHCR to access border areas on a free-and-early basis. In a meeting between Amelia Bonifacio (the UNHCR representative in Bangkok) and General Chettha Tanajaro (the Army commander), both sides agreed that the role of UNHCR would include screening displaced persons fleeing conflict; providing shelter, foods, medicine, and other accommodations; and supporting voluntary repatriation when the situation in Burma was resolved. UNHCR eventually operated three field offices in Mae Hong Son, Mae Sot, and Kanchanaburi (Trichot 2005). Due to the pressure that UNHCR had put on Thailand during management of forcibly displaced persons from Indochina, the government was initially hesitant to let UNHCR engage with ethnic minorities from Burma. Nonetheless, after the 1997 economic crisis, Thailand recognized the need to engage with it to relieve its financial burden.

Apart from the assistance of international actors, the Thai government turned a blind eye on the informal economy within and around shelter areas. In a survey in 2014, Chalamwong, Archapiraj, Promjene, and Meepien (2014) found that more than 80% of Tham Hin's shelter residents engaged in income generating activities. These activities mainly involved selling agricultural products and groceries. For some shelters located near major highways, shelter residents had also been mobile, sneaking out from the confined areas to look for employment opportunities in nearby towns. Some officials that I interviewed also acknowledged those activities but did not give any further comments (Interview#7—June 28, 2017).

Screening Mechanism as a Control Tool

To ensure that the temporary shelters would provide refuge for those needing genuine protection, the Thai government established the Provincial Administration Board (PAB) to screen "displaced persons fleeing fighting." This mechanism was created based on the Lao Screening model (Interview#32—October 26, 2018) and was done with the participation of UNHCR. The arrangement consisted of three major processes, namely initial screening, status determination, and appeal, as shown in Figure 1. Although the Thai government remained in charge of the status determination process, funding for PAB came from UNHCR (Vungsiriphisal et al. 2014).
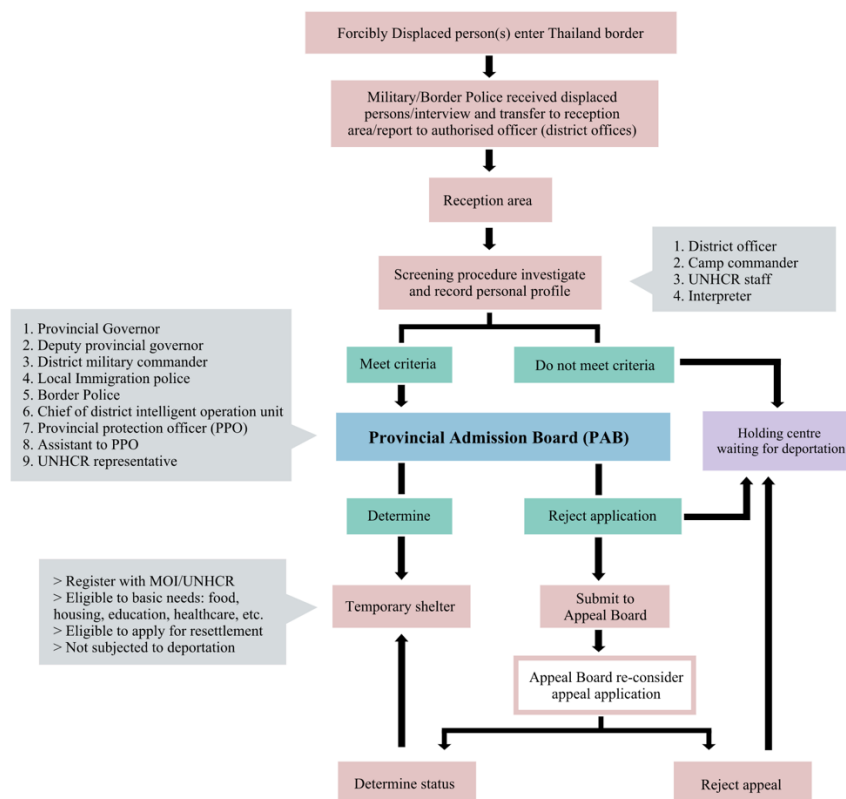

Figure 1. Status Determination Mechanism for Displaced Persons Fleeing Fighting

(Vungsiriphisal et al. 2014)

Between 1999 and 2001, PAB met regularly to determine status on a group basis; however, the meetings were infrequent after 2002, and determination became more case-based in later years. The mechanism not only serves as a screening tool but also as a controlling tool. It allows the Thai government to identify personal profiles of and information about forcibly displaced persons as well as the magnitude of the forcibly displaced persons situation. The PAB mechanism, however, was still ineffective in determining status or control, notably failing to address concerns about those who were screened out. Vungsiriphisal et al. (2014) explain that the failure comes from the difficulties the state faced in efforts to deport those screened out. First, those people refused to return to Burma. Second, even if they returned to Burma, the porosity of the border allowed them to return to Thailand anytime. The screened-out eventually became a hidden population within temporary shelters.

Negotiating Repatriation and Resettlement

Negotiations for repatriation and resettlement with countries of origin and third countries remain an essential practice that the Thai government used to resolve the situation of forcibly displaced persons from Burma. Thailand had relied on negotiations more vigorously after the two incidents involving the Karen National Union and student activists in 1999 and 2001, which posed a critical security threat to Thailand. Citizens also pressured the government to take action against forcibly displaced persons from Burma. A few months after the siege of the hospital in 2001, the National Security Council devised a plan to repatriate forcibly displaced persons back to Burma within three years (MFA Archive 2001) after negotiations with the Burmese government.

The Thai government, however, was unable to repatriate any forcibly displaced persons since fighting between *Tatmadaw* and the ethnic militias remained deadly. Most of these people

were frightened of retaliation at home, and the Burmese government also refused to receive them. At the same time, the security community in Thailand continued to have good relationships with ethnic minorities since they had served as a "buffer" between Thailand and the Burmese. Thus, many Thai security professionals felt sympathetic towards Burmese ethnic minorities for security reasons (Trichot 2005).

With repatriation proving unrealistic, the Thai government, starting in 2005, focused more on resettlement. Thailand was hesitant to push for this practice at first because it was afraid that the resettlement program would become a "pull factor" leading economic migrants to disguise themselves as forcibly displaced to take advantage of the opportunity as happened in the case of forcibly displaced persons from Indochina. Data from UNHCR as of September 2018 indicate 132,689 resettlement applications from 2005 to 2018 and 107,853 forcibly displaced person resettlements. Major destinations included the US, Australia, Canada, Finland, Norway, Sweden, the Netherlands, and New Zealand (Thailand Border Operation 2018b).

Despite a significant number of resettlements, the number of shelter residents has remained relatively constant over the years, which demonstrates that there were many unregistered individuals—possibly economic migrants—living alongside forcibly displaced persons in temporary shelters. Information from UNHCR suggests that the proportion of registered and unregistered populations were nearly even overall. In six out of the nine temporary shelters, the number of unregistered residents was higher than registered (Thailand Border Operation 2018c). The high number of unregistered residents reaffirmed Thai security officials' fear of the pull factor. The government consistently cited this evidence to argue for suspending the resettlement program in the future. That would not, however, necessarily reduce the number of shelter residents, given the porosity of the Thai-Burmese border.

A Path towards Voluntarily Repatriation

After more than twenty years of Burmese ethnic minority settlement in Thai temporary shelters, a path towards voluntary repatriation finally emerged in 2010. The Burmese junta made a transition to civilian rule and once again opened Burma to the global community. It remained unclear why the military strongmen decided to terminate their iron fist. Nonetheless, political reform and development have affected the situation along the Thai-Burmese border in a positive way, and Burmese authorities agreed on a truce with different ethnic militias. In 2016, the 21st Century Panglong Conference, which attempted to establish permanent peace between the Burmese government and ethnic minorities, reconvened for the first time since 1947.

Due to these encouraging developments in Burma, the Thai government decided that voluntary repatriation (VolRep) of forcibly displaced persons to their countries of origin could finally be pursued, leading to tripartite negotiations between Thailand, Burma, and the UNHCR. The Thai government urged the Burmese government to send its officials to verify citizenship for those living in Thailand's temporary shelters. Voluntary repatriation has also become the preferred solution, since Thailand insists that it will not allow forcibly displaced persons to remain in Thailand. All officials in the National Security Council to whom I talked informed me that if Burmese displaced persons would like to reside in Thailand, they must first return to Burma and come back to Thailand as legally documented migrants (Interview#20—September 3, 2018; Interview#40—December 3, 2018; Interview#42—December 4, 2018). At the same time, most third countries also ended their resettlement programs. The US closed its group resettlement program for Burmese in Thailand in 2013.
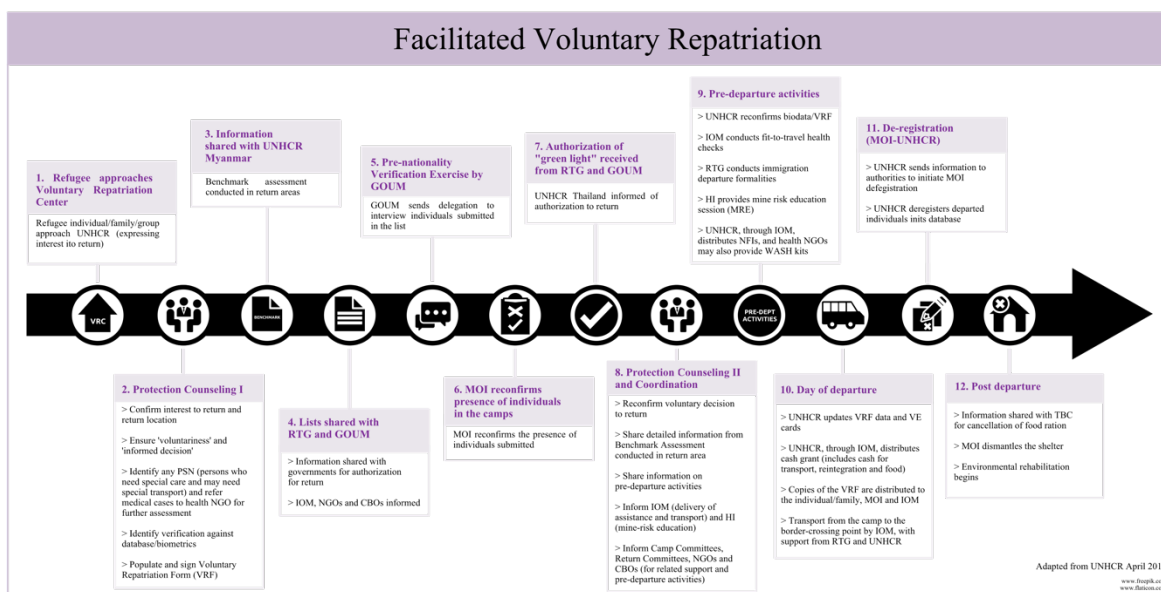
Figure 2. Voluntary Repatriation Process (UNHCR 2018a)

UNHCR played an essential role in facilitating VolRep following the procedure laid out in Figure 2. It begins with forcibly displaced persons approaching the VolRep Center to register for return and ends with the de-registration. UNHCR also tracked returnees' lives after repatriation. In October 2016, the first group of 71 forcibly displaced persons from the Nu Po and the Tham Hin Temporary Shelter returned to Burma. The number of forcibly displaced persons from Burma who decided to return home increased over the year as well (Interview#31—October 21, 2018). Several organizations, however, have voiced concerns regarding VolRep, suggesting that some families were pushed to join the program by UNHCR and the Thai government without their full consent. These agencies call for more transparency in the repatriation process and additional follow-up on the conditions of forcibly displaced persons upon their return to their homeland.

Conclusion

In "Thailand and the Indochinese Refugees: Fifteen Years of Compromise and Uncertainty," Chantavanich and Rabe (1990) argue that balancing security and humanitarianism

was the guiding principle behind Thai responses to forcibly displaced persons when it had to manage forcibly displaced persons from Indochina. This chapter reaffirms that argument. I further argue, however, that these principles informed *strategic humanitarianism*—the approach that Thailand had taken to manage forcibly displaced persons—not only during the time of the Indochinese forcibly displaced persons crisis but also during the management of ethnic minorities from Burma.

Beyond highlighting the importance of the principle of balancing security and humanitarianism, this chapter also traced, with a particular focus on the bureaucratic dynamics, the development of Thailand's forcibly displaced persons policy before and after the period of the mass influx from Indochina. The assignment of Thai security professionals, especially from the National Security Council and the Ministry of Interior, to oversee forcibly displaced persons since the 1950s solidified forcibly displaced persons issues as a national security matter. At one point, Thailand's forcibly displaced persons policy was also an extension of Thailand's anti-communist policy. Because of the connection between forcibly displaced persons and other security matters, several forms of maltreatment of forcibly displaced persons emerged. Deportation and deterrence persisted even after the Thai government embraced humanitarian practices in the 1970s.

The Thai humanitarian pursuits should not merely be taken at face value. Because the government turned to humanitarianism involuntarily due to the emergency crisis in Indochina and the impossibility of controlling the massive number of forcibly displaced persons who had already arrived at its borders, these efforts led Thailand to adapt humanitarianism strategically in order to fit national security interests. *Strategic Humanitarianism* emerged as the central

management approach, which consisted of techniques ranging from encampment to avoiding pull factors.

The rise of *strategic humanitarianism* over time allowed Thailand to assist forcibly displaced persons in ways that would facilitate its national security pursuits. Sometimes, the Thai government acted against the interests of forcibly displaced persons, prioritizing security interests—which was why seemingly ad hoc, fragmented, and unpredictable treatments emerged. Nonetheless, this management of forcibly displaced persons was in fact a rather predictable reflection of how Thailand had framed its forcibly displaced persons policy as a national security matter. The security thinking, as well as the security domain, continued to dominate the way officials addressed forcibly displaced persons situations from the beginning of the Cold War, and *strategic humanitarianism* was the approach that Thailand pursued to ensure that its national security interests prevailed.

CHAPTER 4

Responses to Urban Forcibly Displaced Persons

Introduction

The terrorist attack on 9/11 shook a world order that has been dominated by the United States since the end of the Cold War. It brought to light loopholes in the US immigration system that foreign agents could exploit to stage a strike on New York City—a historic port of entry for immigrants—using America's own resources. 9/11 not only consolidated a fear of terrorism within the US and worldwide but also propelled the US and its allies to robustly frame migration as a security issue. Immigration processes have become more complicated and time-consuming especially for people from the global south who want to travel to the global north. Visa requirements are more demanding. Security checkpoints have dramatically increased on international borders, and X-ray machines, metal detectors, and guards are heavily deployed in airports and significant buildings everywhere.

In addition, 9/11 prompted the US and allies to invade Afghanistan to uproot terrorism. It also served as a steppingstone for the invasion of Iraq to overthrow Saddam Hussein, whom George W. Bush branded as one of the "axes of evil." Both invasions unleashed another round of forced migrants into relatively stable countries in the Middle East where a significant number of forcibly displaced persons from previous conflicts in the region had sought asylum. 9/11 also made admission and resettlement in the global north highly selective as a result of tightening immigration control due to fear of disguised terrorists. The number of admitted refugees in the US dropped more than 50% between 2001 and 2002 (Russell and Batalova 2012).

The rise of global discussions about the responsibility to protect (R2P) further complicated the prospect of resettlement for forcibly displaced persons. Kofi Anan, the former

secretary-general of the United Nations, promoted R2P through the formation of the High-level

Panel on Threats, Challenges and Change in 2003 before urging global leaders to adopt the norm

at the United Nations World Summit in 2005. R2P particularly responded to genocide in

Rwanda—a situation in which the international community acted only as the crisis ended. One of

the critical pillars of R2P is that when any state is unable or unwilling to protect its citizens, "the

international community, through the United Nations, also has the responsibility to use

appropriate diplomatic, humanitarian, and other peaceful means, in accordance with Chapters VI

and VII of the United Nations Charter, to help to protect populations from genocide, war crimes,

ethnic cleansing and crimes against humanity" (General Assembly Resolution 2005: 30).

Through this pillar, nations in the international community have a responsibility to protect

citizens other than their own from mass atrocities.

While Kofi Anan pushed forward R2P with the hope of upholding international standards

of human rights and preventing a humanitarian catastrophe, many countries have grown

concerned about the consequences of embracing the new norm. On the one the hand, since R2P

fundamentally attempted to reverse the Westphalian order by redefining and reshaping the

principle of sovereignty, most countries have worried that the adoption of the norm would

expose them to the limits of their own sovereignty (Daase 2015; Moses 2013). On the other

hand, R2P conceptually fails to address the question of forcibly displaced persons, which is a

contradiction rooted in Westphalian sovereignty (Aleinikoff 1992; Rudolph 2005). Forcibly

displaced persons are the product of the creation of states. They have become the group of

people who need protection because their own state either fails to protect or directly persecutes

them. The arrival of forcibly displaced persons raises concern among countries of the first

asylum about why they have to care for citizens of other nations. At the same time, many

governments in the global south that host forcibly displaced persons are also afraid that they may have to assist these people while countries in the global north may not shoulder their share of the burden.

The global tensions that rose after 9/11 put forcibly displaced persons into gridlock in their first country of asylum, 80% of which are in the global south, where neither resettlement nor repatriation is a viable option. A camp continues to serve as a protracted form of containment for forcibly displaced persons (Milner 2014). In countries where there are no camps, forcibly displaced persons have scattered into urban spaces and lived alongside citizens of the country where they seek asylum (Bakewell 2014). Some forcibly displaced persons who have financial resources or social networks and want to avoid camp life may travel to a country which is relatively peaceful, and where immigration control is loose, in the hope to access quicker status determination and resettlement program. This new phenomenon has dramatically changed the global landscape of forced migration.

In 1997, UNHCR issued a *Comprehensive Policy on Urban Refugees*, acknowledging the existence of forcibly displaced persons in urban spaces alongside camp populations for the first time (UNHCR 1997). The report argues for the recognition that there has been dramatic increase in the number of urban forcibly displaced persons, their exceptional nature, and the different challenges that they face in multiple issue-areas. The growing number of forcibly displaced persons in urban areas pressed UNHCR to commence a more comprehensive policy statement in 2009 (UNHCR 2009). Thanks to the latest report, issues and concerns relating to urban forcibly displaced persons have become another core topic in the global debate over forced migration. As of 2019, more than 60% of forcibly displaced persons around the globe are living in urban areas (UNHCR 2019d).

Amid the growing immigration tension in the global north after 9/11 and the shifting forced migration landscape at the beginning of the twenty-first century, Thailand has emerged as a global south country that has received a growing number of forcibly displaced persons from more than 40 countries. Based on UNHCR statistics, forcibly displaced persons began to seek asylum in Thailand's urban areas in 1982. A UN database reports the existence of 70 forcibly displaced persons from Iran who probably fled the country after the Islamic Revolution. The number grew to 100 people by 1983 (United Nations 2019), although I have been unable to locate them or their length of asylum in Thailand.

The presence of urban forcibly displaced persons in Thailand has been obscured for years. First, global and media attention on forcibly displaced persons in the country focused significantly on the massive number of forcibly displaced persons in camps, which were highly visible and could be visualized through photos and broadcast of temporary settlements, strong presence of guards and fences, and the movement of humanitarian aid in and out of shelters. Second, the number of urban forcibly displaced persons is disproportionately small, and these people are scattered among different locations throughout Thailand's urban spaces. Only through the politics of sight, which Pachirat (2011: 236) defines as "organized, concerted attempts to make visible what is hidden and to breach, literally or figuratively, zones of confinement to bring about social and political transformation," has the existence of this group become visible. This process involves UNHCR, NGOs, academics, and several bureaucratic agencies in the creation of a new category of forced migrants.

A 2006 UNHCR report indicated that Thailand hosted 802 urban forcibly displaced persons of 28 nationalities whom UNHCR recognized as refugees, and 652 asylum seekers of 35 nationalities, who had applied for refugee status determination and were pending interviews or

final decisions. Since the term "refugee" has no legal definition in Thailand, both refugees and asylum seekers who have already been in contact with UNHCR are known altogether as persons of concern—a similar status to the forcibly displaced persons in camps (MFA Archive 2006).

Among the forcibly displaced persons in the Thai urban areas, the top six countries of origin in 2006 were Laos, Cambodia, Vietnam, China, Sri Lanka, and the Democratic Republic of the Congo (DR Congo) (MFA Archive 2006). As of 2018, there were 5,514 urban forcibly displaced persons in Thailand. The top six countries were Pakistan, Vietnam, Palestine, Cambodia, Syria, and Iraq (United Nations 2019). The current profiles of urban forcibly displaced persons in Thailand—a combination of people from adjacent countries and faraway lands—reflect the changing landscape of forced migration at the global level.

The increasing number of urban forcibly displaced persons in Thailand has prompted my attention to the Thai state response to this group. Since the situation in Thailand parallels the changing forcibly displaced persons situation on the global stage, I also use Thailand as a case study in this chapter to explore the fuzziness of the global regime governing forcibly displaced persons in urban areas. How has Thailand managed urban forcibly displaced persons? How does Thailand respond differently to forcibly displaced persons in urban areas and in camps? What factors shape Thai responses?

This chapter argues that Thailand's response to urban forcibly displaced persons demonstrates the ongoing construction of a regime governing forcibly displaced persons which has emerged since the end of World War II. It involves the devious way Thailand grapples with the tension between international norms and domestic legislation. The contemporary Thai approach is mainly influenced by the way Thailand managed forcibly displaced persons during the Cold War. Thailand continues treating urban forcibly displaced persons as a security matter.

It engages professionals in the security apparatus, including the Immigration Bureau, which is part of the Royal Thai Police, and the National Security Council in the management process.

In the absence of a Thai mechanism, UNHCR has assumed responsibility for determining refugee status for urban forcibly displaced persons. Some groups of urban forcibly displaced persons obtain international legal status as refugees entitled to rights accorded by international humanitarian law. The Thai government, however, refuses to recognize the refugee. Instead, it considers these populations as illegal migrants. De jure, forcibly displaced persons are subject to arrest, detention, and deportation. De facto, only some groups experience strict enforcement of legal instruments. The government turns a blind eye to the presence of urban forcibly displaced persons, allowing those populations to seek temporary refuge in Thailand, though with no guarantees of safety.

The Thai response demonstrates that the principle of balancing security and humanitarianism remains the cornerstone of Thai forcibly displaced persons policy. It suggests that the Thai government may pursue humanitarianism as long its pursuit does not jeopardize security interests. Thailand adopts a dual-track management approach, which involves the use of national security and immigration measures to manage urban forcibly displaced persons. To manage some groups, such as the Rohingya or the Uyghur, whose presence in Thai territory could be interpreted as an unfriendly act to its neighbors or allies and poses a national security threat, the government uses national security measures. This involves actions ranging from detention in secret jails to forced deportation, which is a clear violation of the principle of non-refoulement. Nonetheless, there are exceptions for vulnerable populations among those groups, such as women and children, whom Thailand may allow to reside in a safe house temporarily

before resettling them in a third country. Noticeably, Thailand pursued a similar form of practice during the pre-1975 period when it managed former KMT soldiers and the Vietnamese.

Most urban forcibly displaced persons, however, are subject to routine immigration measures. Binding obligations from several international legal instruments and pressure from UNHCR, foreign envoys, and domestic bureaucratic agencies, has prompted Thailand to turn a blind eye to the presence of many urban forcibly displaced persons. The Thai government also delays their deportation. Such a practice does not guarantee that officials will not arrest and detain urban forcibly displaced persons. There are four significant ways that these people can be arrested, namely native-complaint-led arrest, mass arrest of all groups of illegal migrants, targeted arrest, and street arrest. Upon getting arrested, urban forcibly displaced persons go through legal procedures before being detained at the Immigration Detention Center (IDC). They are held there, for periods ranging from a few weeks to several years. Some urban forcibly displaced persons, however, may be allowed to leave the IDC on bail. Even so, they continue to struggle in their lives outside of the IDC. The government prohibits them from working legally. The kind of humanitarianism that the Thai government pursues is, therefore, limited. It focuses on allowing urban forcibly displaced persons to reside in its sovereign territory without immediately returning them to their country of origin and without any guaranteed rights.

The existence of the immigration track also leads to the rise of a cell economy within the IDC, defined as everyday economic activities that some immigration police—with several others turning a blind eye—illegitimately allow or even profit from, such as the selling of groceries or product delivery for detainees. This form of economic practice resonates with the existence of the informal economy within temporary shelters in the past. The cell economy is a feature as much as a bug of the management of urban forcibly displaced persons, reducing tensions

between the immigration police and the detained forced migrants who would like to access better quality foods or products.

This chapter starts with the discussion of the factors leading to the growing number of urban forcibly displaced persons in Thailand. It then focuses on the pathway for urban forcibly displaced persons to arrive in Thailand and the refugee status determination process of UNHCR. The fourth section provides details of a dual-track management of urban forcibly displaced persons. I conclude this chapter with comments on how Thai responses to urban forcibly displaced persons continue to be dominated by the principle of balancing security and humanitarianism and how Thai bureaucrats appreciate the high level of discretion in making forcibly displaced persons policy to serve Thailand's national security interests.

Factors Contributing to the Rise of Urban Forcibly Displaced Persons in Thailand

Palmgren (2013) explains the arrival of urban forcibly displaced persons into Thailand by pointing to the greater demand for temporary and less skilled workers in the context of globalization and regional integration. Those factors provided motivation for forcibly displaced persons to disguise themselves as migrant workers eager to enter the kingdom. While his structural explanation illustrates the factor attracting urban forcibly displaced persons from Thailand's neighboring countries, it fails to provide an explanation for the arrival of urban forcibly displaced persons from other countries, such as Pakistan, Palestine, and Syria.

I propose four additional structural influences that concurrently contributed to the greater movement of forcibly displaced persons into Thailand's urban areas. These factors are the presence of the UNHCR office in Thailand; the relaxation of immigration control as a result of Thailand's tourism campaign in the middle of tightening immigration control in the global north; the reduced costs of air transportation worldwide; and the existence of country of origin ethnic

enclaves and social networks, allowing forcibly displaced persons to integrate while seeking refuge.

First, the Thai government has continued to authorize UNHCR to operate in Thailand, but in the absence of government mechanisms to determine refugee status for urban forcibly displaced persons, UNHCR has had to assume responsibility for them based on its own mandate. The presence of UNHCR and the status determination mechanism in Thailand has led groups of forcibly displaced persons to believe that they will have easy access to legal protection and resettlement programs. Sabiha, an urban forcibly displaced person from Palestine, told me that she "heard" about status determination and resettlement opportunities in Thailand through word of mouth from her network of friends who had already arrived in Thailand, and she decided to travel with her family after the demolition of their homes in Iraq and then in Syria (Interview#50 – March 17, 2019).

The myth that migrants will receive legal protection and quick resettlement in Thailand perhaps emerges from Thailand's long history of managing and hosting forcibly displaced persons. It is one of a few places in the world, since the mid-1970s, that forcibly displaced persons have consistently been allocated resettlement quotas from countries in the global north. The untold and concealed story of refugee status determination in Thailand, however, is that, on average, it takes urban forcibly displaced persons around five to six years to obtain status, around eight to nine years to appeal closed cases, and approximately one to two years for resettlement (Roisai et al. 2016). Furthermore, even when urban forcibly displaced persons obtain a new status from UNHCR, Thailand refuses to recognize them as refugees but continues to classify them as illegal migrants and subjects them to arrest and detention based on the 1979 Immigration Act.

Second, Thailand has had a flexible and relatively loose immigration practice even after 9/11. Thanks to the 1997 Asian financial crisis, the government continued to focus on accumulating foreign exchange and revenue by promoting Thailand's tourism industry (Rodney 1998; Kontogeorgopoulos 1999). The Tourism Authority of Thailand launched the global "Amazing Thailand" campaign in January 1998, hoping to turn the flotation of the Thai Baht into an additional tourist attraction. The campaign focuses on marketing different aspects of the Thai tourism industry, including shopping, tours, Thai food exhibitions, sporting events, and other cultural displays. The project was successful in increasing the number of foreign visitors by 7.5% and 10.5% in 1998 and 1999 (Rodney 1998) leading Thailand to continue promoting the campaign despite the original plan to end the project after two years.

Central to Thailand's tourism campaign was the relaxing of immigration control and visa requirements, which provided an undemanding channel for foreign visitors. Since 1987, the Ministry of Interior had allowed citizens of more than 80 countries to enter the Thai kingdom with a visa granted on arrival (15 days) at the Don Muang Airport (then Bangkok International Airport: BKK) as the port of entry (*Royal Thai Government Gazette* 1987). After 1997, the Ministry of Interior added citizens of many more countries—especially from populous nations like China—to the original list and expanded the number of ports of entry where visa on arrival is provided (*Royal Thai Government Gazette* 1998). In 2002, when many countries increased immigration restrictions, Thailand moved in a different direction, unlocking visa-free travel (up to 30 days) for citizens from more than 40 countries (*Royal Thai Government Gazette* 2002).

The relatively easy immigration process of Thailand, especially for tourism, provided different groups of migrants with an uncomplicated channel to enter the kingdom. Darkwah (2002) demonstrates that female traders from Africa benefited greatly from Thailand's loose

immigration policy at that time. A market in Bangkok became a supply hub for consumer goods, ranging from clothes and personal accessories to household appliances. Likewise, forcibly displaced persons took advantage of Thailand's relaxed immigration system to disguise themselves as tourists and enter the kingdom before approaching the UNHCR office in Bangkok to apply for refugee status determination and seek refuge in Thailand's urban areas. Based on 2006 data from UNHCR, Thailand received urban forcibly displaced persons from countries as far apart as the Ivory Coast, Liberia, Rwanda, and Iraq (MFA Archive 2006).[28]

Saad, a transman from Pakistan who fled the threat of an honor killing, traveled to Thailand in 2012 with a tourist visa he obtained from the Royal Thai Embassy in Islamabad. His friend told him to get a tourist visa for Thailand because "it is easy, and I have limited chance of getting a visa for other countries" (Interview#8 – June 14, 2017). Saad's friend gathered the required documents for him and bought an airline ticket from the Pakistan International Airline for Saad to travel into Thailand.

The third factor leading to the increasing number of urban forcibly displaced persons in Thailand is the government's attempt to use its strategic geographical location in the middle of the mainland Southeast Asia as a regional aviation hub at the time when costs of air travel and transportation dropped (Ariya 2018). The presence of low-cost airlines such as Air Asia and Jet Star has prompted major airlines to make a substantial adjustment to be competitive in the market. The combination of both factors led people from far away to travel to Thailand for asylum easier.

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[28] Nonetheless, a stricter control on immigration has been in place since 2012 after the cabinet had a systematic review of the Thai immigration system (National Security Council 2012), which coincided with the time when Thailand experienced the growing number of the Rohingya. Immigration continues to be frame as a security matter. In 2015, immigration appears as a policy number 7 in the National Security Policy (2015-2021). The Thai government aims at improving the Thai immigration system to prevent illegal entry and manage the existing illegal migrants in the country (National Security Council 2015).

Another critical factor leading to the rise of urban forcibly displaced persons in Thailand is the existence of a network of forcibly displaced persons already in the country. This network emerged gradually after different waves of urban forcibly displaced persons moved into Thailand. As it has expanded over time, the network has become a critical factor attracting newcomers looking for a place of refuge. Forcibly displaced persons often settle in a country where there are friends, community, or people from the same country of origin who speak the same language. Some may look for the network upon arrival while many have done some research before deciding to flee. Others use smugglers to put them in touch with a network after their arrival.

Alang, a Hmong forcibly displaced persons who fled religious persecution in Vietnam, informed me, "my family moved here because [Uncle] Cai was already here. He was a religious leader in our hometown, and we knew that if we moved here with him, we would have a community of support" (Interview#52 – March 20, 2019). Alang, together with his family, then took advantage of the porous natural borders between Vietnam and Laos and between Laos and Thailand to travel illegally from Lao Cai to Bangkok.

Entering Thailand

Urban forcibly displaced persons usually take one of two major channels to get into Thailand. First, they cross Thailand's porous natural borders. Those who resort to this channel are usually from Thailand's neighboring countries or North Korea. Second, a larger group of urban forcibly displaced persons (as of 2019) enters Thailand through legal ports of entries with a valid passport before overstaying their visa. While many urban forcibly displaced persons make their way to Thailand through one of these two channels by themselves, a significant number of them have paid smugglers for some sequence or even their entire journey.

The first channel through which urban forcibly displaced persons cross into Thailand is through natural borders. Thailand has 4,863 kilometers of borders with four countries: Cambodia (803 km), Laos (1,754 km), Malaysia (506 km), and Burma (1,800 km). At the same time, it also has 3,219 km of coastline connecting both the Pacific and the Indian Oceans.

The natural borders between Thailand and neighboring nations—be it a river, canal, or mountain range—have long been used by locals for trade, daily crossings, and illicit activities. The government could not effectively surveil or control border crossings because of their length and difficult geographical terrain in many parts. Thai borders have long been porous, allowing different groups of forcibly displaced persons and economic migrants alike to take advantage for illegal entry. This channel is the gateway for urban forcibly displaced persons from Vietnam, Laos, Burma, and surprisingly North Korea. Most come with no valid travel documents.

At a different point along Thailand's natural borders, urban forcibly displaced persons may resort to various means of admission, including crossing by foot through a forest or river, bribing paramilitary personnel who guard the jungle checkpoints, or paying smugglers for assistance. Cai, a Hmong religious leader who was persecuted by the Vietnamese government because of his Christian beliefs, describes his journey from Vietnam as "very tedious and challenging" (Interview#52 – March 20, 2019). It involved many legs and several rounds negotiating with smugglers. Once in Thailand, he and his family took a public bus and traveled directly to Bangkok to the UNHCR office. Many of the Hmong from northern Vietnam and Khmer Krom from southern Vietnam shared the same experience. They could disguise themselves as locals due to similar physical appearances.

In the case of urban forcibly displaced persons from North Korea, many take a long journey by foot or bus from China through Laos before crossing the Mekong River into

Thailand, mostly via Chiang Rai Province. As soon as arriving on Thai soil, they ask the locals to take them to police stations and surrender themselves to authorities. The situation of this group is exceptional because they are entitled to South Korean citizenship (Choi 2018). As soon as they have gone through legal processes for illegal entry into Thailand, they will be detained briefly in the IDC before getting resettled in South Korea (Interview#40 – December 3, 2018). North Koreans choose to travel through Thailand because escape routes into Mongolia, Vietnam, and Burma are highly secure and have been blocked in recent years. Around 20 to 30 North Koreans cross through Thailand each week (Wongcha-um 2017).

The Rohingya, whom the Burmese government has rendered stateless, also use Thailand's natural borders to seek asylum in Malaysia. Some boarded small boats and traveled through Thailand by themselves. Most have made their journey with the heavy involvement of traffickers, who are either fellow Rohingya, Thai, or Burmese. They turn the Rohingya into their commodities. The identity of these people thus overlaps between being "forcibly displaced persons" and "victims of human trafficking" (Interview#2 July 31, 2016).

The second and perhaps more common entry channel for urban forcibly displaced persons is legal ports. Those who use this gateway have valid travel documents and enter Thailand legally. They are often from countries in different regions or continents, such as Pakistan, Palestine, Somalia, or Sri Lanka. While many urban forcibly displaced persons travel into Thailand by themselves, a significant number come with the assistance of smugglers, who can help urban forcibly displaced persons from the initial process of obtaining travel documents, to the later process of accompanying them into Thailand.

Ibraahim, a teen from Somalia, was one of several urban forcibly displaced persons who entered Thailand with the assistance of a smuggler. Based on his written testimony for an asylum

request, Ibraahim said that a smuggler assisted him in obtaining a Somali passport and a Thai visa from the Royal Thai Embassy in Nairobi, Kenya. In my interview with Ibraahim, however, he did not indicate whether he was present at the embassy for the visa application submission (Interview#7 – June 11, 2017). Since Ibraahim seemed to demonstrate no understandings of the Thai visa process, I suspect that the smuggler mailed in the visa application on his behalf before buying him a cheap Jubba Airways ticket from Mogadishu, making a connection with Ethiopian Airline in Addis Ababa, to get Ibraahim into Thailand.

There is also an illicit business of forging passports and visa stamps. In January 2018, the Immigration Bureau arrested Mohammad Iqbal, a passport forger from Pakistan (*Post Today* 2018). An official in the Consular Affairs Department told me that forgers peel off the genuine Thai visa stamp and change the passport name and number (Interview#38 – October 31, 2018). This forging method was possible because no picture of the applicant appears on the Thai visa stamp. The officer also said that the illicit activity occurs mostly in the case of the specific Royal Thai Embassies that oversee visa approval in several territories, including in Nairobi.[29] The presence of the forging network is an additional path through which urban forcibly displaced persons can obtain illegal travel documents to enter Thailand.

Despite the presence of the forging business, I do not assume that Ibraahim obtained the Thai tourist visa illegally because the process for getting a Thai tourist visa has been relatively easy. The same consular officer informed me that the Thai tourist visa process is relaxed partly due to a high volume of visa requests, which make it difficult for an officer to scrutinize applications thoroughly (Interview#38 – October 31, 2018). Besides, since some Royal Thai

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[29] The Royal Thai Embassy in Nairobi administers visa approval for citizens of the following countries: Burundi, Comoros, DR Congo, Ethiopia, Kenya, Rwanda, Seychelles, Somalia, South Sudan, Tanzania, and Uganda (Royal Thai Embassy, Nairobi 2019).

Embassies oversee many territories, the embassy acknowledges that it is unfeasible to require citizens of all those different nations to apply for a visa in person. Therefore, the mail-in application is allowed. In addition, since Thai tourist visa approval is a document-based process, a visa would typically be approved if an applicant demonstrated a "genuine" intention to travel to Thailand for tourism and showed strong connection and commitment to return home. The required documents for tourist visa applications include a valid passport, hotel reservation, roundtrip ticket, travel plan, and in some cases bank statement showing the required minimum amount of money for traveling to Thailand. Visa approval practices vary from embassy to embassy, however, depending on the level of risk that citizens of each country pose for Thailand. The discretion of each consular officer also matters. For some nationalities neither plane ticket nor bank statement is requested (Interview#38 – October 31, 2018).

Since 2015, however, the Thai security community has had more concerns about citizens from some nations, especially in Africa, the Middle East, and South Asia. Citizens of several nationalities have, therefore, been put on a watchlist and are required to undergo thorough scrutiny by consular and immigration officers. As of 2018, citizens of approximate 30 countries are on the list. The stricter visa application and immigration process constrained urban forcibly displaced persons from some countries from traveling to Thailand. For example, citizens of DR Congo and Somalia, have been told to apply for a visa in person at the Royal Thai Embassy in Nairobi (Royal Thai Embassy, Nairobi 2019). The most scrutinized citizens of all (as of 2018) were from Iraq and North Korea; none of the Royal Thai Embassies is authorized to issue a visa for these citizens. The embassies or consulates that receive their request must direct the application to the Department of Consular Affairs in Thailand under all circumstances. The National Intelligence Agency (NIA) will get involved in the visa approval process for Iraqi

citizens, while the Department of East Asian Affairs will be an additional party taking part in visa decisions for North Korean citizens (Interview#38 – October 31, 2018). Despite the stricter immigration control, consular officers stressed that Thailand continues to "encourage tourism" for citizens of all nations on the watchlist, and therefore the visa approval process may not be as difficult as it should have been.

UNHCR and Refugee Status Determination (RSD)

Upon arrival to Thailand, most urban forcibly displaced persons first look for a place to stay. They usually find the location through networks of forcibly displaced persons. Some, however, come to Thailand first and request assistance from NGOs that provide legal and humanitarian assistance to urban forcibly displaced persons, such as Asylum Access Thailand, the Bangkok Refugee Center, or the Jesuit Refugee Service, by searching for contact info online. While several urban forcibly displaced persons first approach their network or NGOs, many stay in a hostel or hotel and find a way to contact UNHCR for status determination.

The UNHCR office in Thailand has assumed responsibility for status determination based on its mandate in the absence of a Thai government mechanism. It takes applications through a small window located on the side of the United Nations Economic and Social Commission for Asia and the Pacific complex, across the street from the Thai Government House. The entire refugee status determination process in Thailand usually takes five to six years. Due to increased funding over the past several years, particularly from the European Union (EU), UNHCR has been able to determine status more quickly (European Civil Protection and Humanitarian Aid Operations. 2019; Interview#28 – October 8, 2018). It may partially explain why there has been a drop in the number of urban forcibly displaced persons in Thailand since people who were screened-out are unregistered from the system.

The refugee status determination process begins with registration. Applicants must fill out forms and submit them along with: a cover letter explaining the rationale behind their asylum request (in English or their native language); an original copy of identification records, such as passport, identity card, birth certificate, etc.; contact information in Thailand, including address and phone number; proof of family relationship; and supplementary documents that may be useful for status determination. UNHCR allows NGOs that provide legal services, such as the Asylum Access Thailand, to assist urban forcibly displaced persons in preparing their cases. Upon the submission of the asylum application, the UNHCR will issue an asylum seeker certificate, which is valid for one year. Urban forcibly displaced persons must renew it after a year if UNHCR has not yet interviewed them. The wait time for the interview varies from a few months to more than a year. Saad submitted his application in September 2013 and only waited for five months to get his interview in March 2014. By contrast, Ibraahim waited for two years before a UNHCR staff interviewed him.

The interview is the essential process for the refugee status determination. Asylum seekers will meet individually with UNHCR legal staff who will ask multiple questions. The length of the interview varies and, in some cases, can last for a day. Cai's interview took the entire day, while the one for his son, Junior, took an hour (Interview#52 – March 20, 2019). A former UNHCR officer told me that interviewers would chat with asylum seekers to verify and cross-check their stories against evidence in their country of origin. Upon the completion of the interview, UNHCR staff will decide and inform asylum seekers of results within one to two months (Interview#32—October 26, 2018; Pachernwit 2014). Asylum seekers must travel in person to the UNHCR office for a written letter indicating results. If the asylum request is rejected, the letter will explain the rationale for rejection. Koob-Hmoov, a Hmong urban forcibly

displaced person whose case is now closed, informed me that more than 90% of people whom

UNHCR staff invite inside the building to hear results obtain their status, while almost all

asylum seekers who received the results from the small window by the side of the building get

their request rejected, especially for insufficient proof of a fear of persecution (Interview#52 –

March 20, 2019).

Those who pass the interview will obtain a white card, which includes a UNHCR

number, name, date of birth, sex, country of origin, and issue date written in Thai and English.

The approved asylum request is sent over to the Durable Solution Unit for the resettlement

process. Those whose case are rejected can appeal the result within 30 days. If no petition or

additional pieces of evidence are submitted, or the UNHCR staff considers that asylum seekers

lack enough evidence to support their appeal, UNHCR will close their case. The case, however,

can be re-opened if there are new pieces of evidence indicating that the screened-out person is

qualified for refugee status; there are situational changes in their country of origin; there is proof

that there has been a mistake in the status determination process; or there are compelling reasons

to believe that the process for a particular case is unjust (Pachernwit 2014).

Several urban forcibly displaced persons I talked to, including some who had already

obtained refugee status, expressed skepticism of the refugee status determination process,

especially the interview. Cai told me that UNHCR rejected all asylum requests for the Hmong

population from his community in 2012 (Interview#52 – March 20, 2019). Koob-Hmoov further

explains this point by asserting that "UNHCR officer only told me that my family and I didn't

have enough evidence to support our case. But I don't know what that means." He was

particularly disappointed and frustrated because some of his neighbors from the same village

obtained refugee status when they submitted the case in other years (Interview#52 – March 20, 2019).

Khmer Krom, who have been persecuted by the Vietnamese government for their religious practice and refusal to adopt a Vietnamese way of life, also share similar status determination stories with the Hmong. Chanthou, who has refugee status along with her three kids, expressed her disappointment that UNHCR denied her husband's request. "They told him to collect more pieces of evidence. But who would go back there? Who would go back there to face persecution?," asked Chanthou (Interview#43 – December 11, 2018). Her brother, Vibol, further explained that Vietnamese officers arrested their father who went back to Vietnam to collect additional data for the status determination. "They handcuffed him even when he was in bed in a hospital," said Vibol. When their father fled again to Thailand, he was resettled quickly because of the urgency of his case (Interview#43 – December 11, 2018).

To get a more complete and nuanced picture of the refugee status determination process, I chatted with Michael, a Thai national who was a former UNHCR officer and who previously served as an interviewer for urban forcibly displaced persons. Before answering my question regarding the status determination interview, he paused, "it is difficult to say [about the refugee status determination process]." He told me that despite the standard procedure, the discretion of the investigator matters a lot in deciding asylum requests. Such discretion varies from one interviewer to another. Generally, the interviewer focuses on credibility. "If we thoroughly interview, we will have detailed information to check against data from their country of origin. If we suspect that [asylum seekers] are lying, we may hold the case for a few months before calling them in for another interview. They would forget what lies they told us, but we have our notes" (Interview#32 – October 26, 2018). The length of each interview also varies based on the level of

difficulty for each case. "For a simple case, it would take around one hour. The simple case would be straightforward—they would have evidence and photos attached," said Michael.

Despite the attempt of UNHCR staff to maintain a high standard of practice for refugee status determination, the document and photographic basis for the status determination, coupled with a different level of interviewer discretion, bring the transparency and fairness of the process into question. It also seems to reflect and explain the frustration and disappointment of urban forcibly displaced persons whose cases have been rejected or closed. Regardless of the UNHCR decision after the status determination, the status of all people who have gone through the screening process in Thailand remains the same. They are illegal migrants, and the Thai government has only allowed UNHCR to refer to urban forcibly displaced persons who are asylum seekers and refugees as people of concern.

Dual-Track Management

The existence of UNHCR's refugee status determination mechanism has caused significant concern for Thailand. One official in the National Security Council suggested that it has become a "pull factor" attracting forcibly displaced persons to come and live in Thailand's urban areas (Interview#28—July 28, 2017). Nonetheless, it is part of a large dilemma, which Thailand cannot quickly resolve because the Thai government has already allowed UNHCR to operate in the country and continues to need the agency to reduce its humanitarian burdens and costs. Operating on this understanding, bureaucrats in the government look for other means to curb the growing number of forcibly displaced persons in Thailand's urban areas and to manage those who have been living there.

The National Security Council continues to be the supreme authority commanding forcibly displaced persons policy. In contrast to earlier periods, a dual-track management of

urban forcibly displaced persons has emerged. The first track includes the use of national security measures, such as immediate deportation, and involves cabinet members for decision-making. This track is highly politicized. It is applied primarily to politically sensitive groups, such as the Rohingya and the Uyghur, whom the government considers a potential threat to relationships between Thailand and its neighbors and close allies. The decision of the government to view these people through a national security lens illustrates the legacy of the Cold War, in which Thailand stressed the importance of Westphalian sovereignty and prioritized national interests and international relations over humanitarianism. Not all people within the politically sensitive groups, however, are subject to the same measures. The government allows vulnerable populations, such as women and children, to remain temporarily in safe houses before resettling them in a third country.

The second track involves routine immigration measures. The Thai government may arrest, detain, and in some cases deport urban forcibly displaced persons. However, due to the growing pressure from the UNHCR, foreign envoys, and binding international agreements, most urban forcibly displaced persons experience deportation delays. Thai officials turn a blind eye to their presence in Thai territories. Many of those in the IDC were allowed to be released on bail and remain in Thailand temporarily.

However, bail policy varies from different commissioners of the Immigration Bureau. Some urban forcibly displaced persons whom the government initially subjected to routine immigration measures were later managed by the national security measures. This scenario occurred in cases in which specific groups or individual may have posed a threat to Thailand's national security or have the potential to damage Thailand's international relations with their respective country of origin.

National Security Track

The national security track represents the legacy and great influence of the management of forcibly displaced persons during the Cold War. National interests, sovereignty, international relations with the country of origin of forcibly displaced people, and international pressure have become significant factors informing the Thai response. The Rohingya and Uyghur are the two major groups of people whom Thailand subjects to national security treatment. Although Thailand has been concerned about the connection between both groups and human trafficking, realpolitik has figured prominently in the country's management strategy. The Thai government is willing to violate the principle of non-refoulement, which it has de facto embraced, whenever any groups of urban forcibly displaced persons threaten Thailand's national interests.

Thailand and the Rohingya

The Rohingya have become known as one of the most persecuted ethnic groups in the world. There have been several waves of Rohingyas traveling out of Burma over the past decades, fleeing repression and religious persecution perpetrated by the Burmese government. By the late 2000s, a report of the National Intelligence Coordinating Center indicated approximately 20,000 Rohingya were living in 33 provinces of Thailand (MFA Archive 2007d). This group has formed an association in Thailand and attempted to register it legally (Interview#51—March 18, 2019).

In the new millennium, the earliest group of Rohingya who traveled from Burma were male. However, after men settled in, they contacted traffickers to reunite with their wives and kids (Interview#51—March 18, 2019). Accordingly, since the mid-2010s, Thai police have intercepted a growing number of Rohingya females and children. I write the following story of the Rohingya journey based on interviews with a former UNHCR field officer who ran a covert

operation in southern Thailand and with one of the Rohingya leaders in Bangkok. Migrant journeys often started with boarding a small boat off the Burmese shores after being forced to leave home by the Burmese military and being tricked by a trafficker into believing that the sea journey would cost nothing but yield a considerable return when they arrived at the destination. The boat then took Rohingya to a larger fishing vessel which was anchored in the middle of the sea before traveling south to Thailand. As it approached the Thai coastline, traffickers often shifted the Rohingya into a small boat, and a van would pick them up and transport them to a jungle camp. Eventually, they would be sent off to Malaysia via the southern Thai forest. Thailand has never been a destination of the Rohingya and serves only as a transit country. The Rohingya want to travel to Malaysia because it is a predominantly Muslim country. They also have heard rumors that the Malaysian government has provided humanitarian assistance to the Rohingya due to the country's labor needs (Interview#2 July 31, 2016; Interview#51 March 18, 2019).

The passage of the Rohingya is, however, not as free as traffickers usually tell them. They experience brutal treatment, oppression, and the extortion of money along the way. Once they are placed on board large fishing vessels, traffickers usually force them to pay for every step of their journey. For those who cannot pay on the spot, traffickers force them to phone family members, urging them to make money transfers from afar. In some cases, Rohingya may be beaten while speaking on the phone so that their family feel compelled to pay for their loved one's journey. Those who do not send money for traffickers may be executed (Interview#2 July 31, 2016).

In the middle of my research on the topic, I discovered a folder of declassified documents related to the Rohingya between 2007 and 2008, including internal memos within the Ministry of

Foreign Affairs, reports from other agencies, and additional materials from meetings on the Rohingya situation. While the documents mentioned human trafficking repeatedly, the concern of the Thai state for the Rohingya in the 2007 and 2008 overwhelmingly revolved around their potential engagement in Thailand's southern insurgency—the ongoing separatist armed struggle in the historic Malay Patani Region. The National Intelligence Coordinating Center noted, "the illegal entry of the Rohingya is likely to increase and, therefore, becomes a threat that [the Thai] officials must closely monitor, especially on those who may get involved in the Southern insurgency and international insurgent organization" (MFA Archive 2007d).

In response to the passage of the Rohingya, Thailand initially let them on shore before arresting, detaining, and repatriating them to Burma through informal checkpoints in Mae Sot District, Tak Province. This practice, however, was ineffective because the area where Thai officials deported the Rohingya was not the area where they were from originally, exposing deportees to different forms of violent treatment from both the Democratic Karen Buddhist Army and the Burmese Armed Forced. The group could hardly survive there and had to find their way back into Thailand through porous natural borders (MFA Archive 2007e).

Due to the ineffectiveness of earlier responses, the Thai government under General Surayud Chulanont looked for a new way to respond to growing concerns about the Rohingya. Surayud sent his acting secretary, Ambassador Surapong Jayanama, to Mae Sot on a fact-finding mission. Upon his return to Bangkok, Ambassador Surapong wrote a report and provided policy recommendations in a Document No. Office of the Prime Minister (2) 357/2550 on May 14, 2007, regarding the problem of the Rohingya who were illegal migrants in Mae Sot District, Tak Province (MFA Archive 2007b).

This report, I believe, is one of the essential documents that influenced the way Thailand responded to urban forcibly displaced persons whose movement involved human traffickers, particularly the Rohingya. Ambassador Surapong analyzed the Burmese government's brutal persecution, referring to the horror as a "state conducted ethnic cleansing policy" for the regime's political, economic, and security interests. Surapong then specified the importance of human trafficking and predicted that if Thailand did not take measures against the problem, it would jeopardize Thailand's national security. He said, "Human traffickers will choose Thailand as a route, and a transit point for a commodity which is human in Southeast Asia, just like drug traffickers used Thailand as a route for drug trade for a long time" (MFA Archive 2007b). This report puts the influx of Rohingya in a different light from other materials I have read on the topic. Instead of focusing on terrorism and traditional security, human security is at the core of the analysis and human trafficking is viewed as an emerging threat to Thailand's national security.

The close connection between human trafficking and national security, however, is not a new conceptualization, nor is it unique to Thai policy circles. States have engaged in debates on the issue for some time. Since the early 2000s, the international community has signed and ratified conventions and protocols related to human trafficking, including the 2000 United Nations Convention against Transnational Organized Crime; the 2003 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; and the 2004 Protocol against the Smuggling of Migrants by Land, Sea and Air. These international instruments not only highlight human trafficking but also establish anti-trafficking norms and principles to prevent transnational crime related to trafficking and to protect victims' rights. Since Ambassador Surapong is a prominent Thai diplomat who has served Thailand astutely in

several key countries and is knowledgeable about these different matters, it is unsurprising that

he has become a *norm messenger* who has led Thailand to embrace normative practices

discussed in the international arena. In contrast to a *norm entrepreneur*, who Finnemore and

Sikkink (1988) argue is one who mobilizes support for the adoption of new norms, a norm

messenger circulates those norms domestically.

Responding to the influx of Rohingya by connecting it to the rise of human trafficking

and framing traffickers as a national security concern, Ambassador Surapong recommended that

the Thai government adopt both domestic and international measures with the involvement of the

National Security Council and the Ministry of Foreign Affairs. Domestically, he suggested that

Thailand should have a clear standard of practice for preventing the Rohingya from reaching

Thai shores because letting them onto Thai territory would send the wrong signal to the

trafficking network and the Rohingya, suggesting that Thailand was welcoming and willing to

provide assistance. Surapong also advised the National Security Council to devise a more

vigorous plan to combat human trafficking and to conduct offshore patrols.

Surapong explained that the recommendation could be carried out in a humane and

humanitarian manner, including the distribution of fresh water and food so that Rohingya boat

people could travel to their destination—Malaysia. Carrying out this measure, he contended,

would demonstrate the reality and impact of human trafficking that affected Thailand. He wanted

the international community to hold the countries of origin, Burma and Bangladesh, accountable

(MFA Archive 2007b).

Internationally, he suggested the Thai government host conferences regarding human

trafficking together with the United Nations to raise global awareness. At the same time, he also

urged the Ministry of Foreign Affairs to discuss this issue in every bilateral and multilateral

platform that stakeholders would attend (MFA Archive 2007b).

The Thai government, through the National Security Council, the Ministry of Foreign

Affairs, and the Internal Security Operations Command (ISOC), translated Surapong's

suggestions into a concrete action plan involving covert and overt strategies. In a 2007

declassified "highly confidential" level archival document known as *Pithak Andaman* or Protect

Andaman Sea. The overt measures of ISOC involved several sea operations led by the Royal

Thai Navy. They included a range of practices from immediate repatriation to other intense

actions; the creation of a fishing vessel fleet for gathering intelligence and engaging local

fishermen; surveillance of small islands led by the Royal Thai Marine Corps to prevent the

Rohingya from hiding in those area; a vigorous crackdown on the human trafficking network;

and policy and operation coordination with Rohingya countries of origin (MFA Archive 2007c).

Covertly, ISOC planned to pursue four measures: persuading the Rohingya to travel

elsewhere by providing fuel and foods; mobilizing local Thais; creating clandestine temporary

waiting centers to detain the Rohingya before pushing them outside of Thailand or repatriating

them to their country of origin; and towing Rohingya vessels outside of Thai waters after

interception (MFA Archive 2007c). Some officials whom I interviewed denied these practices,

but NGOs insisted they have occurred repeatedly.

According to the document, the Thai response to the Rohingya involved both carrots and

sticks; however, many of the overt measures violate international norms and laws, including the

principle of non-refoulement, which is at the core of the global regime governing forcibly

displaced persons. Thailand adopted those principles to the extent that they would advance its

national security interests, and might abandon them when they no longer served Thailand's

needs. The adoption of humanitarian norms, thus, becomes highly contingent upon national interests.

Despite implementing vigorous measures against Rohingya males, the government has managed Rohingya females and children in light of human trafficking law. It has invoked Article 29 and 33 of the Anti-Trafficking in Persons Act BE 2551 (2008)—which contains clauses related to the temporary shelters for victims of trafficking in persons—to involve the Ministry of Social Development and Human Security (MSDHS) in housing Rohingya females and children. Nonetheless, most Rohingya males remain in crowded Internal Security Operations Command shelters. The Thai government also contacted Rohingya who had been living in Thailand to help with translations. Since most Rohingya were in Thailand illegally, fewer than 20 volunteered. Thus, Thailand had to hire Bengali speakers because their language is of the same family as the Rohingya. Such action, however, leads to confusion and misinterpretation since most Bengali could not fully comprehend the Rohingya language and therefore could not effectively connect the Rohingya with Thai officials (Interview#51 – March 18, 2019).

For the Rohingya, the Thai government refused to allow UNHCR to process status determinations. At the same time, Thailand continued its clandestine operation to prevent Rohingya from arriving on Thai shores, deporting some from Thai territory (Interview#40 – December 3, 2018). Covert operations, however, facilitated the human trafficking business. One activist familiar with the situation informed me that there was an incident when local police arrested traffickers who used an Internal Security Operations Command's car to transport Rohingya, leading to the exposure of officials involved in the trafficking network (Interview#23—September 11, 2018). Concurrently, officials found hundreds of Rohingya

corpses in mass graves in several provinces in the south of Thailand. The incidents were

described in major newspapers several times in 2015 (see, e.g., *Thairath* 2015).

The trafficking of Rohingya through Thailand involved multiple stakeholders, ranging

from government officials to businessperson of various nationalities. A high ranking official in

the security community informed me that the network does not transport the Rohingya directly to

Malaysia because they are afraid that the boats will not be able to travel far enough without

sinking, which would mean the loss of their human commodities. Accordingly, the network has

chosen Thailand as a transit point (Interview#40 – December 3, 2018). The robust human

trafficking network even issued a death threat to Police Major General Paveen Pongsirin, a head

investigator of the trafficking of Rohingya, prompting him to seek political asylum in Australia

in 2015 (*Thairath* 2019).

In 2017, however, the Criminal Court of Thailand convicted hundreds of low to high

ranking officials involved in local and national levels of human trafficking. The list included

Banjong Pongphon, a former mayor of Padang Besar, a city on the Thai-Malay border;

Patchuban Ungchotiphan, a former chief executive of the Provincial Administrative Organization

of Satun, a province bordering Malaysia; and Lieutenant General Manas Khongpan, a former

senior expert attached to Internal Security Operations Command – Region 4 (*Thairath* 2017).

Thailand and the Uyghur

In addition to the Rohingya, Thailand also manages the Uyghur using a national security

track. Uyghur are members of the Muslim minority who live predominantly in Xinjiang

Province, China. Over the decades, the Chinese government has harassed and harshly persecuted

the Uyghur due to their religious practices and their refusal to assimilate into the mainstream

Chinese society. Many have, therefore fled their home country to seek refuge in Turkey, where

they have a strong historical and ethnic connection. Since the routes to Turkey via Nepal, Pakistan, and countries in Central Asia are difficult and put migrants at risk of deportation due to strong relationships between those government and Beijing, the Uyghur generally travel south via Burma to Thailand and Malaysia before contacting the Turkish Embassy for resettlement. Some Uyghur, however, also see Malaysia as a potential new home if they cannot resettle in Turkey, because Malaysia is also a Muslim country, and many have heard from those who traveled through Malaysia that the Malaysian government was kind to them (Irwin 2016).

This discovery had led Uyghur to use a similar trafficking route to that of the Rohingya, through Thailand to get to Malaysia. Interviews conducted by the World Uyghur Congress with Uyghur who resettled in Turkey found that many had traveled out of Xinjiang with the assistance of traffickers. Most would cross the border in Yunnan or Guangxi in a small group. Sometimes, they cram into a car or walk on foot long distances. Once they reached Thailand, they took a train or bus to the southern provinces to cross into Malaysia. Some smugglers put the Uyghur in jungle camps before transporting them to Malaysia—the same pattern as the Rohingya followed. To stay away from Thai and Malaysian detention centers, Uyghur buy fake Turkish passports. Sometimes, they bribe officials for visa stamps that allow them to fly to Turkey. The entire cost of the whole smuggling journey can be as high as 5,000 USD for each individual (Irwin 2016).

There have been several movements of Uyghur via Thailand. However, the significant exposure of their journey, according to one NGO, occurred in 2015 when Thai officials caught hundreds together with Rohingya (Interview#23—September 11, 2018). The government was initially cautious in managing the Uyghur, keeping the situation low-profile and hoping to avoid getting caught in the feud between Turkey and China. Since some Uyghurs held Turkish passports, local officers contacted the Turkish Embassy, which led to the arrival of Turkish

diplomats in southern Thailand. Turkey insisted they were their citizens and prepared a transport

plane to Turkey. Thai officials, however, were confused since they could hardly believe that

Turkish people would be smuggled across Southeast Asia. One of the police refused to let them

go. The long delay in Thailand eventually led to Chinese involvement in the matter, and they

pursued a high-level diplomatic engagement with the Thai junta. According to the same NGO

official, General Prawit Wongsuwan, a deputy prime minister in charge of security matters,

became the sole decision-maker on how to deal with the Uyghur. Thailand allowed some women

and children to continue their journey to Turkey. The government, however, sent 109 Uyghur

men back to China (Interview#23 – September 11, 2018). The Chinese government sent an

airplane and security forces to escort the Uyghur out of Thailand. In 2015, the picture of Uyghurs

with black head covers sitting between Chinese security guards circulated widely online,

attracting massive condemnation from the international community.

Through my investigation, I found that General Prawit's decision to send the Uyghur

back to China was complicated. One high ranking official in the Thai security community told

me that, at that time, Thailand enjoyed "a strong security relationship with China" (Interview#40

– December 3, 2018). Nonetheless, officials in some of the ministries who engaged regularly

with the Uyghur were not warned about the repatriation and were surprised by the decision when

informed at the last minute (Interview#23 – September 11, 2018). However, since Thailand sent

some Uyghur to Turkey and others back to China, it seems that Thailand attempted to balance

interests with both parties to avoid the negative repercussions that might have resulted from

leaning towards one side.

In addition to concerns about its international relations, the forced repatriation of

Uyghurs served as a political tool benefiting both Bangkok and Beijing. Because Thai officials

are concerned that humanitarian assistance and the existence of the UNHCR's refugee status determination process in Thailand could become a pull factor, the circulation of the deportee image sent a message to any Uyghur who might have been thinking of traveling through Thailand to get to Malaysia or Turkey. Such an action, therefore, serves as a strategy to prevent Uyghurs from arriving in Thailand, which affects Thailand's relations with China.

A report from the World Uyghur Congress and an interview with a local NGO, however, confirm that around 50 Uyghurs were living in Thailand as of September 2018. They are in different IDCs, including Suan Plu in Bangkok, Songkhla, and Phang-nga (Interview#23 – September 11, 2018). The National Security Council could not take any measures towards them and only acted upon the order of the deputy prime minister. Because of the poor quality of the detention facility and food, there were incidents of Uyghurs breaking out of the facility in 2014 and 2016, but Thai immigration police re-arrested them (Irwin 2016). To survive in detention cells, the Uyghurs depend on personal relationships with detention officers. The same NGO officer told me that there was even a report that Uyghurs bribed officials so that they could help withdraw money from their credit cards to use while residing in the IDC (Interview#23 – September 11, 2018).

The existence of the national security track for the management of the Rohingya and the Uyghur demonstrates that national security remains vital for Thailand. Whenever Thailand perceives that urban forcibly displaced persons, such as the Rohingya and the Uyghur, threaten national interests—defined in terms of public order and relations with the countries of origin— the government is willing to violate the principle of non-refoulement and deport them to their countries of origin. This violation serves as a political tool to deter the arrival of the new groups of urban forcibly displaced persons.

Immigration Track

While Thailand continuously uses national security measures to manage the Rohingya and the Uyghur, it subjects the majority of urban forcibly displaced persons to routine immigration practices. The Immigration Bureau is the key enforcement agency for the execution of the 1979 Immigration Act. Reliance on the act reflects how the security frame is important for the management of urban forcibly displaced persons; however, the act also includes some exception clauses that allow the government to act humanely towards urban forcibly displaced persons at its discretion.

Based on Article 11 and 12 of the Immigration Act.[30] Thailand would consider urban forcibly displaced persons legal migrants only if they have valid travel documents, especially Thai visas. However, since many of them travel to Thailand with no valid documents or overstay their visas, their status turns into illegal migrants (*Royal Thai Government Gazette* 1979). Although a significant number of urban forcibly displaced persons obtain refugee status or are considered asylum seekers by UNHCR, the government recognizes them as illegal migrants.

Based on Articles 62 and 81,[31] illegal migrants are subjected to imprisonment, a fine, and deportation for violating the act. The government, however, has been flexible in deporting urban

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[30] Articles 11 and 12 of the Act contain key provisions that the IB use to assert control over foreign entry into the Kingdom. Article 11 requires "persons entering into or departing the Kingdom must enter and leave by way of immigration checkpoints, designated landing, stations or areas in accordance with the prescribed time as published in the Government Gazette by the Minister."

Article 12 rejects a particular group of people from entering the Kingdom, such as those who (1) have no genuine and valid passport or visa; (2) have no appropriate means of living; (3) have entered into the Kingdom to take the occupation of a laborer or to take employment by using physical means without skills training; and (4) behave in such a way that would indicated possible danger to the public, etc. (*Royal Thai Government Gazette* 1979).

[31] Articles 62 and 81 include a provision on the punishment of aliens who violate entry regulations. Article 62 indicates that those who fail to comply with the provisions in Article 11 "shall be punished by imprisonment not exceeding two years and a fine not exceeding 20,000 Baht."

Article 81, which focuses on overstay, states that "any alien who stays in the Kingdom without permission or with permission expired or revoked shall be punished with imprisonment not exceeding two years or a fine not exceeding 20,000 Baht or both" (*Royal Thai Government Gazette* 1979).

forcibly displaced persons. First, Thailand has, for years, prided itself for being a *de facto*, if not a *de jure* signatory to the 1951 Convention and its 1967 Protocol, and it enjoyed an international reputation as a sanctuary for forcibly displaced persons. Therefore, it has adopted and followed international humanitarian norms, especially the principle of non-refoulement to maintain its positive image. In an interview with a high ranking official in the Ministry of Foreign Affairs, I was informed that, as of December 2018, there is no need for Thailand to sign the 1951 Convention and its 1967 Protocol because it has done more than what is written in both documents and more than most countries that have signed both agreements. Besides, the Convention and the Protocol are also outdated (Interview#44—December 13, 2018).

Second, Thailand has signed and ratified several new international conventions that contain provisions that include the principle of non-refoulement and are applicable to forcibly displaced persons. They are the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). Thus, Thailand is obliged to uphold norms and practices in those international covenants whenever it deals with forcibly displaced persons. Thailand also has adapted its domestic laws to conform to these conventions, including the Child Protection Act and the Anti-Trafficking in Person Act. The enforcement of these acts has led other bureaucratic authorities, in addition to the Immigration Bureau, to get involved in the management of urban forcibly displaced persons, including the Ministry of Social Development and Human Security, the Ministry of Education, and the Ministry of Foreign Affairs.

Third, UNHCR, NGOs, and foreign envoys in Thailand have consistently pressed the Thai government to adhere to international humanitarian and human rights standards. These

organizations often engage in high-level negotiations with the government, urging Thailand to uphold international agreements, which may contain provisions related to urban forcibly displaced persons. To a large degree, the actors hold Thailand accountable for its policies related to urban forcibly displaced persons.

To protect urban forcibly displaced persons from immediate deportation, the government relies on articles and clauses in the Immigration Act. Article 54 allows a competent official to deport "any alien who enters or comes to stay in the Kingdom without permission or when such permission expires or is revoked." Its third paragraph notes, however, "In case there is an order of deportation for the alien; while waiting for the alien to be deported, the competent official may order the alien to stay at any prescribed place or he may order the alien to report to him (competent official) according to a prescribed date, time, and place with Security or with Security and Bond. The competent official may also detain the alien at any given place as long be necessary" (Royal Thai Government Gazette 1979). The exception clause in Article 54 becomes the legal source of delayed deportation, and the Immigration Bureau uses this authority to grant bail to urban forcibly displaced persons so that they can stay outside the IDC while waiting for deportation. The government, however, does not grant urban forcibly displaced persons the right to work.

The deportation delay also does not guarantee that urban forcibly displaced persons are definitely exempt from arrest and detention. The flexible dynamic depends exclusively on the commissioners of the Immigration Bureau. Immigration police may not, but not always, arrest urban forcibly displaced persons who are persons of concern. The same practice, however, is not necessarily true for other groups of officials, including district officers or local police, who may not know about status of urban forcibly displaced persons and cannot distinguish between these

people and migrant workers (Interview#21 – September 4, 2018). Thus, Thai officials, other than the immigration police, sometimes arrest urban forcibly displaced persons. Based on interviews with NGOs, I believe that there are four general forms of arrest that urban forcibly displaced persons have experienced: native-complaint-led arrests, mass arrests of all illegal migrants, targeted arrests, and street arrests.

Immigration police and NGOs report that complaints from Thais people are the primary pathway leading to the arrest of the urban forcibly displaced. Police raids usually occur when neighbors report noise made from partying or mingling to local police or district officers. Once the police arrive at the scene and learn that urban forcibly displaced persons have no valid immigration documents, the officers arrest them (Interview#29 – October 9, 2018). Since urban forcibly displaced persons live together in large groups with children and the elderly, officers, who are not from the Immigration Bureau, may assume that they are victims of human trafficking. Although officials may understand the situation of urban forcibly displaced persons, they may refuse to drop charges when they find illegal migrants with no valid documents. Dropping charges would constitute the breach of officers' duties and may results in expulsion from civil service and imprisonment.

A notable example of this form of arrest was the arrest of several Montagnards who fled from Vietnam in August 2018. District officers, together with local police in the Bang Yai District of Nonthaburi Province, arrested a large number of Montagnards because they assumed that the group were victims of human trafficking. The raid on their apartments occurred after their Thai neighbors complained to a district officer. Although they showed their UN card to identify themselves, the officers refused to consider the papers and arrested them (Interview#21 – September 4, 2018). The official explanation was that the arrest happened because some of the

urban forcibly displaced persons challenged Thai authority, including waving a foreign flag or showing person of concern cards (Interview#41 – December 3, 2018). I do not, however, know whether the flag-waving occurred, nor do I know exactly how officials interpreted "the challenge to authority." Showing a UN card could be the act of proving their identity to Thai officials.

The mass arrest of illegal migrants is the second arrest pathway. This form of arrest usually affects urban forcibly displaced persons unintentionally, since police on duty can hardly distinguish between this group and illegal migrants. In 2017, Thai Tourist Police launched a campaign *Black Eagle*, targeting Black illegal migrants, mainly from Africa. While the mass arrest led to the capture of many illegal migrants, it also affected many urban forcibly displaced persons from countries such as Somalia, Sudan, and DR Congo (Interview#29 – October 9, 2018). Thailand targeted Blacks because there is a widespread perception that they are associated with drugs or sex workers. An October 18, 2018 document from the National Intelligence Agency reveals that key nationalities of concern are Nigerians and Cameroonians; Thai police argue that they often engage in drugs, scams, and wildlife trafficking in Thailand (National Intelligence Agency 2018). An NGO staffer informed me, however, that at different moments, the mass arrests target different groups of migrants. "This period, they focus on the Vietnamese; next, the Cambodian; this period, black people. The pattern seems to suggest as such," said Sophia (Interview#30 – October 17, 2018). Some arrests occur at construction sites where illegal migrants from Thailand's neighboring countries work.

Street arrests constitute the third pathway. Thai police may target individuals on the street and ask them to show their identification documents. These arrests usually occur more or less randomly in areas where lot of tourists gather or where officers have known or seen a person whom they suspect of being illegal. Thai police usually target Africans because of their distinct

skin color and appearances, which sets them apart from local Thais. Similar to mass arrests, the police assume that Africans are involved in illicit activities since they are traveling far from their countries. It also reflects worldwide racial stereotypes and associations with poverty, a colonial legacy and construction of Western media (Mkandawire 2014; Muižnieks 2017).

I asked Sophia and Pit, who work for local NGOs, about the role of racial stereotypes in police arrests and both confirmed that they play a role. Sophia said, "Race is relevant. Police arrest black people because there is a certain perception [of them]. They do not arrest them because they are urban forcibly displaced persons but because they are likely to be related to drugs" (Interview#30 – October 17, 2018). Pit further adds, "I think it is race and class. Even if the police target black people, they can let [them] go if they can pay [bribes]" (Interview#21 – September 4, 2018).

Ibraahim, an urban forcibly displaced Somalia, was one of the persons arrested through this pathway. The police arrested him together with fellow Somali urban forcibly displaced persons while they were in the Ramkhamhaeng neighborhood (Interview#7 – June 11, 2017). He was later sent to the IDC for detention. Abdullah, an urban forcibly displaced Palestinian, also informed me that a similar incident occurred when he went out to look for a job in Bangkok's Arab Corner; he was able to escape, however, because he bribed the police on the spot (Interview#50 – March 17, 2019). Police who arrest urban forcibly displaced persons on the street are often local police, and in some cases, urban forcibly displaced persons can negotiate their freedom with bribery, confirming Pit's observation.

A targeted arrest is the last form of arrest that Thai police practice. It usually occurs when police receive a warrant from police in the country of origin of the urban forcibly displaced person, suggesting that a specific individual has committed a crime and, therefore, the Thai

authority is requested to arrest and deport the person to the country of origin. One less known case involved Sam Sokha, who fled Cambodia to Thailand after a video clip of her throwing a shoe at the billboard of Prime Minister Hun Sen's political party went viral on social media (Saengly 2018). Thai police arrested and repatriated her to Cambodia, where the court sentenced her to serve a jail term and pay fines of 1,250 USD (Interview#29 – October 9, 2018). This case demonstrates Thailand's violation of the principle of non-refoulment and reflects how international relations concerns can lead officials to switch their treatment of urban forcibly displaced persons from using the immigration track to the national security track.

Despite arrest by Thai officers, on-the-spot negotiation is a method that local NGOs and urban forcibly displaced persons use to secure their release. I was informed that the police usually refuse to negotiate with NGOs via phone because they do not know who is speaking at the other end and are afraid that the call may be recorded. The negotiation usually involves bribery. The amount of bribe ranges from 2,000 to 8,000 THB (~ 65 to ~250 USD) per person to more than 10,000 THB (~300 USD). Urban forcibly displaced persons usually use their savings or borrow from their employers to pay the bribe. My source explains to me, "We help them by bribing the officers, but we must be careful. As a lawyer, I can't say we pay a bribe; and I can't say the police should arrest [urban forcibly displaced persons]. We understand the Thai context" (Interview#29 – October 9, 2018). Bribery is used to keep urban forcibly displaced persons out of the crowded and filthy IDC.[32]

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[32] My source discusses police bribery freely because it is widespread in Thai society. On December 14, 2006, the *Bangkok Post*, an English-language daily newspaper based in Bangkok, referred to police corruption as "one of the fundamental problems" of the Royal Thai Police. Findings from a study led by a well-known Thai political economist, Pasuk Phongpaichit, also support the earlier claim. The research team found that the Royal Thai Police is among the most corrupt agencies in Thailand, for 1997 and 2014 (Phongpaichit, Chaiyaphong, and Chaiwat 2014).

There are also ways that arrested urban forcibly displaced persons can be freed. Local police who know urban forcibly displaced persons personally may decide to release them by informing their colleagues about refugee or asylum seeker statuses (Interview#52 – March 20, 2019). Thus, there are police who have empathy for the urban forcibly displaced.

While many forcibly displaced avoid arrest, many are less fortunate. After going through the Thai legal process for illegal entry or overstay, they will be sent to the IDC for detention. The discussion of detention in this dissertation focuses only on the case of the IDC at Soi Suan Plu in Bangkok since it is the primary IDC in Thailand.

Based on documents from the Suan Plu IDC, arrestees go through: admission, confinement, temporary release (if allowed), and deportation (Group 3, Sub-Division 5 2002). The IDC is supposed to be a temporary confinement location for illegal migrants for a few days before deportation. When it comes to cases involving urban forcibly displaced persons, however, the IDC functions as a long-term detention center. Urban forcibly displaced persons may stay there for years if no one bails them out. Their situation in the IDC, therefore, resembles forcibly displaced persons in temporary shelters. The mobility of the former, however, is much more restricted due to the limited space of the IDC.

In the IDC, each illegal migrant is registered first and sent into confinement in different cells, divided by gender, geographical or regional origin, and nationality, shown in Table 1 (Group 3, Sub-Division 5 2002). During detention period, the regulations of the Immigration Bureau indicate that no bondage shall be used, except for cases which may endanger other detainees or in cases where an individual attempts to flee. The use of bondage against kids who are below 14 years old, females, and the elderly, disabled, or sick is prohibited. Additionally, the document requires the Immigration Bureau to provide medical services, three meals per day, and

registration of detainee property. Also, detainees can have access to a phone (except detainees in

Cell 5 and 6) and leisure time. Detainees from different rooms rotate in using the common

exercise area for 30 minutes each day. Visitors are permitted to visit detainees, but they must

submit a visit request form and their identity card. Visitors, however, can meet only through the

outer bars in front of the detainee's cell (Group 3, Sub-Division 5 2002).

Cell No.	Types of detainees
1	Ordinary detainees who are awaiting deportation
2	Chinese nationals
3	Vietnamese nationals and offenders who are subject to seizure
4	Indian, Pakistani and Bangladeshi nationals
5	Detainees pending interrogation
6	Detainees who are confined instead of paying a fine
7	European, American and African nationals
8	Detainees with drug charges
9	*No Data Available[33]*
10	Female migrant workers from Burma, Cambodia, or Laos who are awaiting deportation[34]
11	Ordinary female detainees, except for Burmese, Laotian, or Cambodian nationals
12	Male migrant workers from Burma, Cambodia, or Laos who are awaiting deportation
13	Detainees who have been sick
Additional Cells	1) Detention cell for prominent detainees, prominent criminals, aliens with arrest warrants, or aliens who may be needed in foreign nations 2) Female detention cell that serves as the initial detention cell and the preparation cell for the deportation of migrant workers from Burma, Cambodia, or Laos 3) Male detention cell that serves as the initial detention cell and the preparation cell for the deportation of migrant workers from Burma, Cambodia, or Laos

Table 1. The Division of Detention Cells in the IDC at Soi Suan Plu, Bangkok (Group 3, Sub-Division 5 2002)

[33] It remains unclear why there is no data available for this room. The room, however, may serve as a space for female detainees.

[34] The detention cell is also organized based on gender. Groups with a significant number of detainees generally have a room of their own.

Despite the existence of well-documented procedures for managing IDC detainees, several practices have changed or become ambiguous since 2002. In terms of confinement, Tankulratana and Janamporn (2017) explain changes to the type of detainees in each cell. For example, Cell 3 is reassigned to detainees from China, while Cell 9 was reassigned to detainees from the African continent. These changes, I argue, reflect changes in the number of illegal migrants under arrest in the IDC at each different moment.

In my 2017 interview with Spencer, an NGO staff member, who is familiar with the Suan Plu IDC, I also learned that the practice of the IDC varies from one commissioner to another. The image of the IDC, based on Spencer's account, differs significantly from what is written on paper, reflecting a classic trope in the sociology of law: there is always a gap between law on the books and law in action (Halperin 2011). Spencer started the interview by describing the crowded detention center. The number of detainees in each room varies from 30 to 40 people in one cell to 100 in another. "[The IDC] is like a prison. It is the prison of the Immigration Bureau," said Spencer (Interview#9 – June 17, 2017). The Immigration Bureau put detainees into different cells based on the classification found in the official guideline. However, for groups for which there are a significant number, like the Vietnamese, they may be detained in a separate cell devoted to the group. Within each cell, detainees will have a common restroom and receive mattresses and blankets.

Spencer then described the highly hierarchical governing structure within IDC. First, there are three to four immigration police who rotate their shifts overseeing the daily operation of the IDC. Second, eight to nine clerks perform routine administrative tasks within the IDC. Third, seven to eight police assistants help run the IDC. They could be fellow or past detainees, usually from Burma, Laos, or Cambodia, who have a good command of the Thai language. They

typically dress casually in a t-shirt and jeans, and wear the IDC jacket with the IDC logo on the left side and a tag saying "assistant officers" on the right side. Some might carry a club and use violence against detainees depending on the order of the immigration police in charge. They can walk in and out of the IDC freely. If they commit wrongdoing, however, the immigration police may punish or detain them. In late April 2019, however, the newly appointed commissioner of the Immigration Bureau terminated the service of the police assistants. Lastly, the immigration police assign a "cell chief" in each cell to coordinate between the police on duty, police assistants, and detainees in their cells. Immigration police and police assistants grant cell chiefs more mobility because they run the *cell economy*, which is the everyday economic activity that some immigration police—while others turn a blind eye—illegitimately allow or organize. At times, cell chiefs spend time outside of their cell longer than other detainees or even have access to a computer. Not all immigration police will let this happen, however.

The cell economy is one of the critical informal realities within the IDC. The literature regarding illegal economic activities in the US prison often refers to this form of economy as "hustles" (Becker 1968). While many scholars or activists may characterize the cell economy as corruption or a bug, I would instead suggest that it is a feature as much as a bug of the detention experiences in the IDC—replicating the informal economy that has existed in forcibly displaced person shelters since the 1970s. The cell economy is informal because no formal arrangement covers the economic activities involving detainees, police, and police assistants.

The government's financial burden is one explanation for the rise of the cell economy, along with the needs of detainees themselves and the attempt to reduce pressure from and tensions with the immigration police—especially by avoiding the use of violent measures against detainees when the latter make demands for better treatment or better living conditions.

According to Spencer (Interview#9 – June 17, 2017; Interview#22 – September 5, 2018), food provided by the Immigration Bureau is usually mundane due to a limited budget per detainee. Rice could be overcooked while side dishes could be as simple as boiled eggs and vegetables. Since detainees cannot access the formal economy for better quality goods and services while detained in the IDC, and they possess some amount of money for making purchases, the immigration police and their assistants intercede, organizing illegitimate economic activities and shaping how the economy functions to extract profits. Some urban forcibly displaced detainees also receive regular financial assistance, usually around 500 to 1,000 THB (~ 15 to ~35 USD) per month from NGO representatives when they visit.

The cell chiefs play an important role in the cell economy, often managing a small area within each cell where food, snacks, hygiene kits, and prepaid mobile credits are available for purchase. Sometimes, there may be fruit, fried fish, bread, or even donuts for sale. Since there is a DVD player available inside the cell, detainees may sometimes request police assistants to buy them DVDs so that they can watch a movie. I refer to this area as a "cell store."

In addition to the cell store, there is a small corner within the activity room known as the "shopping area," where additional grocery products and necessities are available. This extra space is open to serve detainees who rotate to visit the activity room during the day. For male detainees, immigration police allow each cell to go there at a different hour and spend around one hour there. For female detainees, the police let them attend at the same time. There are additional bathrooms and coin-operated phones in the activity room. Products available for sale in the IDC, such as toothpaste or soap, are sometimes donated by the organizations providing humanitarian support for detainees. Several organizations know that their donated products are sold to the detainees; however, they turn a blind eye to the sale in the cell market to ensure that

they can maintain a good working relationship with the Immigration Bureau and can support detainees in the IDC. Profits from the cell economy go to the immigration police and their assistants. It is unclear, however, how they divide the income.

Detainees sometimes receive food and necessities kits from organizations or visitors who go to see them at the IDC. Some organizations that work within the IDC provide supplies for detainees, too. Some immigration police or their assistants do not understand, however, why detainees, especially urban forcibly displaced persons, should receive better treatment than others. Therefore, they have delayed distributions allowing food to spoil. Distribution of products that match products on sale in the cell economy must be done cautiously. Officials in the IDC perceive the distribution as a disruption of the cell economy. Most organizations, therefore, choose to distribute products that are alternatives to what is available there. It allows police officers to protect their monopoly profits and sustain the cell economy.

While the cell economy may be seen as a form of corruption, its existence satisfies all sides involved in the IDC to some degree. Individual detainees can access better quality food and necessities; immigration police and their assistants can profit, leading them to restrain themselves from using violence against detainees who are also their customers; private and international organizations can sustain their continuous in-kind support for detainees. This mutual satisfaction permits the cell economy to persist.

I tried to confirm the existence of the cell economy with one of the former immigration police who worked at the IDC for quite some time, but he revealed no further details. Nonetheless, he confirmed the crowding in the IDC and informed me that the high financial cost of confining detainees in the IDC has become a burden for the Thai government and the

Immigration Bureau. Both factors contributed to the Immigration Bureau's decision to grant bail

permission (Intervew#39 – November 26, 2018).

In terms of access to health services, Spencer (Interview#22 – September 5, 2018)

contends that there are doctors available within the IDC. For health services, there are two sets of

healthcare providers. A private organization provides the first set, and the government provides

the second. Doctors usually come once a week. There are also first aid rooms within the IDC. If

there are severe cases requiring referral to a hospital, immigration police can direct them there.

Generally, private organizations provide financial support for the medical costs of detainees.

Health has become one of the most significant concerns for detainees in the IDC. Ibraahim

informed me that when he was there, he developed several complications, including

photophobia, which arose from his exposure to fluorescent lights within the cell 24/7 for over six

months (Interview#7 – June 11, 2017). A report from several organizations also confirms that

several detainees have similar health conditions (Human Rights Watch 2012).

Spencer added in our second interview in 2017 that detainees could hardly sleep in their

cell, causing unruly behavior. Some ended up facing punishment, usually from police assistants

(Interview#22 – September 5, 2018). Immigration police outsource violent actions to their

assistants since the performance of those actions by themselves could risk the officer's career.

There were incidents in which immigration police on duty were relocated to work elsewhere due

to misbehavior. I could confirm the use of violence against detainees within the IDC from my

first interview with Ibraahim in 2017. When I inquired about the fighting in there, he said, "if

they fight, immigration [officers] will beat you. You can't complain" (Interview#7 – June 11,

2017). Detainees who secretly kept their smartphones with them while they spent time in the

IDC have recently circulated images and videos of their lives on social media, including on

YouTube and Facebook. I suspect that these people are the cell chiefs; otherwise, they would have experienced serious punishment.

Over the years, the mistreatment of detainees and poor condition in the IDC have led private and international organizations to express their concern to the Thai government, asking for increased pressure on the Immigration Bureau. This external pressure, coupled with Thailand's ratification of several human rights conventions and the enactment of multiple domestic laws over the past decade have constrained Immigration Bureau practices and led the bureau to pursue more favorable treatment towards detainees, especially children and urban forcibly displaced persons who have been recognized as persons of concern by UNHCR. Two fundamental changes that have emerged since the mid-2000s, the establishment of daycare for children within the IDC at Soi Suan Plu and bail permission.

Before the signing of the Memorandum of Understanding on Alternative Measures to Child Detention in the IDC between the Royal Thai Police, the Ministry of Social Development and Human Security, and other related bureaucratic units in January 2019, the immigration police would detain children in the IDC alongside their parents, regardless of children's ages. Most would stay with their mothers, but at around eight years old, immigration officers would detain them with their fathers (if they have one) or together with other male detainees. The separation occurred because boys sometimes misbehaved toward female detainees, causing the latter to feel unsafe.

In 2003, Thailand enacted the Child Protection Act BE 2546 (2003) to improve child welfare. Based on Article 4, a child is "a person under eighteen years of age, but not including a person who becomes *sui juris* through marriage," and according to Article 22, their treatment "shall be made to maximize the benefit of a child without unfairness and discrimination." Article

32 and 33 of the Act further warrant welfare assistance for children and require relevant bureaucratic units to take appropriate measures to care for them. Through these provisions, the Ministry of Social Development and Human Security stepped in to increase child welfare, including in the IDC. In collaboration with the Immigration Bureau, the International Organization for Migration (IOM), and the United Nations Children's Fund (UNICEF), the Ministry of Social Development and Human Security established daycare to serve as the initial alternative to detention for children living in the IDC. The ministry first established daycare on the second floor of the IDC facility and later moved the operation, with financial support from the United States Embassy in Bangkok, to larger space on the first floor.

While the Ministry of Social Development and Human Security is nominally in charge of the daycare, its officers visit the facility to organize activities only from time to time. IOM is the actual service provider. The goal of the daycare is to offer lessons and activities for children to reduce their stress. Children eligible for daycare are girls between 3 and 17 years old and boys between 3 and 14 years old. In the past, boys older than 14 could come to daycare. Several boys, however, once attempted escaping from the IDC. Since then, the Immigration Bureau changed the regulations and tightened control of daycare. For children below three years of age, it is up to their guardians whether they permit IOM staff to bring them to daycare. Each day, there are five staff members in charge of daycare with a maximum of 25 children. If there are more than 25 children at any time, the IOM staff will rotate children who come to receive service.

During daycare, children receive educational training in the morning and participate in recreational activity in the afternoon. There are computers available for them as well. However, the children are prohibited from logging onto Facebook or chatting with anyone. There are also sightseeing activities which the IOM staff members try to organize twice monthly, taking child

detainees outside, such as to the Ocean World or other places that the children may choose. Whenever the children are out for sightseeing activities, immigration police serve as liaisons. Sightseeing events do not occur often, however; they depend on the IOM's budget.

Through their involvement in managing the welfare of detainees, several organizations fostered a better working relationship with the Immigration Bureau. The latter also invited private and international organizations to join them in planning operations for the IDC. An IOM staff told me that, "the new IDC chief [as of April 8] is very nice. He is easygoing and is willing to cooperate with us" (Interview#53 – April 8, 2019).

In addition to the establishment of daycare, bail permission is another flexibility measure that the Immigration Bureau has adopted to improve the welfare of detainees. This practice varies from commissioner to commissioner, however. According to a police officer who used to work at IDC, the Immigration Bureau has decided to allow bail, especially for urban forcibly displaced persons who are considered persons of concern and sick people, because the facility is crowded. Officials hope to reduce the financial burden that the Immigration Bureau and the Thai government has had to sustain (Intervew#39 – November 26, 2018).

In terms of bail permission, the internal rules of the Immigration Bureau (2001) indicate that guarantors for aliens awaiting deportation are required to sign a contract and deposit at least 50,000 THB (~ 1,600 USD) as bail. Upon bail approval, the Immigration Bureau will issue a temporary release certificate that details personal information of the released detainees and the date of release. Bail, however, comes with one critical condition which is that the released detainees must report to the Immigration Bureau at Suan Plu twice a month. The first time is to submit a request for bail extension, while the second time is to hear the results and renew bail. Usually, the immigration police will grant bail unless the commissioner of the Immigration

Bureau changes policy. Between 2014 and 2015, more than 400 urban forcibly displaced persons were bailed out (Tankulratana and Janamporn 2017). However, the Immigration Bureau permitted no bail in early 2016 and in late 2018. Granting bail is arbitrary. The Immigration Bureau grants no bail permission for urban forcibly displaced persons to whom UNHCR has denied refugee status (Intervew#39 – November 26, 2018).

Although the Immigration Bureau releases some forcibly displaced on bail, it has the authority to revoke if the commissioner's policy shifts. Bail refusal usually occurs after a commissioner is replaced. When released detainees travel to the IDC to hear bail extension results, the immigration officer simply informs them of the refusal. The immigration police return released detainees into confinement. The last time this kind of re-arrest occurred was in late 2018, when Police Major General Surachet Hakpal became the new commissioner of the Immigration Bureau. He later reversed the order and allowed bail once again because the IDC became overcrowded (Interview#22—September 5, 2018).

According to a former immigration police, the reversal of bail is sometimes the means that the Immigration Bureau uses to pressure UNHCR to step in to handle a growing number of urban forcibly displaced persons. He said, "if we don't refuse bail, sometimes [UNHCR] won't be active in doing anything" (Intervew#39 – November 26, 2018). Bail practice, thus, becomes one of the tools that the Immigration Bureau uses to negotiate and pressure UNHCR and other private organizations and to curb the growing number of urban forcibly displaced persons. The Immigration Bureau hopes that news about indefinite detention in Thailand's filthy and poorly maintained IDC will prevent a new group of forcibly displaced persons from coming to seek refuge in Thailand.

Through interviews with officials in the Immigration Bureau I learned that the conditions in the IDC have very much improved in recent days. In January 2019, the then commissioner-general of the Immigration Bureau, Police Major General Surachet Hakpal, announced publicly that he would like to invite anyone who wanted to see the conditions of the IDC to visit the facilities so that they could see for themselves whether it is as filthy and inhumane as NGO representatives often say (Interview#47—January 16, 2019). The commissioner-general, however, was sacked a few months later for unclear reasons.

Conclusion

In the opening paragraph of the 2012 Report "Ad Hoc and Inadequate: Thailand's Treatment of Refugees and Asylum Seekers," which explores Thai responses to forcibly displaced persons, Human Rights Watch (2012: 1) argued that "Thailand's [forcibly displaced persons] policies remain fragmented, unpredictable, inadequate and ad hoc, leaving [forcibly displaced persons] unnecessarily vulnerable to arbitrary and abusive treatment." This statement may be accurate from the perspective of service providers and forcibly displaced persons. Nonetheless, looking at the Thai forcibly displaced policies from the perspective of the Thai government, I contend that the Thai responses to urban forcibly displaced are somewhat consistent. It is even consistent with how Thailand has historically managed forcibly displaced persons since the Cold War period.

The "fragmented, unpredictable, inadequate, and ad hoc" responses of Thailand to forcibly displaced persons reflect the government's efforts to balance security and humanitarianism while still framing forcibly displaced persons as a national security matter. According to the Thai government, some groups of urban forcibly displaced persons in Thailand could jeopardize Thai national security. For these groups, the Thai government is willing to

violate the principle of non-refoulement, deporting them to their country of origin. For most urban forcibly displaced persons, however, the government subjects them to routine immigration practices and delays their deportation. This policy, however, does not guarantee that any individual will be free from arrest and detention. As a result, negotiations, especially in the form of bribery, and the cell economy are Thai responses to urban forcibly displaced persons. Several Thai officials, especially in the Ministry of Foreign Affairs, however, have been working arduously to reshape the balance between security and humanitarianism and to reframe the situation of forcibly displaced persons in terms of humanitarianism. They are changing the course of the Thai response.

CHAPTER 5

Reshaping the Principle of Balancing Security and Humanitarianism,

Reforming the Dual-Track Management System

Introduction

Since the beginning of the second decade of the new millennium, another surge of

forcibly displaced persons has put the issue of forced migration back on the global agenda.

Europe has become a hot spot for the heated debate on humanitarianism because it is both the

frontier and the anticipated destination of forcibly displaced persons, especially from the Middle

East and North Africa. The mass influx of people, coupled with persistent fears of terrorism,

have heightened European's anti-immigrant sentiment, which many right-wing politicians in

Europe have exploited to bolster support for election victories.

The tension caused by the new wave of forcibly displaced persons has led major powers

in the global north—including France, Germany, the UK, and the US, which have been

historically welcoming to forcibly displaced persons—to pursue more restricted humanitarian

policies and implement more vigorous immigration controls. It is also pushing these nations to

intensify a global discussion of forcibly displaced persons management and collaborate more

closely with countries in the global south to find solutions to the so-called "migration" or

"refugee crisis."

In searching for a global response, Adriana Kemp (2019) argues that the crisis should not

be conceived as one of forcibly displaced persons but rather as a crisis in the system. The current

regime governing forcibly displaced persons fails to serve most forcibly displaced persons. In a

similar vein, Betts and Collier (2017) characterize the current regime governing forced migration

as a "broken system." The historically accepted "durable solutions"—including voluntary

repatriation, local integration, and resettlement—they argue, no longer fit the global context. The available living options offered to forcibly displaced persons are "long-term encampment, urban destitution, or perilous journey." The two authors, accordingly, urge the international community to explore new approaches to managing people affected by forced displacement.

The ongoing forced migration crisis eventually brought the United Nations to organize the first-ever United Nations Summit for Refugees and Migrants on September 19, 2016. According to the UN spokesperson, the summit was "a game changer for refugee protection and for migrants who are on the move" (UNHCR 2016b). The meeting paved the way for a global discussion of the response to the worldwide flight of millions of forcibly displaced persons, producing the New York Declaration, in which signatories agreed to step up efforts to protect forcibly displaced persons and support countries that shelter them. The UN High Commissioner for Refugees Filippo Grandi (2016) said the declaration "marks a political commitment of unprecedented force and resonance. It fills what has been a perennial gap in the international protection system–that of truly sharing responsibility for refugees."

A day after the first summit, President Obama, together with UN Secretary-General Ban Ki-moon and leaders of more than fifty countries and international organizations, participated in another Leaders' Summit on Refugees. The second summit focused on the mobilization of resources and the consolidation of global support for solutions to mass displacement. Participating states made pledges in four major issue-areas—financial contributions to the UN and humanitarian organizations, additional legal channels for the admission of forcibly displaced persons and their resettlement, access to education for forcibly displaced children, and the right to work (Office of the Press Secretary 2016).

A vision of shared responsibility among all countries in the world lies at the heart of the new framework. Based on the two summits and the New York Declaration, UNHCR has taken the lead in developing a comprehensive refugee response framework (CRRF). This instrument is meant to be applied to forcibly displaced persons and those who are in protracted forcibly displaced persons situations worldwide. CRRF notably prioritizes assistance to countries sheltering a large number of forcibly displaced persons and efforts to include this group of population in local communities, offering them opportunity to thrive and survive (United Nations High Commissioner for Refugees 2016a).

The New York Declaration also led to negotiations over a Global Compact for Refugee (GCR) and a Global Compact for Migration (GCM). In December 2018, more than 160 nations approved both documents at the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, held in Marrakesh, Morocco. The United National General Assembly endorsed the compacts a week later. Several countries, however, including the Czech Republic, Israel, Hungary, Poland, and the US, voted against both documents—even though neither document holds the status of international treaty, and therefore is non-binding. Although both agreements stress the principle of sovereignty, they provide lists of actions from which the governments could draw to assist and support forcibly displaced persons (United Nations 2018).

Thailand is one of those countries that has actively participated in all international processes. To the surprise of many NGOs and observers, General Prayut Chan-o-cha, a 2014 coup leader and a prime minister, made several pledges at the Leaders' Summit on Refugees in September 2016. Thailand promised to develop a screening mechanism to distinguish between forcibly displaced persons and economic migrants, to ensure education for forcibly displaced children, and to refrain from detaining children in the IDC.

The Thai government under Prayuth's premiership also signed both the GCM and the GCR in December 2018, and is currently making progress in solidifying the 2016 pledges. On January 21, 2019, relevant bureaucratic agencies in Thailand—including the Ministry of Interior, the Ministry of Foreign Affairs, the Royal Thai Police, the Ministry of Social Development and Human Security, the Ministry of Labor, the Ministry of Public Health, and the Ministry of Education—signed the Memorandum of Understanding on the Alternative to Detention for Children in the IDC at the Thai Government House (National Security Council 2019). Also, the Immigration Bureau in consultation with the Ministry of Foreign Affairs, the National Security Council, and civil society have been developing Regulations of the Office of the Prime Minister on the Screening and the Protection of Aliens who Enter into the Kingdom and are Unable to Return to the Country of Origin (Office of the Prime Minister 2018, 2019). The screening mechanism will serve as a vital instrument for the management of forcibly displaced persons in Thailand.

These developments represent Thailand's additional commitment towards the management of forcibly displaced persons as well as Thailand's willingness to embrace additional global standards for dealing with forcibly displaced persons. Thailand is not alone, of course; other countries which are not parties to the 1951 Convention or its 1967 Protocol, such as Malaysia and Pakistan, also signed both the GCM and the GCR and promised to strengthen their efforts to provide humanitarian assistance to forcibly displaced persons, especially to children. The outcome of the entire process, however, has not been as rosy as it should have been. There have been several twists and turns.

This chapter addresses the Thai government's attempt to reshape the principle of balancing security and humanitarianism after the Leaders' Summit on Refugees in September

2016. As Thailand's actions parallel efforts of many countries and the global development on this very matter, I describe Thailand's move to illustrate the trajectory of the management of forcibly displaced persons worldwide. How has Thailand changed its approach to forcibly displaced persons? What are the characteristics of the current regime governing urban forcibly displaced persons? What are the debates surrounding regime construction?

Since the early 2010s, the global attention of major powers on the influx of forcibly displaced persons has prompted attention to the discussion of forced migration and the distribution of the humanitarian burden among nations. The changing global context, coupled with the desire of the Thai military government to burnish its international image after the damages caused by the 2014 coup and the 2015 repatriation of the Uyghurs, provides an opportunity for Thai bureaucrats—mainly from the Ministry of Foreign Affairs—who advocate for international norms and assistance for forcibly displaced persons to assert their political influence and to devise a new mechanism for Thailand's management of forcibly displaced persons. As the first group of bureaucrats seemed to make progress, however, their efforts suffered from pushback from conservative Thai policymakers—mostly in the National Security Council and the Ministry of Interior—who prefer to prioritize Thailand's security concerns and the status quo approach to manage forcibly displaced persons.

The debate between the two sides is particularly contentious when it comes to the development of a screening mechanism for migrants. The critical questions are whether the screening mechanism might become a pull factor attracting forcibly displaced persons, and whether it would enhance Thailand's security interests. The contestation between the two sides represents bureaucratic politics within the Thai bureaucracy, in which different governmental agencies attempt to influence forcibly displaced persons policy, demonstrating incoherence

within the state, as well as what Michael Mann (1993) calls the "polymorphous" character of the state. The construction of the regime governing forcibly displaced persons also demonstrates the unfinished and uncertain nature of the direction towards better protection and inclusion of forcibly displaced persons in a transit country like Thailand. The screening mechanism could be used as a security tool that the Thai government uses to control urban forcibly displaced persons. Above all, the debate shows that the vague principle of balancing security and humanitarianism remains the underlying guideline informing how Thailand should manage urban forcibly displaced persons.

Foundations for Reshaping the Management of Forcibly Displaced Persons

The groundwork for the shift in the way Thailand manages urban forcibly displaced persons was laid in the early 2010s. On April 24, 2012, the government of Yingluck Shinawatra approved *Strategy for Solving the Systemic Problem of Illegal Migrants*. From 2006, when the Surayud government became increasingly concerned about illegal migrants, including both forcibly displaced persons and illegal migrant workers, the National Security Council has taken a leading role in developing the instrument. The strategy classified illegal migrants into four groups. The first includes ethnic minorities who came to Thailand long ago and who cannot return to their country of origin. There are around 680,000 of these migrants; many are stateless and belong to "hill tribes." The second group are economic migrants, mainly from Burma, Laos, and Cambodia. There are at least two million. The third category includes about 100,000 migrants with specific security concerns, including people fleeing fighting in Burma, the Rohingya, and North Koreans. The final group includes illegal migrants who arrived in Thailand legally or by using forged documents but have refused to leave the kingdom (National Security Council 2012). The approximate number of these people are unclear.

While some forcibly displaced persons fall into the 2012 Strategy's first category, most are in the third and the fourth groupings. The way the National Security Council classified forcibly displaced persons into the latter two groups in the Strategy corresponds with the government's attempt to formalize its dual-track approach for the management of forcibly displaced persons. People in the third category, including the camp and urban forcibly displaced, are managed through Thailand's national security tools. Those in the fourth category, who are mainly urban forcibly displaced persons, receive routine immigration management.[35]

By turning unwritten practices into written rules, the Thai government hopes to standardize and centralize the management of illegal migrants, including forcibly displaced persons, and to keep all of them on their radar. The main concern of the Thai state at the time was the growing number of forcibly displaced persons—a concern that is clearly stated in the 2012 Strategy (National Security 2012). This corresponds to the apparent increase in the number of urban forcibly displaced persons in Thailand. According to UNHCR, the number of forcibly displaced in Thailand has grown since the start of the new millennium and has more than tripled since 2012 (United Nations 2019). During that period, Thailand experienced a massive arrival of Rohingya. The presence of these populations propelled the government to concretize the 2012 Strategy in an effort to cope with the ongoing situation.

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[35] For the forcibly displaced persons in the third group, the National Security Council developed two sub-strategies, which involved general and specific control measures that were deeply implicated in the principle of balancing security and humanitarianism. The general control methods include seven measures: permitting forcibly displaced persons to remain temporarily in Thailand while awaiting repatriation or resettlement; improving databases of forcibly displaced persons; punishing those involved in illicit activities that threaten Thailand's national security, international relations, and Thailand's international reputation; providing access to healthcare; ensuring a mutual understanding among relevant organizations that Thailand shall offer no further area for people fleeing fighting or other groups of forcibly displaced persons; using both bilateral and multilateral platforms to negotiate with the countries of origin of forcibly displaced persons to prevent their future movement into Thailand; and discussing with NGOs and international organizations job training for forcibly displaced persons. In terms of the specific control method, Thailand plans to apply the measures more specifically to the Rohingya and North Koreans. It focuses on admission prevention, the development of a surveilling system that would prevent threats to Thailand's security and international relations, and the engagement with relevant organizations to prevent forced migration from affecting Thailand's international reputation (National Security Council 2012).

Despite the government's efforts to render the principle of balancing security and humanitarianism more concrete, policies and practices in the 2012 Strategy remain broad and vague, allowing officers room for discretion. Political decisions had an influence on the application of policy. Nonetheless, the development of the 2012 Strategy laid the groundwork for the development of a more humanitarian regime governing forcibly displaced persons in Thailand.

A Surprising Turn Under the Rule of the Junta

After a successful military coup in May 2014, the government of General Prayuth Chan-o-cha maintained similar policies and practices for the management of forcibly displaced persons. It involved the application of both carrots and sticks. The language regarding the management of forcibly displaced persons used in the 2012 Strategy persists in National Security Policy BE 2558 - 2564 (2015 - 2021), and the principle of balancing security and humanitarianism continues to be the policy foundation. Thailand would allow illegal migrants—including forcibly displaced persons—to remain temporarily in the kingdom while awaiting deportation; but it does not permit these people to act in ways that might affect its national security and international relations (See, National Security Council 2015). The inclusion of forcibly displaced person management in the National Security policy demonstrates how the government has consistently perceived forcibly displaced persons as a national security matter.

Since the junta rose to power, officials who prioritize international norms, human rights, and the international reputation of Thailand have become increasingly influential in shaping its forcibly displaced persons policy trajectory. Most officials come from the Ministry of Foreign Affairs. Through interviews with high-ranking officials in the National Security Council, the Ministry of Interior, and the Immigration Bureau, it has become clear that the leading figure is

Kanchana Patarachoke, who had served as the deputy director-general of the Department of International Organizations between 2014 and 2017 and has been the director-general of the Department of International Organizations since 2017 (Interview#10—June 28, 2017; Interview#41—December 3, 2018). According to a former Thai diplomat, the Department of International Organizations is known as one of the most liberal and progressive bureaucratic agencies in Thailand because of its role in advocating and handling human rights concerns and international agreements and regulations (Interview#25—September 19, 2018).

The Department of International Organizations became influential during military rule, I argue, because the junta wanted to bring back Thailand's positive image and demonstrate the country's commitment to international norms. The 2014 coup and the 2015 repatriation of Uyghurs damaged its image. As an agency primarily concerned with multilateral cooperation, mainly through the United Nations system, the Department of International Organizations is central to connecting the junta and the world. This responsibility allows the agency to prioritize an agenda that addresses its interests and helps Thailand recover from international damage at the same time.

Forcibly displaced persons became the issue of choice because, in 2016, an opportunity emerged on the global stage, as the community of nations, especially leading global powers, expressed interest in managing the forcibly displaced. These powerful nations organized various high-level events, including a meeting during the United Nations General Assembly and the Leaders' Summit. Leading figures in the Department of International Organizations, especially Kanchana, had already had an interest in the topic and recognized its relevance to Thailand.

In her 2016 study for the National Defense Certificate at the National Defense College, Kanchana (2016) wrote a thesis on the screening mechanism for forcibly displaced persons.

Kanchana deliberately discussed the growing worldwide concern about forcibly displaced persons, and the realities that made many travel to Thailand, which they perceived as a potential sanctuary. She suggested that Thailand develop a more effective screening mechanism to differentiate forcibly displaced persons from economic migrants. This mechanism, Kanchana argued, would allow Thailand to provide humanitarian assistance to forcibly displaced persons better and prevent Thailand from facing international pressure and avoid damage to its security and its global reputation.

The twin forces of global forced migration crises and the Thai junta's need to revive the country's positive international image eventually led the Department of International Organizations to push forward a forcibly displaced persons agenda. It seized the opportunity, when the United Nations and President Obama hosted the Leaders' Summit on Refugees on September 20, 2016, to have General Prayuth pledge progress in managing forcibly displaced persons. The pledge, according to the Department of International Organizations, "demonstrates the political will of Thailand but has no words or contexts that would lead to binding obligations" (Ministry of Foreign Affairs 2016). As a result, the Department convinced other agencies to agree with the document.

The document reinforces the position of Thailand as a transit country, but contains several surprising phrases. Prayuth announced that Thailand would enact legislation on the prevention of torture and forced disappearances to protect non-refoulement as a principle. The government would develop a screening mechanism to better distinguish between forcibly displaced persons and economic migrants. Thailand would improve the conditions and increase space for the IDC, including constructing a new facility to improve the living conditions of forcibly displaced persons awaiting resettlement in a third country. The government would seek

an alternative to child detention. Thailand would provide humanitarian assistance and access to healthcare and education to irregular migrants.

In the document, Thailand further promised to ensure that relevant officials have a better understanding of irregular migration and provide legal services for all groups of irregular migrants affected by criminal cases. Additionally, Thailand promised to provide education to all children in the nine temporary shelters along the Thai-Burmese borders and to coordinate with the Burmese government so that children would receive academic certificates to continue their studies or work in Burma upon repatriation. The Thai shelters would also provide skills training for forcibly displaced persons from Burma, allowing them to generate income so that they could find sustainable livelihoods upon return. Lastly, Thailand committed to issuing a birth certificate to all children in temporary shelters so that they would not be stateless (Ministry of Foreign Affairs 2016).

Suggesting that Thailand was departing from its decades-old practices, moving towards full-fledged humanitarianism, these pledges came as a surprise to several people within the government and civil society alike. Pit, an activist who has worked in the area of forcibly displaced persons management in Thailand for a long time, called the pledge "unprecedented," representing "the most significant development" in the way Thailand responds to forcibly displaced persons. She was particularly surprised that this sort of commitment emerged under the military government (Interview#21—September 4, 2018). A high ranking official in the Immigration Bureau also told me that the pledge represents a "first important step" for more humanitarian responses towards forcibly displaced persons in Thailand (Interview#41—December 3, 2018).

Officials in several bureaucratic agencies, however, expressed frustration. One of the officials in the Ministry of Interior official felt intensely disappointed, "I had not work here yet when the prime minister gave the pledge [in New York City]. However, I could guess how it came to be what it was. Many people here were not informed about the details of the pledge beforehand, but now we must work hard to fulfill them. We were surprised when the order came down to us." He also referred to the bureaucratic agency that pushed for content in the pledges as "heedless" or *chui*, a harsh expression (Interview#36—October 21, 2018). A National Security Council officer also described his surprise at the contents of the pledge. He said, "I would like to be honest with you. The National Security Council had no idea about that" (Interview#42—December 4, 2018).

Both views, however, were contradicted by an official in the Department of International Organizations who informed me that before the prime minister went to give the speech in New York City, the Department of International Organizations requested input from relevant governmental agencies (Interview#44—December 13, 2018). The document from the Department of International Organizations to the Secretariat of the Cabinet also shows bureaucratic agencies consulted in August 2016, a few weeks before the pledge was made (Ministry of Foreign Affairs 2016). It is unclear, however, whether contents in the final draft of the pledge reflected the August meeting.

Regardless of what the process leading up to the pledge was, the document has consequences. The pledge not only marks a new development in the way Thailand manages forcibly displaced persons but also reflects deep tension between the government agencies that work on issues related to forcibly displaced persons. The fundamental contestation encompasses officials in the Ministry of Foreign Affairs, the National Security Council, and the Ministry of

the Interior. The primary debate revolves around how to manage forcibly displaced persons and the development of the screening mechanism. The central question is whether the screening mechanism will attract forcibly displaced persons to Thailand.

The Great Debate

The National Security Council and Ministry of Interior are the traditional agencies managing forcibly displaced persons, and their thinking is highly influenced by their experiences since the Cold War. Officials in these organizations mainly adhere to the conservative view that the creation of any mechanism to assist forcibly displaced persons risks bringing more backlash to Thailand. They argue, therefore, that the government should continue using loose policy tools.

Their three main concerns: first, they worry that the screening mechanism could "pull" increasing numbers of forcibly displaced persons seeking refuge in Thailand. The argument is based on historical evidence; when both the Lao Screening and the Provincial Admission Board failed to achieve anticipated outcomes, a rise in forcibly displaced persons in Thailand ensued. A National Security Council officer explained, "the creation of the screening mechanism would have become a pull factor leading more forcibly displaced persons to come to Thailand as happened in the past since they would hope to apply for asylum and perhaps stay in Thailand legally" (Interview#20—September 3, 2018). Because the proposed screening mechanism also included a resettlement plan, another high-ranking official in the National Security Council voiced concern that resettlement opportunities would attract illegal migrants hoping to exploit the system. He recalled, "one time we allowed forcibly displaced persons to resettle in the US. All 7,000 people in the Tham Hin camp would like to go. That was when we experienced a sharp increase in the number of illegal migrants in the camp. Thus, Secretary-General Winai said, [the resettlement program] was a pull factor" (Interview#42—December 4, 2018).

In addition to concerns about pull factors, National Security Council officials also worry about the human and financial resources that Thailand has to commit to handling incoming forcibly displaced persons. Is Thailand willing to spend a large sum of money on welfare and accommodation for forcibly displaced persons? An officer from the Ministry of Interior insisted, "When we think about the new [screening] mechanism, we also have to think about the budget. Where will we get it from? It will not be easy. We have to use tax money to take care of [forcibly displaced persons] but what about our people" (Interview#36—October 31, 2018)? His argument illustrates the classic thinking of security officials during the Cold War, when Thailand did not want to commit its resources to forcibly displaced persons. Similar thinking occurs in other contexts worldwide. It demonstrates how states perceived the forcibly displaced as financial burdens.

Officials in the Ministry of Interior and the National Security Council expressed concerned about political pressure from countries of origin, international organizations, and major powers when Thailand decides to admit or reject the forcibly displaced. A high ranking official in the National Security Council discussed a possible scenario: "Let assume that there is a case of Uyghur requesting asylum. If we send them back to China, the US will put pressure on us. If we send them to Turkey, China will put pressure on us. If we do not treat them well, the Muslim community will put pressure on us. Treating them badly would put us at risk of terrorist attack, too" (Interview#42—December 4, 2018). Based on this scenario, the officer concluded that the development of the screening mechanism would do no good for Thailand since the country may not be able to respond effectively to these pressures.

While recognizing that the arguments of officials in the National Security Council and the Ministry of Interior are compelling, bureaucrats who endorse the creation of the screening

mechanism argue that having such a tool will benefit Thailand. They suggest that managing pull

factors could improve the balance between security and humanitarian interests. An official in the

Immigration Bureau who endorses the screening mechanism recognizes that the pull factor is

unavoidable, and suggests that even with the current management, Thailand already receives

forcibly displaced persons. He said, "the pull factor is a decades-old issue and a Cold War

concept. We must stop talking about it because if we continue to do so, we will not be able to

achieve anything. There will always be a pull factor" (Interview#41—December 3, 2018). Thus,

instead of talking about how to prevent forcibly displaced persons from coming, he suggests

Thailand needs to figure out how to manage them. The creation of the screening mechanism is a

crucial step because it will allow Thailand to identify who the forcibly displaced persons are, and

where they locate.

Furthermore, a high-ranking official in the Ministry of Foreign Affairs argues that

allowing the resettlement opportunity may not attract newcomers as long as Thailand sends a

clear message that it will only resettle those with a "genuine need" for resettlement. She said:

> Do you know why the number of urban forcibly displaced persons in Thailand dropped recently? Pakistani people used to come here a lot because they thought coming to Thailand would lead them to a third country. However, after the UNHCR announced that there is no automatic resettlement and [UHNCR] will only resettle clear humanitarian cases. The number [of the new arrivals] dropped suddenly. If we have a clear message that resettlement is not automatic, it will become a deterrence (Interview#44—December 13, 2018).

The same officer from the Ministry of Foreign Affairs also told me that Thailand would

gain additional security benefits from the creation of the screening mechanism. She continued:

> The current [screening] mechanism of UNHCR [in Thailand] is unacceptable. Anyone can be persons of concern simply after they apply for asylum requests... It led many people to stay illegally in Thailand, causing a problem for Thai officials. We need to have a system so that we can distinguish those who genuinely need protection from economic migrants. This mechanism will bring those who are underground to come above ground for the security of [Thailand] and themselves. It will allow us to introduce accurate measures for the protection of those who need it, especially children who can go to school, and punish those who abuse the system (Interview#44—December 13, 2018).

 These comments demonstrate that despite the recognition of humanitarian obligation, the officials who endorse the screening mechanism continue to consider Thailand's security interests in making their arguments. The humanitarian pursuit can serve as a basis for advancing and protecting national security interest—just as *strategic humanitarianism* had done for Thailand in the past. The screening mechanism would bring forcibly displaced persons above ground so that the government could better manage and perhaps track them.

Empirical Evidence of Bureaucratic Politics Since the 2016 Pledge

Since General Prayuth delivered Thailand's pledge in the US in September in 2016, the arguments of bureaucrats who favor the creation of the screening mechanism have found more support from members of the junta circle. Officials from the National Security Council and the Ministry of Interior, however, also strike back at the first group of officials from time to time. This conflict, I argue, has meant that the principle of balancing security and humanitarianism figures more prominently in Thailand's management of forcibly displaced persons.

After the 2016 Summit, Deputy Prime Minister for Legal Affairs, Wissanu Krea-ngam, ordered Thailand's Council of State to draft two laws following the commitment made by General Prayuth. The first was a new Immigration Act, which included the establishment of the Department of Immigration Affairs (DIA). The second one was a Regulations of the Office of the Prime Minister on the Management of Illegal Aliens and Refugee, which would lead to the official creation of a refugee screening mechanism.

On December 6, 2016, the Secretariat of the Cabinet (SOC) sent the drafts of both documents to relevant governmental agencies for approval and suggestions. The draft Regulations resonate with the language used in the 1951 Convention. It was for the first time in several decades that the term "refugee" surfaced in the official Thai document. The draft defines

a "refugee" as an alien who has entered the Kingdom legally or illegally but has obtained refugee status owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion, or membership in a particular social group. The document also discusses the screening process and contains a clause on the right to work (Secretariat of the Prime Minister. 2016).

This draft Regulation, however, caused frustration among policymakers in the National Security Council, prompting them to take more proactive moves to reshape policy. In their response to the draft on December 19, 2016, the National Security Council argued that the creation of the screening mechanism would become a "pull factor," attracting more forcibly displaced persons into Thailand. At the same time, their response also indicated irritation that this new management tool would complicate the present forcibly displaced persons situation in Thailand. The National Security Council suggested that the Thai government should maintain the status quo, continuing to use the policy tools that it has long used to manage forcibly displaced persons (National Security Council 2016). The draft Regulation reinforces the critical arguments the National Security Council has consistently made for managing forcibly displaced persons.

Despite the National Security Council's concern regarding the screening mechanism, Prayuth's cabinet approved the proposed draft Regulations in principle, and ordered the Immigration Bureau to serve as the principal coordinator in reconsidering the details of the screening mechanism together with the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Labor, the National Security Council, the Office of the Attorney General of Thailand, and the Office of the Council of State. While, the cabinet agreed with the redrafting of the new Immigration Act, it suggested that the proposed draft needed refinement. For the establishment of the Immigration Affairs Department, the cabinet ordered the Office of the

Public Sector Development Commission to conduct an impact and needs assessment in consultation with the National Security Council.

The Prayuth government's failure to immediately approve the draft Regulations on the screening mechanism proposed by the Council of State provided an opportunity for another round of back and forth. The Immigration Bureau became the key figure in drafting the new Regulations. Based on an interview with a National Security Council official, it was initially unclear why the cabinet assigned the Immigration Bureau to take charge in deliberating the Regulations since the primary mandate of the agency is to enforce the Immigration Act. She suggested, "the National Security Council should have been assigned to take the lead in drafting the screening mechanism" (Interview#10—June 28, 2017).

However, an official in the Immigration Bureau did not seem to be surprised by the cabinet's decision. He commented, "[the screening mechanism] targeted those people who had been in Thailand for a while, not newcomers. Thus, it ended up with the enforcement of the Immigration Act. The Regulations could only be enacted based on Article 17 of the Immigration Act" (Interview#41—December 3, 2018). In addition to the creation of the screening mechanism, the Immigration Bureau also took charge of drafting the Memorandum of Understanding on the Alternative to Detention for Children, which was one of the pledges that General Prayuth gave at the summit in the US in September 2016.

For months, the Immigration Bureau was slow in redrafting the Regulations' screening mechanism and memorandum of understanding on the alternative to child detention. The Department of International Organizations circulated a memo urging updates and progress. A National Security Council officer said that the main reason for the delay was probably that the Immigration Bureau lacked human resources and policy knowledge (Interview#5—August 23,

2016). Eventually, the Immigration Bureau had to request assistance from Police Colonel Pongnakorn Nakornsantipap, who used to administer forcibly displaced persons at the Immigration Bureau, but at that time was serving in the Strategic Division at the Royal Thai Police Headquarter. He became a key figure in drafting both documents, and his appointment seemed to expedite the development of the draft Regulations. He worked closely with Kanchana and the Department of International Organizations in pushing forward the construction of the screening mechanism.

Realizing the Alternative to Detention for Children in the IDC

Pongnakorn commissioned both the memorandum of understanding on the alternative to detention for children in the Immigration Detention Center and the regulations on the screening mechanism, but he realized that all agencies could agree upon the Memorandum of Understanding. There was not much disagreement on this instrument. In the past, Thailand had taken actions regarding children in the IDC, as I described in the previous chapter. For the Memorandum of Understanding, the Department of International Organizations played a vital role in pushing for its enactment. An officer from the department said that the idea for drafting the document emerged when Kanchana met with NGO officials and the latter requested she coordinate the temporary release of four Pakistani children. Kanchana and the Department of International Organizations then realized that it would be burdensome if their agency must intervene every time it receives a request from civil society organizations. The Department of International Organizations has since started to advocate for an institutionalization of alternatives to detention for children (Interview#44—December 13, 2018).

By July 17, 2018, the final draft of the memorandum of understanding on the alternative to detention for children in the IDC was complete. It fulfilled the pledge of Prayuth from 2016.

The government provided alternative detention facilities to children less than 18 years old who were previously in the IDC together with their parents. The document outlines how relevant parties would provide an alternative to detention. The government would invoke the Child Protection Act so that children, with their mothers in some cases, would be relocated to the Children and Family Aid Houses, administered by the Department of Children and Youth. The Immigration Bureau would issue a certificate for the Department of Children and Youth so that the latter would be held accountable for caring for children who left the IDC.

Before signing the Memorandum of Understanding on January 21, 2019, the Immigration Bureau started to move children out of the IDC into the Immigration Bureau training center near Don Muang International Airport and several Children and Family Aid Houses in the central provinces. Spencer described the resettlement process as "swift and confusing" (Interview#53—March 22, 2019) because officers from the Immigration Bureau and the Department of Children and Youth did not seem to have a clear plan about the children's welfare—including whether the Department of Children and Youth would take full responsibility for these children. It was unclear at that time how the IOM, which had been running the daycare within the IDC, would perform their task, or whether the facility should cease its operation.

After the relocation, Spencer explained that children separated from their parents experienced trauma. In one extreme case, a child became so profoundly depressed that officials lobbied the Immigration Bureau to release the child's mother. In another case, a mother wanted to return to the IDC because she wanted to live closer to her husband (Interview#53—March 22, 2019). Although the government enacted the memorandum of understanding on the alternative to child detention, family unification remains impossible. Usually, only a mother is permitted to be with a child. Despite turbulence in implementing alternatives to child detention, relevant

government agencies, NGOs, and international organizations seem satisfied with progress in this regard. At one of the meetings in November, Pongnakorn joked with Kanchana that the alternative to detention for children in the IDC would be a "(2019) new year gift" for her (Interview#41—December 3, 2018).

The Creation of the Screening Mechanism

While the adoption of the memorandum of understanding on the alternative to detention for children in the IDC leans towards a happy ending, the deliberation regarding the screening mechanism does not share the same storyline. Before the rules were drafted, Kanchana and the Department of International Organizations led officials from relevant bureaucratic agencies on business trips to learn about similar instruments in Canada, Hong Kong, the US, and Pakistan. The goal was to let officials get a sense of what the screening mechanism might look like.

Policymakers from the National Security Council and the Ministry of Interior continue, however, to rebel against creating the new tool, trying to shape the screening mechanism to reflect Thailand's security concerns. Its creation became contentious on two major fronts, namely the terminology and defining forcibly displaced persons, and the rights of the screened-in, who would be allowed to remain temporarily in Thailand.

The use of the term "refugee" has long been debated in Thailand's forcibly displaced persons policy circles. The government has consistently avoided using the term because it recognizes that its adoption would signify Thailand's willingness to comply with the 1951 Convention. By referring to forcibly displaced persons as refugees, Thailand was afraid of obligations that it might have for those populations, including the right to work, about which conservative policymakers were unlikely to agree. Accordingly, Thailand invented several terms to refer to forcibly displaced persons who were refugees based on the first article of the 1951

Convention, such as "persons fleeing fighting," "displaced Vietnamese," and "former KMT soldiers." It even went further calling a refugee camp a "temporary shelter" (see discussion in chapter 3). In addition, the government feared that granting forcibly displaced persons the right to work would prompt them to stay and integrate into Thai society rather than leave, since the forcibly displaced could sustain their lives (Interview#10—June 28, 2017; Interview#40—December 3, 2018; Interview#42—December 4, 2018).

The officers who endorsed the screening mechanism argued, however, that no matter what forcibly displaced persons are called in Thailand, they remain "refugees" based on international law. The government had an obligation to treat them well to comply with other related international conventions that Thailand had signed and ratified. Thus, they saw no reason why Thailand should avoid using the term. Similar thinking also applied to the right to work. The group of bureaucrats in favor of the screening mechanism argued that the creation of the new tool would allow forcibly displaced persons to sustain livelihoods without being a burden on the government. They would be able to work to support themselves and their families (Interview#41—December 3, 2018).

There were several contentious rounds in the debate. The early draft of the screening mechanism appeared to reflect the interests of officials who endorsed the screening mechanism, even though there were divergences from the draft first proposed by the Council of State. In the August 2018 draft, for example, neither the term "refugee" nor "asylum seeker" was used. "Refugee" was replaced by "person under protection," defined as "an alien who enters into or resides in the kingdom and is unable or unwilling to return to his/her country of origin owing to a reasonable belief that they would face harms which violate their human rights and human dignity" (Office of the Prime Minister of Thailand 2018). Interestingly, the definition is broader

than the definition used in the 1951 Convention. At the same time, the term "asylum seeker" was replaced with "persons who are waiting to be screened." Besides, the August 2018 draft included the principle of non-refoulement and the right to work in which it stresses in Clause 23 (1) that Thailand will refrain from deporting a person under protection and in Clause 23 (4) that Thailand will permit a person under protection to work in the Kingdom in conformity with the Alien Working Management Act and other relevant laws (Office of the Prime Minister of Thailand 2018).

The inclusion of the right to work in the earlier draft faced strong objections from conservative officials. A National Security Council officer said that the National Security Council was lobbying other agencies to support its efforts to drop the incorporation of the right to work into the Regulations. "Granting this right to forcibly displaced persons would potentially lead forcibly displaced persons to remain in Thailand indefinitely without leaving the Kingdom," the officer told me (Interview#42—December 4, 2018). The argument against the right to work did not include any reference to competition between forcibly displaced persons and locals in the job market as in many other countries. That was maybe because Thailand has one of the lowest unemployment rates in the world reportedly about 1.1% at the end of 2018 (Bank of Thailand 2019). Even without a fear of job market tensions, officials in the National Security Council remain unwilling to grant the right to work to forcibly displaced persons who seek refuge in Thailand's urban areas.

The move of the National Security Council succeeded with the crafting of the most recent draft Regulations in March 2019. The Council of State already reviewed and approved the draft, and by October 2019, it was waiting for cabinet approval. The March 2019 draft Regulations contained language and contents that are different from previous drafts. First, the definition of

person under protection changed to "an alien who enters into or resides in the Kingdom and is unable or unwilling to return to his/her country of origin owing to a reasonable ground to believe that they would face persecution as the Commission on Screening of Aliens specifies" (Office of the Prime Minister of Thailand 2019). The lack of clarity in the new definition provides room for the screening commission to determine the meaning of persecution. It allows these group of decision makers to relink stories of those individuals to the ones created by the Commission,

The March 2019 draft of the screening mechanism also excludes the right to work. The elimination of this right clearly reflects the influence of the National Security Council in finalizing the screening mechanism. It also highlights the great concern of conservative policymakers who are afraid that forcibly displaced persons would stay in Thailand if they have job opportunities. In response to this move, Pit, an NGO officer, told me, "an official in the Ministry of Foreign Affairs said that if [the National Security Council] wants to take out the right to work, that wouldn't mean forcibly displaced persons couldn't work. As long as they don't say it, that means they don't prohibit it" (Interview#21—September 4, 2018).

Despite all these changes, the recent draft Regulations continue to uphold the principle of non-refoulement, stressing in Clause 25 (1) that Thailand will refrain from deporting the person under protection unless they choose to voluntarily return or they pose a national security threat to Thailand (Office of the Prime Minister of Thailand 2019). However, the incorporation of the exception clause regarding security concerns in this part of the document shows that conservative policymakers have been able to alter the language of the Regulations. The clause provides a way for the screening commission to use a security mindset, rather than humanitarian one, to determine status of forcibly displaced persons. The state's interest, therefore, comes before that of forcibly displaced persons.

Once the screening mechanism is in effect, a National Security Council officer informed me, this tool can be revoked at any time. "The [documental] status of the tool is just the Regulations of the Office of the Prime Minister. If at some point, it affects our security, we can annul it. We can submit a request to the cabinet for termination" (Interview#42—December 4, 2018). Thus, regardless of how much effort is put into crafting the screening mechanism, the National Security Council sees the opportunity to challenge the rules whenever a security threat arises. The officers who endorse the development of the screening mechanism also recognize this limitation; however, as the Department of International Organizations officer mentioned, "this is a gradual step, and we need to take time to convince officers in other agencies to join our force" (Interview#44—December 13, 2018). However, the present design of the screening mechanism, originally decided to protect those who genuinely need protection, shows that it will become a tool that serves Thailand's national security interest.

Despite the fierce debate between the two sides in the bureaucracy, all officials who are involved in the construction of the screening mechanism share a common belief that Thailand will not have to sign the 1951 Convention when the Regulations on the screening mechanism are in effect. An officer from the Department of International Organizations suggests, "the [1951] Convention is outdated. Thus, we don't have to be a good boy to become a party on paper. We have done a lot, we have many tools, and we have obligations to other conventions. These instruments already provide means enough for the protection of [forcibly displaced] persons" (Interview#44—December 13, 2018). Similarly, a high ranking officer in the National Security Council said, "having this Regulation [on screening mechanism] is no different from being a party to the [1951] Convention. The only difference is that we use a different language. Thus, there is no need to sign the Convention" (Interview#42—December 4, 2018). Based on both

interviews, the Thai government need not become a party to the 1951 Convention and its 1967 Protocol. It will instead rely on its newly crafted mechanism, guided by the principle of "balancing security and humanitarianism."

Conclusion

The competition between officials discussed in this chapter reflects the reality that the state is far from a united and cohesive actor. Although the state may eventually act one way or another, the specific policy direction that the state pursues does not necessarily indicate the satisfaction or agreement of all agencies. Nonetheless, it could have been a result of one group having more privileges or more power and capital than the other in shaping policy direction at any given moment.

Graham Allison (1971) once referred to the contention among different agencies as bureaucratic politics. This model is one of three explanations that he used to describe decision-making during the Cuban missile crisis. Bureaucratic politics occur when various bureaucratic agencies engage in policy deliberation and bargaining using their power position, preference, and political resources. Each participant chooses its negotiation strategies based on organizational or perhaps personal interests, and power relations with other agencies. As a result of the contention, a preferable policy result may emerge, which could reflect the influence of a specific agency, or a suboptimal outcome that would not satisfy any parties.

In forcibly displaced persons policy circles in Thailand, disagreements between officials—especially in the Department of International Organizations—who advocate for human rights and international norms and look forward to changes in policy practices and conservative policymakers from the National Security Council and the Ministry of Interior, who prefer the status quo approach, have been contentious, particularly in developing new tools to manage

forcibly displaced persons. Since the rise of General Prayuth, the first group of officials seem to have gained the upper hand, given that the Thai government would like to engage with the international community through multilateral platforms in order to re-project Thailand's positive image. While conservative policymakers were hardly able to resist larger changes, they could still assert their influence through the detailed development of the new policy tool. In particular, these groups of policy makers could oppose the use of "refugee" in Thailand's forcibly displaced persons policy circles and refuse to grant the right to work to forcibly displaced persons.

Through the contention between officials in the government, the vague principle of balancing security and humanitarianism continues to be the rule of the game for at least the foreseeable future. While the development of the screening mechanism reflects the attempt to protect forcibly displaced persons, security continues to play a role in the Thai policy calculation. The tool will turn into something that serves Thailand's national security interests.

CHAPTER 6

Eight Forcibly Displaced Lives in Thai Urban Areas

Introduction

Governments of every country where forcibly displaced persons seek refuge are currently searching for a way to manage this situation. Academics and international organizations are searching for solutions. UNHCR has organized multiple conferences to brainstorm new approaches to manage forcibly displaced persons, including the first Global Refugee Forum planned for December 2019, designed specifically as a platform where key achievements and good practices will be exchanged (UNHCR 2019b).

Among several influential ideas in forced migration studies, Betts and Collier's 2017 publication has been widely welcomed by fellow academics and practitioners. The authors suggest that the solution to forcibly displaced persons situations lies in a shift from treating forcibly displaced persons as a humanitarian issue to a question of economic development. They argue that forcibly displaced persons need both access to basic necessities and autonomy through education and jobs. Their preferred policy approach focuses on keeping forcibly displaced persons in their first country of asylum where they can work to garner income. By keeping them in neighboring countries, the authors suggest benefits will accrue to all parties involved in global management. Some companies from the global north could even be persuaded to invest in special economic zones in poor countries where most forcibly displaced persons will be given refuge, so migrants could be given jobs, and local economies will benefit (Betts and Collier 2017).

The management of forcibly displaced persons in Uganda offers a model. Betts and Collier suggest that by granting the forcibly displaced the right to work, Uganda may be on a

path towards creating a functioning economy for this population and for locals. They argue, "[Rwamwanja Refugee Camp] illustrates that even simply the right to work at the outset of an influx can dramatically alter the trajectory of a refugee settlement, enabling specialization and diversification to take hold, in a way that creates opportunities for both refugees and host nationals" (Betts and Collier 2017: 166).

While scholars are inclined to agree with Betts and Collier about the significance of the right to work, many raise concerns about exploitation. Using Syrian displaced women in Turkey as a case study, Canefe (2018) demonstrates that the lack of citizenship rights and status leads to precarity, working for jobs at the bottom of the market with a great potential to experience forced labor and exploitation. Global reality is, therefore, more complicated than what Betts and Colliers envisioned. Few governments are as generous as Uganda's. Creating favorable work conditions for forcibly displaced persons is far-fetched for the state. Instead of providing support for forcibly displaced persons, most governments have put pressure on them to leave their country or to move to smaller cities. Turkey recently ordered Syrian forcibly displaced persons who have not registered to live in Istanbul to return to the city where they first registered (Editors 2019) even though border cities may not have livelihood opportunities for forcibly displaced persons. Those actions, in turn, create a hostile environment for forcibly displaced persons.

How has the framework of institutions and practices in Thailand created challenges for forcibly displaced persons in accessing resources and social recognition? How can forcibly displaced persons survive in Thailand? What are the similarities and differences between the lived experiences of different groups of forcibly displaced persons? Thailand poses a different set of livelihood challenges to urban forcibly displaced persons. This chapter investigates the lived experiences of people who have sought refuge in Thailand, focusing on the impact of Thai

policy and practices. It discusses significant livelihood concerns for forcibly displaced persons, their survival strategies, and in- and out-group dynamics. This chapter is based on participant observation and in-depth interviews with eight urban forcibly displaced persons from five major groups: Hmong, Khmer Krom, Pakistani, Palestinian, and Somali. Each story is unique, and I have no intention to make generalized claims based on them.

An important observation from my investigation of the experiences of forcibly displaced persons was that in interviews individuals may dramatize their stories leading to inconsistent storytelling. I encountered different versions of the same story when talking to the same persons on different occasions. It occurred particularly when forcibly displaced persons discussed the conditions leading them to flee their countries of origin. I had to cross check their story with other sources, such as their written testimonies to NGOs for resettlement or interviews with other people in their community. Having said that, I do not believe that forcibly displaced persons fabricate their stories. On the contrary, I see dramatization as a survival strategy allowing forcibly displaced persons to link their stories to the regime governing them and different administrative labels—the common situation worldwide.

In Thailand, urban forcibly displaced persons experience a different set of challenges that emerge mainly from the implementation of the dual-track management, as well as from the failure of the Thai government to legally recognize UNHCR refugee status. While many forcibly displaced persons can stay temporarily in Thailand, and while many officers ignore their existence, these factors do not guarantee that they will not be arrested. Some law enforcement officers, especially local police and the district officers, who are unaware of refugee status or do not recognize person of concern cards, may arrest forcibly displaced persons anytime, leading them to end up in the IDC. This situation creates hostile conditions leading forcibly displaced

persons to hide on the margin of Thailand's urban areas and preventing them from integrating in Thai society.

To survive in Thailand, language and religious commonalities provide a basis for networks for many of these people. Such a community can provide individuals with access to employment opportunities to earn the income needed to support themselves and their families. Besides, the different skill sets that different groups of forcibly displaced persons possess can grant them different survival tools to maneuver through the regime governing forcibly displaced persons. Language skills, especially good command of English or Thai, help forcibly displaced persons find ways to work illegally or negotiate their acquittal when they are at risk of arrest for lacking valid immigration documents. In addition, having a reliable local contact also helps protect forcibly displaced persons from getting arrested or being detained in the IDC. Some native Thais become a human shelter safeguarding forcibly displaced persons from potential harm caused by officials. For many, a lack of technical skills, distinct physical features, or conflicts with people in the community increase their vulnerability. Those who are most vulnerable are people with limited or no capital, such as youths who look distinctive from the locals with little education and no reliable local contacts.

Junior and Cai (Hmong)

In Thailand, the urban forcibly displaced whose lived experiences seem closest to the ideal version envisioned by Betts and Collier (2017) are the Hmong people from Vietnam. I characterize their story as a "communal uplifting." Strong community ties developed through their faith in Christianity and the active role of a community leader have provided them with different forms of livelihood assistance. Their physical appearance, similar to Thai nationals, allows forcibly displaced Hmong to integrate into the local community and develop trust with

Thai nationals. At the time, they can also participate in the local job market. Despite their relative success blending into the local community, the government refuses to officially recognize their UNHCR-granted person of concern status—instead considering them illegal migrants, which continues to threaten the community's stability. Some local police or local law enforcement officers, who do not know about persons of concern status, may arrest them anytime, insisting they lack valid travel documents. The risk becomes more significant when considering that nearly 80% of people in the community (as of 2019) are denied refugee status by UNHCR and are currently living in Thailand without any protection while waiting for their cases to be reconsidered. UNHCR usually rejects status request based on the ground that the applicants do not have sufficient evidence to prove their fear of persecution. There is speculation that, somehow, these people could be "economic migrants" (Palmgren 2013).

I met members of the Hmong community through Fah, a young lawyer in her mid-20s who works as a legal consultant for a local NGO. On December 12, 2018, she invited me to a meeting held by American volunteers with urban forcibly displaced Kinh from lowland Vietnam at a church near the Don Muang International Airport. Because no Thai or English speakers were present among the group, Fah immediately arranged another meeting for me with the Vietnamese Hmong who lived in the same neighborhood. After waiting for ten minutes, Junior, a cheerful 18 year-old boy, arrived.

Junior is a son of Cai, a pastor and a community leader of the urban forcibly displaced Hmong in the area. If I had met him elsewhere, I would have thought he was Thai. His command of the Thai language is flawless. Junior attended Thai schools for six years. I learned after conversing with Junior that he also is proficient in English, which he has spoken with the missionary at his church since he was young. His father also encouraged him to study Chinese as

his fourth language. Because of his language skills, Fah's organization has hired Junior to work as a translator and to help with the caseload of urban forcibly displaced Hmong in Bangkok.

After Fah introduced me to Junior, the boy greeted me before walking me outside the church to show the houses where the Hmong people have settled. Junior was talkative and cheerful. Along the way, he told different stories about his community. "The Hmong in the community fled from northern Vietnam due to our belief in Christianity," Junior said before continuing, "there are 50 to 60 households with approximately 300 people. Among them are around 30 to 40 children of school age. However, only 20% of us, including my family, have refugee status." The houses where forcibly displaced Hmong stay in Bangkok are mainly four-story townhouses. Since each house has several rooms, a few families stay together in one building to lower the cost of monthly rent—which is around 4,000 to 6,000 THB (~ 130 to ~200 USD) per townhouse. The houses are run-down, except for the one where Junior and his family live, which is clean, tidy, and organized. Junior told me that he cleans the house often for hygienic reasons.

At home, Junior invited me upstairs to meet his family. There were eight people, including his parents, his older disabled brother, his married younger brother, his sister-in-law, his two little sisters, and himself. He is the second oldest sibling. When I arrived at Junior's house around noon on December 12, 2018, I only met his parents. His other siblings were at school. The two little ones went to the Thai school, while his male siblings and his sister-in-law were pursuing biblical studies. Junior introduced me to his parents in the Hmong language, informing them who I was and the purpose of my visit. Cai, his father, smiled at me before officially welcoming me to his home. Cai became a great source of access and data for my study

of urban forcibly displaced Hmong in Bangkok. He provided me with an opportunity to take part in community activities and meet other community leaders and members during my other visits.

Cai started a conversation by discussing the main reason why he had to come to seek refuge in Bangkok. He said, "Our family came from Lao Cai Province in Vietnam, where I still have my mother and some family members. I had to flee because I believe in Jesus. The Vietnamese government did not appreciate that I preached Christianity within the Hmong community." Cai told me that his family had sought refuge in many places across Vietnam since Junior was young, before entering Thailand in 2011 by crossing a natural border in Chiang Khong with the help of a smuggler.

Cai's family came to live in the area where they are now through the recommendation of staff at the Bangkok Refugee Center. Upon his visit to the church in the neighborhood during his first month in Bangkok, a Catholic priest invited him to come to live nearby so that he could practice Christianity. Cai then decided to move into his present house. When a group of Hmong Christians learned that Cai had arrived in Thailand and settled near the church, several of them decided to move closer to him, leading to the growth of the community. In an interview with Koob-Hmoov, a former member of the community who is now living in a different province because of job opportunities, I was told that Cai has been a spiritual leader in the Hmong community since he was in Vietnam. Thus, when he came to seek refuge in Thailand, urban forcibly displaced Hmong, who knew of him, decided to move closer to him to seek spiritual comfort as much as assistance (Interview#52—March 20, 2019).

With hundreds of Hmong people living in the neighborhood, Cai recognized the importance of creating community rules, regulations, and a community structure. He appointed a few members of the community as his assistants. I had an opportunity to meet almost all of them

during my visits to the community. One of the essential things that Cai always said to me was, "we came into Thailand illegally; we have to be humble in Thailand." He added, "At the end of the church service, I make sure to tell people in my community not to commit any wrongdoing. Otherwise, we won't be able to stay here in Thailand. For those people who make a mistake, we won't protect them and will ask them to leave our community." If there are problems or conflicts within the community, Cai said, members will resort to communal arbitration in which a neutral member, usually one of his assistants, serves as an arbitrator.

As a community, Cai said members help each other find jobs. Male members of the community usually work as construction workers. They learn about job availability through a network of friends. Once one member has obtained the job, he recommends his employer hire others, too. Thus, the community has become the source of employment opportunities for urban forcibly displaced Hmong. This way of accessing the labor market—especially in high-turnover jobs which are no longer preferred by the locals—is common to illegal migrants around the globe (Bloch and McKay 2015; Martin 1985).

Additional sources of income for each family come from the Hmong females, who make extra money from making handicraft products, primarily through one of the projects known as CHAMALiiN. The project encourages a home workshop, which receives partial support from Asylum Access Thailand. This form of production involves manufacturing inside and around the home together with relatives. Lek, one of the field staff whose work focuses on community engagement, informed me that this handicraft project has operated for more than two years, involving around 30 to 40 females from various groups of urban forcibly displaced persons, particularly Hmong, Pakistanis, and Sri Lankans (Interview#37—October 31, 2018). Their products include shoulder bags, wallets, hand purses, t-shirts, totes, and notebooks. These

products are available for sale via website (https://www.chamaliin.com) at a price listed in US dollars. The project also has an Instagram account with around 300 followers as of October 2019. Ntsuab, Junior's mother, told me the amount of time spent making each product differs, but a shoulder bag and a purse would take a few days. "We can make hundreds of [Baht] from each of the pieces we made," Ntsuab said.

During my visit to Cai's family in March 2019, I discovered that they also invested in a spinner and sewing machine to expand the home workshop. Cai told me that, with those machines, Ntsuab and other members of the community can make additional income. "[Ntsuab] has some friends who work in a garment factory and also knows an employer; so, we contact them asking for production outsourcing," said Cai. The new investment, according to Cai, would allow his family and some other members of the community to earn more income. At the same time, it also gets them linked to a supply chain, in which they manufacture garment parts to feed the larger production process.

In terms of living within Thai society, most members of the Hmong population speak Thai fluently. Since they have lived in Thailand for nearly a decade, most are used to Thai ways of speaking, slang, and jokes; children even talk to one another in Thai. Junior told me, "most of the kids in our community speak Thai with each other because we all went to the Thai school; however, we still speak our [Hmong] language with our parents when we are at home."

Children in the Hmong community could go to the Thai public schools free of charge because of the Thai government's Education for All policy. All children in Thailand, regardless of nationality or citizenship, are entitled to 12 years of free primary education and three years of pre-school. However, some children, including Junior, voluntarily drop out of school after finishing six years of primary school because they want to get jobs to support their families.

Thai language fluency combined with a similar physical appearance makes it easier for Hmong individuals to integrate in Bangkok or "pass" as Thai. Passing refers to the process by which an individual can cross over from one identity to another (Sanchez and Schlossberg 2001). Sociologists of race in the US often use this term to describe the phenomenon in which some racial minorities in the US "pass" for white. With "Thai passing," urban forcibly displaced Hmong can avoid arrest if police encounter them on the street or at a construction site. Alang said, "we look like Thai people and speak their language well so that we can get away with many things in Thailand" (Interview#52—March 20, 2019). The degree of passing, however, varies among the Hmong.

"Thai passing" ability is one of the factors that set the Hmong apart from other groups of urban forcibly displaced persons discussed in this chapter. It allows the Hmong to develop close friendship and trust with their Thai neighbors. Cai told me that neighborhood Thai know their circumstances and are generally understanding. Native-born Thai are a source of community protection for the Hmong. "Last month [November 2018], there were local police who came into our neighborhoods and asked for us. Our Thai neighbors told the police that we were not around. The police then left," recalled Cai. Cai added, however, that it was not easy to develop trust with residents. He expressed, "we have to behave well to show them that we will not cause them any troubles."

Nonetheless, the main paradox of Thai passing is that even though it allows the Hmong to develop a close relationship with locals, it does not allow them to build trust with Thai authorities. Distrust emerges because government officials, especially local police, who do not know about "person of concern" status, continue to treat them as illegal migrants and subject them to arrest and detention on the grounds that they do not have valid immigration documents.

This is not true of all local police, however. Upon their detention at the IDC, forcibly displaced

Hmong may be set free on bail, too. This scenario is not always the case, since many are denied

refugee status by UNHCR through the refugee status determination process, which has nothing

to do with Thai policy. Many of them, therefore, hope to have their case reconsidered so that at

least they do not face the threat of deportation and can perhaps continue to live in Thailand, even

if that means they have to pay bribes during arrest negotiation.

     During my last visit to the Hmong community in June 2019, Cai told me that his family

faced new resettlement challenges. A sponsor in Canada told Cai that he wants to sponsor

someone else who is really in need, since Cai's family seems to be better off economically in

Thailand. Cai told me, "I was quite surprised that he said that to me. We are indeed better off

economically in Thailand, but that is what we must do to survive. It also doesn't mean we won't

need protection. The [Royal] Thai Government didn't recognize our status" (Interview#55—June

9, 2019). Because of the resettlement uncertainty, Cai is currently exploring other options. One

of them was to have Junior or another of his sons get resettled first, whether in Canada or

Australia. He is also preparing for the worst, in case the family must continue to live in Thailand

for years to come. "God will pave our way," Cai told me, referring to the circumstances of all

urban forcibly displaced persons.

Kanha and Sophal (Khmer Krom)

     The Khmer Krom also fled persecution in Vietnam to seek refuge in Thailand. Although

many in this group resemble Thai locals physically, and live in a shared community like the

forcibly displaced Hmong, their livelihood trajectory has been quite different. Many experience

poverty and hardship. They lack clear leadership in the community and most people do not have

handicraft skills that would allow them to earn income in Thailand. I characterize the experiences of Khmer Krom as "communal destitution."

Fah was the contact person who introduced me to the Khmer Krom community in Bangkok. They are one of Vietnam's 54 recognized ethnic minorities and are of Khmer descent. They have historically lived in the area known as the Kampuchea Krom region, which covers most of the provinces in present-day southern Vietnam's Mekong Delta. Because most are faithful to Theravada Buddhism, a branch that differs from the form of Buddhism most widely practice in Vietnam, the Khmer Krom have, over the years, experienced religious sanctions imposed by the Vietnamese government. In 2007, Khmer Krom monks demanded the government recognize their religious and cultural freedom. Their pleas, however, were met with repression, defrocking, and house arrest. Somehow, the story of their persecution has received little international attention.

During the time the monks began to call for religious freedom, Khmer Krom farmers also staged protests for land rights. The community has long suffered from land confiscation, which has led many of the Khmer minority to experience landlessness and poverty. Instead of achieving their goals, however, the farmers also faced a crackdown and suppression, prompting them to flee for survival first to Cambodia and then to Thailand. One member of the Khmer Krom community told me that seeking refuge in Cambodia, where they share the same language and culture, was not a viable option because the Cambodian government has a strong relationship with the Vietnamese government. They were afraid that the Cambodian government would repatriate them at the request of the Vietnamese government (Interview#43—December 11, 2018).

The area where most Khmer Krom live in Bangkok is far from the city center, in the outer ring of the BMR near one of Thailand's largest wholesale agricultural markets. Heading to the Khmer Krom community was quite convenient for me because is close to one of the largest highways in the capital and is highly accessible by multiple bus lines and vans.

Since the market area was massive, I got lost the first time I was there, so I called Fah for directions. After walking to the neighborhood behind the market, I eventually reached my destination. Fah waved to greet me. As I walked closer to the house, I was a little surprised to see at least 50 to 60 people, including children and adults gathering at one of the townhouses on the small alley. Kids were running outside and playing with each other while the adults, from 25 to 60 years old sat inside the house listening to three American volunteers who were offering training with stress management. Inside the house, a sign in both English and Khmer read, "Khmer Krom Refugee Group" on a blue background. Noticeably, the sign was not printed in Thai. Even so, the wall was full of photos of Thailand's King Bhumibol and the royal family, as well as pictures of community activities.

Fah left me outside with a group of Khmer Krom whom she believed "enjoy speaking Thai and speak it very well." She then told a Khmer interpreter to briefly introduce me to the community. Since Fah is a legal advisor and most people there refer to her as "Thanai," meaning lawyer in Thai, people there started to call me "Thanai," despite my clarification that I was a researcher. In my initial conversation with people, I realized that most people in the community spoke Thai well, though with an accent. Thus, Thai became the language I used to speak to members of the community.

At the gathering, I met Kanha and Sophal. Kanha, in her late 30s, was pregnant at the time. She came to Thailand for the first time in 2008 with her parents, younger brother, husband,

and two children from Soc Trang Province in southern Vietnam. Her family left their hometown due to the Vietnamese government's suppression over land rights and religious persecution. They first settled in a different Khmer Krom community in Nonthaburi Province, but because of the high rent at that location and the lack of job opportunities, the family moved to their current location, where they have lived for the past five years.

"How long have you been pregnant?" I asked Kanha. She smiled gently at me before saying, "[my newborn] is almost due now, but we've to think from where we should get money for the delivery." Kanha then started to talk about her family struggle. "We can't work right now because [the employers] refuse us. It only happened after there was a reorganization of the market. We weren't allowed to step inside there." In the past, members of the Khmer Krom community were able to generate income from working as laborers in the market. The men would perform manual labor, while the females would pick chili stems. Kanha told me that she used to be able to work inside the market, but that was no longer the case. "Every time we went to ask for a job, they turned us down and chased us away. The employers would ask for a work permit. But we are refugees, and we don't have one," Kanha explained.

The market owner reorganized the hiring in compliance with the order from the Royal Thailand Government. Between 2012 and mid-2014, the government had issued work permits to illegal migrants from Cambodia, Laos, and Burma, so that they could become legal aliens and work legally in the kingdom. After the registration period was over, however, the government issued a warning nationwide that it would take severe actions against any employers who hired illegal aliens without a permit. The control has become notably stricter since April 1, 2018. Employers who violate the law could be fined between 10,000 and 100,000 THB (~300 and ~3,000 USD) for each illegal alien they hire. The punishment is more severe for those who

violate the regulation a second time. It also includes jail time (*Matichon* 2018). Since then, many employers have refrained from hiring employees without valid permits even though the wages paid to this group of people would be significantly lower.

As much as government regulation helped restructure the Thai labor system, it had a direct effect on urban forcibly displaced persons whose refugee status is not recognized by the government. These people cannot obtain work permits because of their status. According to Thai immigration law, they are illegal migrants and are prohibited from working in Thai territories. More important, if forcibly displaced persons attempt to disguise themselves as migrant workers to get a work permit, they could lose their person of concern status automatically. They might have to live in Thailand indefinitely without any resettlement opportunity. Thus, many of the Khmer Krom in the community have refrained from pursuing the migrant worker path.

Without daily employment, Kanha told me that the primary source of income for her family was a 1,500 THB (~50 USD) allowance, received monthly from an organization she did not identify. Her family members have no opportunities to earn income from other sources. At the same time, lacking clear leadership, each member of the community tends to rely on their own feet to seek job opportunities and negotiate with potential employers. Occasionally, Kanha said employers in the market where they used to work might provide them with an opportunity to pick the chili stems when there is an abundant supply for chilis.

Because the government does not recognize their status, and they lack job opportunities and stable income, many members of the Khmer Krom community, including Kanha, report additional challenges, especially in terms of access to healthcare. Several public hospitals refuse to provide services to urban forcibly displaced persons due to their lack of legal status and fear that they will not be able to pay for the cost of care. Pittaway (2015: 177) also documented this

problem in her study of urban forcibly displaced persons in Mae Sot: "Unregistered refugees are denied access to medical and hospital services, either through fear of accessing them without documents or because they cannot afford to pay for services. They are forced into debt to obtain essential medication."

There are exceptions, however. Some public healthcare facilities, such as Rajavithi Hospital, Nopparat Rajathanee Hospital, and Bhumibol Hospital, accept a valid person of concern card since there is an arrangement between the Bangkok Refugee Center and the hospitals. Some aid organizations will also cover charges for severe illnesses or immediate medical attention. Traveling to these exceptional hospitals, however, can be a hassle for the Khmer Krom because it involves several bus connections or a 600 THB (~20 USD), at least, roundtrip for a taxi.

In urgent cases, urban forcibly displaced persons in the Khmer Krom community have gone to premium clinics located around the city and pay for a higher price of healthcare. Some of them approach NGOs, such as the Tzu Chi Foundation, for healthcare services. However, these services are provided infrequently and often limited to the NGO's location, which is far from their community, meaning that the family must pay the cost of transportation.

Nonetheless, even when urban forcibly displaced persons manage to access healthcare providers, they may experience communication barriers. Without an on-call interpreter, many urban forcibly displaced persons are unable to adequately describe their conditions or symptoms to the physician, causing delay and inaccuracy in their treatment. Because of these problems, many people in the Khmer Krom community, including Kanha, refrain from seeing a doctor unless it is urgent, and instead ask their neighbors if they have any extra pills available. But this

method of obtaining medicine is risky because the Khmer Krom can end up using the wrong remedy or experience allergic reactions.

To understand health insecurity in the displaced Khmer Krom community, Kanha suggested I talk to Sophal, whose daughter has epilepsy. Sophal is a 50 years old man whose hair is almost all grey. He also wore vintage eyeglasses with brown lenses. Kanha called Sophal in Khmer asking him to come and talk to me. As soon as he sat down next to me, Sophal started to share his story about his 14 year old daughter, without sharing his background. He said that his daughter had had epilepsy for a while. "The first time that she had symptoms was after we arrived in Thailand, I took her to see a doctor at Rajavithi [Hospital]. But she did not get better," Sophal said. "[W]hen [my daughter] went to [one of the public hospitals in Pathumthani Province] after the symptoms arose for the second time, her conditions improved. She received excellent medicine."

Before receiving medical treatment, however, Sophal and his daughter went through some drama at the hospital. The staff there initially refused to provide her with any medical services because she lacked proper documents. However, when the girl fainted and collapsed in the hospital, the staff were compelled to admit her and care for her. When they visited the same hospital for the follow-up appointment, Sophal's daughter was able to see a doctor. Nonetheless, the nurses refused to give her any medicine. "She even threatened to call the police because I did not have a proper document," Sophal said.

After finishing his sentence, Sophal walked away. During the time while Sophal was away, I talked to Fah about the condition of Sophal's daughter. Fah then told me another shocking story. "I visited an urban forcibly displaced person who had been admitted at [the

same] hospital in Pathumthani Province one time and met with a doctor who asked me whether I am Thai. He said, 'there are a lot of Thai patients. Why do you only help these people?'."

The hostile attitude towards urban forcibly displaced persons and immigrants, especially those from neighboring countries, is not only pervasive among healthcare professionals but also common among the Thai public. The World Value Survey found that Thailand and Malaysia are the two countries in Southeast Asia where locals most prefer not to have immigrants or foreign workers as neighbors, and they support the idea that employers should prioritize people of their own nationality over immigrants when jobs are scarce (cited in Testaverde, Moroz, Hollweg, and Schmillen 2017). This sort of attitude towards immigrants and urban forcibly displaced persons also prevented many urban forcibly displaced persons from seeking access to public hospitals. They are not afraid of asking for help from doctors and nurses, but they are fearful that staff may call the police, which could lead to their arrest as illegal migrants.

After disappearing for 15 minutes, Sophal returned with a pill container that had only two tablets left. He told me, "We have only two pills left, and I don't know whether we will be able to get it refilled. I will go to Rajavithi [Hospital] tomorrow with my daughter." Sophal also showed me a post-it in which a Bangkok Refugee Center staff wrote a request in Thai that he could show to the doctor and nurse at the hospital. He informed me that sometimes he even lowers his daughter's medication from two tablets to just one per day because he was afraid that his daughter would not have enough to last the month.

I turned to Fah and asked if there is anything we could do to help Sophal. She replied, "Not much. At the end of the day, if we intervene too much, it would disrupt the system. We can only facilitate and direct them to resources, but [urban forcibly displaced persons] have to pursue what they need by themselves." She added, "When we do this kind of job, we cannot invest too

much emotional labor; otherwise, we have to micro-manage them, which will take us away from our larger goals. Thus, the creation of a boundary is significant." This conversation with Fah reminded me that the work of humanitarian workers requires decision and boundary-making daily. While being emotional and passionate allows them to better interact with urban forcibly displaced persons, it also distracts them from their tasks. Thus, I could see why Fah said that sometimes she would not do more to make a difference in the daily lives of urban forcibly displaced persons.

When I compare my encounter with members of the Khmer Krom community with my interactions with Hmong, I realize that the ability to earn income while in exile is really important to forcibly displaced persons. Without it, their lived experiences will be much more challenging. Lacking community leaders who can negotiate and speak on behalf of the group and lacking marketable skills, handicraft production, or other options lessened the opportunity for the group to generate extra income to sustain their lives, especially when they cannot secure a project from NGOs.

Abdullah and Sabiha (Palestinian)

Although jobs are vital for the survival of forcibly displaced persons, having a job alone does not guarantee a safe life in Thailand—especially when physical appearance is distinctive from Thai nationals. The experience of forcibly displaced Palestinians helps to illustrate this scenario. Palestinians in Thailand generally have high skills, especially good language skills that should allow them to get paid well in Thailand. Their distinct appearances exposed them to the threat of arrest, however, primarily from local police who do not understand their status as refugee and who arrest Palestinians on the ground that they have no valid immigration document to live in Thailand. Some, however, may be arrested because the police associate them with

criminal activities. Forcibly displaced persons can be let go if they pay a bribe on the spot, or they can pay bail after being detained in the IDC. I characterize the story of Palestinians as "language-induced opportunities, with distinct physical appearance-induced arrests."

Searching for a connection to forcibly displaced persons from the Middle East was a hassle for me during my field research. I was able to contact some through Ahmad, a Muslim advocate who originally came from the same neighborhood where I grew up as a child. I learned about Ahmad and his humanitarian activities through newspapers. Since his last name was familiar to me, my father checked whether Ahmad was from my neighborhood, and he then asked Ahmad's relatives for his contact information.

I met up with Ahmad at the university where he was studying for a law degree, on March 16, 2019. Ahmad is a Thai Muslim in his 40s with a long beard. Since, like me, he comes from the southern part of Thailand, we used a southern Thai language to communicate throughout the meeting. Ahmad has been working for years with a Muslim organization whose mission is to aid all groups of Muslim populations, including urban Muslim forcibly displaced persons ranging from the Rohingya to Palestinians. After I informed him of my research details and agenda, Ahmad agreed to help and phoned his contacts to schedule meetings with Muslim urban forcibly displaced persons for me. One of the key groups that Ahmad put me in touch with immediately after our first meeting were Palestinians, who were among the four largest groups of urban forcibly displaced in Bangkok, as of June 2018. Most come from Iraq or Syria, where their grandparents sought refuge after the expulsion from Palestine. They left the two countries after the wars broke out in the 2000s. This pattern of movement is typical for forcibly displaced Palestinians who now seek refuge in different parts of the world (Morrison 2014; Schiocchet

2019). The 400 forcibly displaced Palestinians in Thailand at the end of 2018 tended to speak English well, which helped to facilitate my study.

Urban forcibly displaced Palestinians currently live in several areas of Bangkok. The family of Abdullah, with whom I have developed a close relationship, lives in the district with the highest concentration of Muslims in Thailand's capital, and I could reach the area easily using the Khlong Saen Saep Boat Service. Ahmad set up a meeting with Abdullah for me around 1 PM on March 17, 2019. After arriving at the location where I supposed to meet with Abdullah, I called him. Abdullah came out from his home to pick me up with his orange motorcycle, which looks very fancy and well-maintained. Abdullah is a young man in his 20s with a clean look and well-trimmed beard. "As-salamu alaykum," Abdullah greeted me; I responded, "Wa 'alaykum al-salaam." After a small chat in the middle of the junction, Abdullah invited me to sit on the back of his big-bike and took me into the neighborhood where he and his family live. It took Abdullah only a few minutes to take me to his home, which is a single-family detached home located in a gated community where they live alongside mostly Thai neighbors.

At his home, Abdullah invited me to sit in the living room with his mother. Abdullah is one of five siblings. He has one older sister, Sabiha, two younger brothers, and one little sister. I met all of them after my first visit. Their house was decorated with Arabic script as well as goods from the Middle East. Abdullah disappeared upstairs for a few minutes before coming down with his siblings. He started to introduce me and the purpose of my visit to his family members in Arabic. In the beginning, I thought that Abdullah would serve as an interpreter throughout our engagement, but I was wrong. All his siblings, except for the little one, are fluent in English, and one of Abdullah's brother, Azim, speaks Thai fluently as well. Azim told me that he learned the language through regular engagement with Thai neighbors over the years.

During our conversation, Sabiha, Abdullah's sister, was the main person who provided me with insights into their family circumstances in Thailand, although Abdullah added information. "We have been in Thailand for five years [since 2014] and obtained refugee status three years and one month ago," Sabiha said. "Since 1948, our grandfather moved from Palestine to seek refuge in Iraq where we grew up. However, we had to flee after the American invasion in 2003. We went to live in Syria before leaving again after the civil war broke out," continued Sabiha. The family temporarily lived in Jordan, but after learning that there might be a quick refugee status determination process in Thailand through a network of friends, they relocated to Southeast Asia. The entire family applied for tourist visas at the Royal Thai Embassy in Amman. Both Sabiha and Abdullah stressed that the process was "very hard," but gave no further explanation. As soon as arriving in Thailand, Sabiha told me that her family went all together to apply for asylum at the UNHCR office.

Living in Thailand has been a challenge for the Palestinian family, mainly because their appearance distinguishes them from Thais. They experience racial profiling from time to time, but they usually can pay a bribe to avoid the worst dangers. The main concern for them has always been the risk of getting arrested. While immigration officials often overlook their presence in Thailand, local police are more unpredictable. When spotting foreigners who have a distinctive physical appearance outside of tourist centers, law enforcement officers often ask them to show their valid immigration documents. If they cannot do so, they fear they might be subject to an arrest based on a suspected violation of Thai immigration law.

Abdullah told me, "we can go out, but we will always be scared [of the police]." Sabiha then supplemented, "when we come home, we thank God for allowing us to come back [safely]." Since the family has been in Thailand, they have moved several times before settling at the

current location, where they have lived for over a year. The main reason why they moved was that landlords always asked them to show their passports and visas. But because their passports and visas were no longer valid, they were afraid to show them, fearing that the landlord would file a report to the police. Abdullah told me, however, that the landlord of their current house is understanding, allowing the family to live comfortably in their current location.

Despite their fear of arrest, Sabiha said, "we have to go out anyway to work. We have to work to get money for our family." Their fluency in Arabic and English has provided them with job opportunities. Sabiha works as an interpreter for an international organization and sometimes for other foreign NGOs. From the beginning, Sabiha was able to get the interpreting jobs through her connection with urban forcibly displaced persons from Somalia and Pakistan. Once those organizations had registered her name as an interpreter, they continued to rehire her. Sabiha did not specify to me how much money she received from working as an interpreter. She only said, "it's good money" before giggling gently.

Abdullah is a core pillar of the family. He works mainly as a tour guide for Arab tourists in Nana, known as Bangkok's Arab corner. He usually gets customers through recommendations from previous customers. Nonetheless, if no customers contact him, he travels onto the Arab streets to look for potential customers by himself. He jokingly told me, "I think I know more places than Thai persons after living in Thailand for five years. [laughter]. I can take [my customers] into many places that Thai taxi drivers would not even know." Abdullah can make a lot of money, especially after Ramadan, during Songkran Days (Thai New Year), and at New Year, when there are many Arab tourists in Thailand. His experience demonstrates that ethnic enclaves continue to be the main site where the urban forcibly displaced seek job opportunities.

While working in the area, Abdullah told me that he could usually disguise himself as a tourist. Since he must be there many days per month, he has become more cautious fearing that the police may recognize him and suspect that he is not be a tourist. Often, he must pay a bribe to Thai police ranging from 10,000 to 50,000 THB (~300 to ~1,500 USD) to avoid arrest. "There was one time when I had only 500 Baht (~15 USD) in my pocket, and the police still took them. I had no money when I got back home," said Abdullah. When police are surveilling the Nana area, a gift shop owner whom Abdullah knows calls him to warn him not to come to work. Although he can make a lot of money from serving as a tour guide, doing business in Nana is uncertain. It depends mostly on the severity of the police and the number of Arab tourists who come to Thailand at any given period.

After chatting for almost two hours, Abdullah and Sabiha's mother invited me to late lunch with the family. Sabiha went inside the kitchen to help her mother cook chicken al-kabsa, which took only 20 minutes, giving me a chance to chat with Abdullah's two teenage brothers. Both seem to be in good spirits. They enjoy playing games, and told me that they rarely go anywhere far from home, apart from hanging out from time to time with Thai friends in the neighborhood. After the meal, Abdullah rode his motorcycle to drop me off near the boat station, where I told him that I would revisit his family when returning to Thailand next time. Abdullah nodded, put a helmet on, and left. He said he would go hang out with friends near Ramkhamhaeng University. The fear of arrest, somehow, does not prevent Abdullah from enjoying his social life. He has a circle of friends, Thai Muslim and Palestinian, with whom he hangs out regularly.

Ibraahim (Somali)

Distinct physical features expose both high- and low-skilled forcibly displaced persons equally. Forcibly displaced youths from Africa who travel with the help of a smuggler into Thailand tend to be the most vulnerable population, even though they can integrate into a community of people who come from the same country of origin and speak the same language. This section explores the lived experiences of Ibraahim, a forcibly displaced youth from Somalia. I characterize his circumstances as "desperation-induced destitution." The young man has experienced multiple unfortunate stories ranging from police arrest to persecution within the Somali community in Bangkok. That the person of concern status remains unrecognized by the government continues to be the main challenge facing this young forcibly displaced person from the horn of Africa. He has always lived in fear in Thailand because he has no valid immigration documents.

Ibraahim's lack of skills or Thai language competency, coupled with his distinct physical traits, also prevents him from getting jobs. According to a Thai Muslim owner of a roti shop in the Somali neighborhood, Thai business owners are afraid to hire a black person, especially from Africa, because they were unsure of their backgrounds and are frightened by stereotypes associating these people with illicit drugs and criminal activities. Employers fear that African employees in the workplace might lead to regular police visits, causing troubles to the business owners (Interview#34—October 29, 2018). These stereotypes mean that Ibraahim, like other forcibly displaced African youth, has become highly dependent on NGO assistance for survival.

I contacted Ibraahim through Sri, an executive of a local NGO, who acted as his guardian in Thailand. Sri allowed both Ibraahim and Saad, a forcibly displaced transman from Pakistan, to

reside in her home office located in the outer ring of the Bangkok Metropolitan Region which was where I visited Ibraahim and Saad several times since.

From the city center where I stayed during my field research, it took me several bus connections and at least two and a half hours to commute to where the two forcibly displaced persons stayed, given Bangkok's notoriously bad traffic. The office was a home office with a small organization sign on the gable. It is five stories tall with a massive tree and a small stall in front of the gate. I approached a woman who sold cooked-to-order foods at the booth to ask whether the building housed Sri's office. She nodded and said, "yes." Sri seemed to have told the lady that I would visit the place that day. I learned from Sri later that she allowed the stall owner to use the space free of charge to sell food so that she could support her family. When Sri received Ibraahim and Saad, she also asked the stall owner to be a watch person keeping them safe, especially from police inspections. The lady also served food to the two guests sometimes.

A few minutes after 11 AM, Sri arrived at the office. She chatted with the cart owner for a bit before taking me inside the building. On the way, I passed the kitchen space that Ibraahim and Saad used for daily cooking. The second and third floors of the building were used as an office and meeting room, respectively. The fourth and fifth floors consist of two separate rooms, which Sri arranged as a chamber for Ibraahim and Saad. Sri put me in the meeting room on the third floor and went upstairs to invite Ibraahim down.

After a few minutes, Sri came down with Ibraahim, a youth with smooth dark skin in his early 20s. He smiled at me, revealing a broken front tooth. Speaking in English, Sri introduced me to Ibraahim and explained the purpose of my presence. He said, "I would be glad to share my stories." Ibraahim did not seem to have any problem comprehending English. However, he asked

me to speak slower so that he could follow easily, especially since I tend to speak fast, accented English, and he was still improving his English skills.

My visit to Ibraahim on that day was mainly to get to know him; however, as he wanted to share many stories with me, I ended up spending more than two hours. Sri left me with Ibraahim halfway through our conversation. Future visits to Ibraahim also took at least two to three hours. Ibraahim came to Thailand in November 2014 after members of al-Shabaab killed his father and stepmother, and raped his sister, leading her to commit suicide. He told me that al-Shabaab went after his family because its cell discovered that his dad was an informant who had led Somali officers to raid one of al-Shabaab's safe houses in Mogadishu.

Recognizing the threat to the son of his best friend, whom Ibraahim called "Uncle Oumar," he decided to get Ibraahim out of Somalia. At the time that Ibraahim left the country, he was only 16 years old and needed to be accompanied by a guardian. Based on my conversation with Ibraahim and the documents he showed me, I am not entirely sure how Oumar arranged Ibraahim's travel. However, Ibraahim entered Thailand legally with a valid passport, tourist visa, and smuggler.[36]

Although he managed to smuggle Ibraahim into Thailand successfully, the smuggler left him stranded at a mosque in Lad Phrao District where Somali people lived. "I stayed at the mosque for a few days, not knowing what to do. After a couple of days, I met three Somali men who came to pray at the mosque. I told them what happened to me, and they invited me to stay

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[36] There are two possible explanations—both of which I discussed in Chapter 4. First, Oumar could probably contact a smuggler who helped Ibraahim to obtain a Thai tourist visa from the Royal Thai Embassy in Nairobi, Kenya. In 2014, which was the year that Ibraahim entered Thailand, the Nairobi embassy had not yet imposed strict visa controls over Somali citizens and still accepted a postal visa application from them. Second, Oumar could be in touch with a smuggler who knew of the illicit business of forging passports and visa stamps.

with them in their apartment, which was close to the mosque," said Ibraahim. It was through this group of Somalis that Ibraahim learned about the UNHCR asylum process.

In December 2014, Ibraahim contacted UNHCR and applied for asylum leading him to become a person of concern. UNHCR directed Ibraahim to access humanitarian support from the Bangkok Refugee Center. In addition to assistance from there, Ibraahim told me that he also received 2,000 THB (~65 USD) for monthly stipends from the Jesuit Refugee Service. This allowance from the organization, however, is selective and mainly targets asylum seekers—who often lack proper protection.

While waiting for his asylum interview, Ibraahim continued to live with fellow Somalis in the community. This group of forcibly displaced persons is one of the largest in Thailand's urban area, with approximately 400 members. Somalis, however, are spread across several communities in the Bangkok Metropolitan Region, especially in its outer ring where the mosques and the Thai Muslim communities are located far away from the eyes of the immigration officers. After living in Lad Phrao District for a month, Ibraahim became acquainted with two fellow Somali men, and he decided to join them in a cheaper apartment in Ramkhamhaeng District.

Having a physical appearance that stands out from ordinary Thai people added complications to Ibraahim's life. One day, he and his roommates walked past police in the area where he lived, an officer stopped them and asked for identification. Of course, they did not have any. The only identification they had and perceived to be valid was the person of concern card from UNHCR. But the local police had no idea what it was. The police arrested the three of them and sent them to the local police station before transferring them to the IDC.

As a 16 years old boy, Ibraahim was detained in the IDC for six months before receiving bail due to his poor health. He told me that living in detention was "six horrifying months" for him. Ibraahim described his living conditions:

> First, the food provided by the police was just plain white rice. Second, I could hardly sleep in the cell because of all the shouting and fighting that took place in it. The cell has the light switched on all day all night. Staying there made me sick. I developed headaches and had sore eyes. I also had a pain in my back, and I could not lie down well. Third, sometimes police assistants, who were mainly people from Burma and Vietnam, beat me as well when I disappointed them.

Ibraahim's account seems to resonate with the description given by NGOs who are familiar with the place, discussed in chapter 4. Despite experiencing some hardship in the detention cell, Ibraahim told me that he was able to form friendships with other people who also stayed in the African room. Some were forcibly displaced persons from other African countries, while the other might be illegal migrants. Ibraahim was particularly close to a Nigerian man named Chibundu, who was also the "cell chief" and managed the cell economy within the room. "He always gave me whatever he could to support me. [Chibundu] was in the IDC because he did not have a valid visa," Ibraahim said.

Ibraahim's poor health, caused mainly by the 24-hour fluorescent lights, prompted fellow Somali inmates to reach out to visitors for help. "They found a Somali businessman who was willing to bail me out from the IDC. The gentleman came to visit me in August 2015 and managed to bail me out; however, I have not had a chance to meet him since. The [immigration] police released me on August 28, 2015, on condition that I report to the IDC twice a month," said Ibraahim. The two visits that Ibraahim must make to the IDC each month are mainly for bail extensions—a condition that the Immigration Bureau could revoke anytime.

Instead of being able to move forward with his life, coming out of the IDC seemed to lead Ibraahim to further destitution, despair, and desperation. Since his close Somali friends

remained in the IDC, Ibraahim was isolated and started to wander the big city by himself. He said:

> When I was released, I wanted to find some Somali people who lived in Phra Ram 9. But I did not see anyone. I then began to walk on the streets in Bangkok because I had no idea where I should go. I had to go through the trash cans to find food. I felt terrible. One night when I was sleeping at a bus stop with the other men and dogs, I thought that I wanted to end everything. I decided to lie down in the middle of the road to kill myself. I did not die that night, but still, I calmed myself down and realized that I did not want to die.

Ibraahim eventually headed to the Bangkok Refugee Center the next morning looking for help. The staff there directed Ibraahim to the area in Pracha-Uthit, which is quite far from where he previously stayed but where a handful of forcibly displaced persons from Somalia live. People in the community helped Ibraahim find an apartment; however, the monthly rent took 1,500 out of his 2,000 THB stipend. He had to be very frugal and sometimes had to ask for leftovers from nearby food stalls. "I was still hungry from time to time," added Ibraahim.

He waited more than a year for UNHCR. "One day feels like one year for me," Ibraahim stated. Eventually, UNHCR invited him for an interview on November 10, 2016, and finally granted him refugee status on January 20, 2017. In total, Ibraahim had waited for more than two years to get international legal status. Officially becoming a refugee, however, did not stop Ibraahim's struggling clock. Another waiting time had just started. He requested resettlement in a third country and anxiously anticipated the result. This process requires him to contact different embassies and seek sponsors overseas who might be willing to resettle him. It has not been easy for Ibraahim, since his language skills remain limited, and major countries, such as the US, also refuse to receive Somalis. Thus, he has become dependent on the assistance of local organizations, which have also been slow in processing his case.

During the second waiting phrase, Ibraahim encountered another unfortunate experience that threatened his life and exacerbated his social isolation. One day in December 2016, Ibraahim

met with Chibundu once again when both of them were visiting the IDC for bail extensions. The two men greeted one another before Chibundu asked Ibraahim for his phone number. Without hesitation, Ibraahim gave it out and Chibundu, in return, gave Ibraahim a 1,000 THB (~30USD) note to help him. Ibraahim recalled that moment, "I was pleased at that time because I thought I would be able to get some help from him again."

A few days later, the Nigerian man gave Ibraahim a call and asked for a visit. Ibraahim agreed. Chibundu then came to the Somali man's apartment in the evening of that day. The two men talked about their lives after IDC before Chibundu invited Ibraahim out for dinner and to his apartment. "I trusted [Chibundu] since he was always nice to me, so I decided to go with him. We took a taxi there and arrived at his place around 6 PM," Ibraahim added.

Chibundu's apartment was near the Pratunam Market, the spot where Darkwah (2002) described as the market where many African traders would buy products to sell in their respective countries. In the room, Chibundu told Ibraahim to take a shower and provided him with food before starting to flirt and asking him to make love. "At that moment, I began to feel uncomfortable. However, I did not know how to refuse. I was afraid that I would have to go living without enough food again. I did not want to feel hungry again," said Ibraahim. Desperation eventually drove Ibraahim to have sexual affairs with Chibundu. Their relationship continued for the next ten days until Chibundu returned to Nigeria briefly for Christmas. Before leaving, Chibundu gave Ibraahim 3,500 THB (~110 USD) and informed the Somali boy that he would come back soon.

As Chibundu left for home, Ibraahim went back to his apartment, where he met fellow Somali men who were full of questions about his disappearance. One of the men, Ahmed, informed other people in the community of Ibraahim's return. Several men then walked to meet Ibraahim. "They asked me repeatedly where I had been for the past ten days. I was hesitant to tell them at

first, but I told them the truth eventually. I told them that I was with [Chibundu] and had sexual affairs with him," Ibraahim fearfully recalled the moment.

Immediately after hearing the shocking story, one of the men yelled at Ibraahim, "you're not a real Muslim," before another punched him in the face. Some men picked up rocks and threw them at Ibraahim; others spat at him. Ibraahim survived the violence only because he ran into a building that had a security camera. Since most forcibly displaced persons try to avoid having their violent actions recorded, the group dispersed. Ibraahim waited for a while before running to his room and locking himself in there for several days. The Somali men continued to harass Ibraahim repeatedly, especially late at night. "Sometimes, they would bang on my door very hard. They scared me, so I went into the bathroom and locked the bathroom door for extra protection," said Ibraahim.

Days passed by slowly for him as he ran out of food in the room. The young man waited until New Year's Eve (when the Somali community organized a party) to run away to a nearby mosque before contacting the Bangkok Refugee Center and the Asylum Access Thailand, which assisted him in finding a safe house where he has been living since January 14, 2017. Only then did Ibraahim feel more secure.

Ibraahim's experiences serve as a reminder that forcibly displaced persons who depend on co-ethnics while living overseas may be exposed to more vulnerability. Being in the forcibly displaced community abroad means a person must conform to the group's social expectations. Whenever a member acts differently from societal norms and values—which in the case of Ibraahim was to engage in homosexuality—he risks societal punishment ranging from social sanction to life-threatening violence. The dangerous situation eventually isolated Ibraahim from other forcibly displaced Somalis in Thailand.

From his new safehouse, Ibraahim still commutes to the IDC to ask for bail extensions. He tries to avoid meeting any Somali people or Chibundu. He spends his days at home studying an online English course provided by the Jesuit Refugee Service, which also gave him a computer to use for learning. When I visited Ibraahim in June 2018, Ibraahim displayed his cooking skills, which he learned from Saad, a fellow housemate. As of October 2019, Ibraahim is still living in Thailand waiting to hear resettlement results. While he is anxious, Ibraahim never seems to lose "hope," and continues to pray. Ibraahim wants to resettle in Canada.

Saad (Pakistani)

While distinctive features, isolation, and youth can make forcibly displaced persons vulnerable, the personal ability of forcibly displaced persons to express themselves clearly and take advantage of different encounters with different groups of people also allows them to survive in Thailand. The experience of Saad, a transman from Pakistan, illustrates this. Saad's story could be seen as a blessing in disguise. Throughout his time in Thailand, he was able to use his communication skills to share his story with different groups who have helped him, including roommates at a hostel, a Thai girlfriend, and NGO staff members. While Saad shared his fear of arrest like other groups of forcibly displaced persons in Thailand, the connection that he has established with different groups of people, especially with his Thai girlfriend, helped reduce his exposure to police. At the same time, different relationships he has established also provided him with different opportunities both in cash and in-kind, which have allowed him to avoid the IDC the entire period he stayed in Thailand until he was resettled.

Saad lived in Sri's home office alongside Ibraahim. He is a transman who fled the threat of an honor killing in Pakistan. Pakistanis make up the largest group of forcibly displaced persons who are currently seeking refuge in Thailand's urban area. Multiple reasons, particularly

religious and gender persecution, propelled most Pakistanis to flee from their home country for Thailand. Nevertheless, UNHCR rejected many Pakistanis' asylum requests, on the grounds that they did not have enough evidence to prove a genuine need for protection. In Saad's case, however, it took UNHCR only five months to process his status request, which is significantly shorter than the time the UNHCR would process applications for most urban forcibly displaced persons in Bangkok. It is unclear to me why it took less time for UNHCR to process Saad's case, but I suspect because he had sufficient evidence to prove his claim that he was being persecuted by his family and because he could express himself in English clearly during the interview.

Before starting a conversation with Saad, I asked him what pronouns he would prefer me to use both during our chat and in my work. "Please use 'he [him/his],'" Saad responded. Saad grew up in a well-off family in Pakistan and obtained a good education. His family owns a lot of land in a village outside of Islamabad. Since he was young, Saad always recognized that he is a man, but his family has continuously denied it and forced him to behave and act like a girl. Whenever he disappointed them, members of his family, especially his father, brother, and one of the sisters would beat him. "They wanted me to wear a colorful dress like other [girls] Sometimes, [my sister] beat me and I had blood on my nose, my head, and many where else," Saad sadly recalled, showing me the scars on his arms.

Concerned about Saad's gender identity growing up, his father sent him to an all-girl Islamic College in Islamabad, where he received a degree in Islamic studies. Instead of having religion shaping him to become straight once again as his father wished, Saad met a girl with whom he developed a profoundly intimate relationship. The two were separated after they graduated from college. Saad went back to his village but continued the relationship with his girlfriend via phone. Once, when Saad was on the phone at his home, his father overheard the

conversation, realized that Saad had a girlfriend, and became very angry. "[My dad] said to me I was going against everything," Saad described before saying, "he just wanted to kill me." On the same day, Saad's father informed his mother and called one of his brothers back from abroad to manage the situation.

Saad's family tried to arrange a marriage between him and an unknown man that week. Saad refused. "I will not be marrying anyone," he told his father and brother. The incident infuriated his returning brother, who started to beat Saad, telling him "God allows us to kill you. We can kill you because you are a shame for us, and you are a disgrace to our family." The brother continued, "You have to choose whether you want to die, or to marry and live with your husband." As the situation got worse, Saad's mother volunteered to persuade him into marriage. After chatting with him and learning how unhappy her trans son was, Saad's mother gave him some money and helped him to escape that night. Saad first traveled to stay with a friend in another city before moving to Islamabad to be with another friend who helped get him a passport and a Thai tourist visa. He described the visa process as "easy."

Saad arrived in Thailand in April 2013. "I did not know anyone in Thailand. I had never left my country," Saad stated. He first stayed at a hotel that his friends found via the internet but soon realized that it would be too expensive for a long stay. Saad later found another hostel which was cheaper. During his first week in Thailand, he continued to communicate with his friends in Pakistan who told him to find a job so that he could extend his visa and stay legally. At the new guesthouse, Saad met a French man who seemed to notice that something was slightly off with him and decided to ask him about it. Saad then chose to reveal his story to the man. "I told him I hadn't eaten anything because I didn't know where to find food. I eat only halal foods," Saad informed the French man.

The European took him out to eat. It was through this French connection that Saad was able to contact first the French Embassy in Bangkok and later the UNHCR. The same man also wrote a public Facebook post to raise some funds for Saad. He also helped get a room for Saad in the Silom/Surawong area, which is known as the South Asian corner of Bangkok, where both Indian and Pakistani businessmen run garment businesses and tourist shops. Finding a Pakistani community in Thailand seemed a blessing for Saad who had been in the country for quite some time. Saad started to feel at home once again because he could find his preferred kind of foods and could speak Urdu. Despite all the difficulties in living up to that point, one thing that did not seem to fade from Saad's life is his commitment to God and Islam.

At this new location, Saad had a chance to meet Beau, a Thai girl who later became the new love of his life as well as his local protector. Beau is a tall woman in her 30s with shoulder-length hair. It was unclear to me how the two met, but Saad told me that Beau was the one who asked his name and telephone number when they first met. Saad was hesitant to give her his contact information, but he did eventually. After more interactions over the weeks, the two of them got more acquainted. Beau eventually asked to be in a relationship with Saad. Once again, Saad was reluctant to respond, but finally, he agreed. "[She] might be [a gift] from God, especially because I needed help at that moment," Saad said.

Throughout his stay in Thailand, Beau became Saad's livelihood supporter. She invited him to move in with her so that he would not have to pay for a hotel. Beau also served as a driver for Saad wherever he wanted to go. She suggested Saad should not wander around the city by himself because she was afraid for his safety. Concerned about his wellbeing, Beau came up with a plan for the two of them to relocate to Nakhon Ratchasima, the northeastern Thai province where she originally came from, which is not too far away from Bangkok in case Saad needed to

contact any NGOs. "There, she told me that we did not have to worry much about the police," Saad recalled Beau's decision. The rationale seems to resonate with a comment from an NGO staffer who told me, "living in a place that is a little farther from Bangkok would provide additional safety [for urban forcibly displaced persons] because local police are not as active as the Bangkok police in arresting [illegal migrants]. However, if they lived too far, they would have a problem accessing healthcare and other necessary services which are mostly available in Bangkok" (Interview#30—October 17, 2018). The latter concern did not seem to worry Saad since he was with a Thai citizen who could help him navigate the city and the Thai system. Beau told me at our only meeting that she could take Saad to a private clinic anytime he needed healthcare. After moving out of Bangkok, the two opened a small restaurant, which Beau could use as a rationale for hiring Saad so that he could apply for a work permit to stay in Thailand legally. He never really obtained the work permit, however, because the restaurant closed two months later.

The relationship that Saad had with a local citizen meant that his life trajectory was significantly different from Ibraahim even though the two of them initially shared similar situations. Both arrived in Thailand without a family and gradually became a part of the community of people from their country of origin, but Saad was able to avoid the dehumanizing experience of the IDC. At the same time, he could access healthcare service without much hassle as well as finding an opportunity to work while seeking refuge in Thailand.

Saad's moment of relief did not last long, however. One day while he and Beau were taking orders for their customers, Saad's brother appeared at their small restaurant. Saad told me that his brother probably got leads about him from the Pakistani community in Bangkok, as well as from his niece in Pakistan with whom he had regular contact. "[My brother] has some

Pakistani friends who married Thai women. He made social media posts about me as a missing person, which also said that he would give a financial reward to anyone who could provide him with information, an Indian or Pakistani who might have seen me around Korat [another name for Nakhon Ratchasima]," Saad explained a possible scenario.

Saad was shocked and explained that moment:

> [My brother] showed up and tried to force me to go [back to Pakistan] with him. He took me on one side while [Beau] pulled my other arm. My brother hit her with fish fries, and hot oil also dropped on her legs. He also hit me. I had the scar right here [he pointed it out on his upper right arm] … Beau shouted for other people to help and scolded [my brother] that she would call the police.

Beau wanted to report the incident to the police; she changed her mind, though, because she was afraid that revealing the incident could lead to the arrest of Saad, since he was in Thailand without valid travel documents. Having unrecognized status while living in Thailand, thus, exposes forcibly displaced persons like Saad to another risk. He cannot access justice, particularly, in this case, when he needed it most. Saad continued to be invisible in Thai society. Also, while his connections with local Pakistanis in Thailand and some family members helped sustain his sanity and spirit, they exposed him to additional risks. It was through these networks that Saad's brother could track down his trans brother. As in Ibraahim's case, the community and network that urban forcibly displaced persons turn to while they are seeking asylum in a foreign country can be a source of further destitution, as much as a source of support.

Realizing that Nakhon Ratchasima was no longer a haven, Beau and Saad planned to move elsewhere. Since Beau spent a lot of her savings to invest in the restaurant, she hoped to go down to Phuket Province, a tourist destination in southern Thailand, where she believed she could reaccumulate savings. However, Beau was afraid that moving down there would not be convenient for Saad since it would be too far away from Bangkok, where resources for urban

forcibly displaced persons are concentrated. Thus, instead of taking him down south with her, Beau sent Saad back to Bangkok.

Saad's new life in the Thai capital was not easy. "I didn't have a proper place to stay. Sometimes, I lived in a park and outside like a homeless person. Sometimes, I went to sleep at a home of Beau's friends when they were not in town," Saad recalled. Beau, however, gave Saad an ATM card which he could use to withdraw money when needed. Coming to Bangkok for the second time, Saad dropped most of connections with family and friends in Pakistan, except for his niece whom he wanted to keep in touch with regarding his mother. "[My family] knew that [my mom] helped me escape. They locked her in a room and broke her leg. She can't walk well now. She is very old [inaudible]," Saad told me, with tears welling up in his eyes.

Becoming more desperate, Saad decided to contact Asylum Access Thailand for help. A staff member immediately directed Saad to live in the safe house provided by Sri. Saad has lived in the house since November 2015—almost two years before Ibraahim arrived. Beau continued to visit Saad at the safe house regularly. He still trusted only her to take him outside. Even when we went out to eat dinner together, Beau was the one who drove us to a small dining place—not too far from the safe house.

In January 2019, I talked to Sri again and was told that Saad had been resettled to the US. Sri commented that the critical need in Saad's case was very compelling and convincing; and Saad also has high proficiency in the English language. That was the last time I heard about Saad. Not all forcibly displaced persons in Thailand are so fortunate. Most remain in Thailand. The departure of Saad had a significant impact on Ibraahim. Sri told me that he has since become highly violent because he also wants to get resettlement, too. "Sometimes, he has even punched the wall," Sri said.

Conclusion

This chapter discussed the experiences of eight urban forcibly displaced persons in Thailand from five different groups, illustrating the various opportunities and obstacles. The failure of the Thai government to formally recognize the refugee status provided by UNHCR exposes most of these people to a fear of arrest. It creates the conditions leading them to live on the margin of Thailand's urban society. Pittaway (2015) described this situation several times in her investigation of urban forcibly displaced persons in Mae Sot, a district close to Burma. Local law enforcement officers often refuse to recognize the person of concern card, leading some forcibly displaced persons who were stopped or experience raids to be detained at the IDC. The main benefit of having UNHCR status seems to be that urban forcibly displaced persons can access resettlement opportunities. As this opportunity has become more limited, however, forcibly displaced persons experience growing precarity. Where will they would end up when they cannot return home, integrate in the host country, or get resettled in a third country? Aleinikoff (2016) refers to such a situation as limbo.

To survive in Thailand, employment opportunities, language ability, physical appearance, age, having a reliable local contact matter in the lived experiences of forcibly displaced persons. Employment opportunities tend to be the most critical factor. They allow forcibly displaced persons to earn income to sustain their lives and family. They also become financial resources for negotiating release from arrests.

Different groups of forcibly displaced persons possess different strategies and capital that lead them to jobs. Groups that seem to do better, such as the Hmong, rely on community support for job entry. Technical skills and strong leadership in the community also play an important

role. They allow forcibly displaced persons to promote themselves to attract different employers for outsourcing.

Language skills, especially good command of English and Thai, become particularly important. Some groups who share similar physical traits to locals can use their language ability to pass as Thai to avoid arrest. This ability is also key to their employment and living support. They can use their language skills to work as interpreters for NGOs. They can use their language ability to ask for jobs. Ultimately, good command of Thai or English allow forcibly displaced persons to share their stories with others and establish reliable local contacts.

Not all groups could acquire the same livelihood opportunities. Lack of skills and racial stereotypes greatly affect life trajectories. The lack of additional skills puts a constraint on employment for forcibly displaced persons during the period when the government closely monitors the employment of migrant workers. Employers are hesitant to employ forcibly displaced persons, even though they provide cheap labor, due to the fear of criminal punishment. Lack of employment opportunities has an immediate consequence on the life chances of forcibly displaced persons. When their purchasing power becomes limited, they then become dependent on limited support from NGOs.

Racial stereotypes further exacerbate the vulnerability of forcibly displaced persons. Those who look distinctive from the locals are at risk of being stopped on the street by police for identification. If they are unable to prove that they have a valid immigration document, they will likely be arrested and detained for illegal entry even if UNHCR considers them persons of concern. Racial stereotypes also shape forcibly displaced persons' access to healthcare. Some doctors or nurses refuse to provide them with needed treatment, causing deterioration in health

conditions and leading them to find alternative health services which are often limited or operated in areas far away from where they live, requiring additional expenses.

Of all forcibly displaced persons included in my study, those who are most vulnerable in Thailand are people who have limited or no capital, such as youth, who look distinctive from the locals with little education and have no reliable local contacts. While the stories chronicled in this chapter are typical among forcibly displaced persons. Persistent fear and vulnerability also ring true for other groups of illegal migrants, especially undocumented economic migrants, not only in Thailand but worldwide.

CHAPTER 7

Conclusion

Dissertation Summary

This dissertation project emerged in April 2016 with worldwide attention on "forced migration crises" from the Middle East to Central America. Hoping to combine my expertise in Southeast Asian studies and my growing interest in forced migration and refugee studies, I started to look closely at forced displacement scenarios in Southeast Asia. The flight of the Rohingya was paramount during that period, but the forced displacement landscape in the region covered other groups as well. The problem of forcibly displaced minorities from Burma remains. Groups of forcibly displaced persons from several corners of the world were also present in Southeast Asia's urban areas.

Thailand has played a role in hosting forcibly displaced persons since the end of World War II. It remains a home to tens of thousands of forcibly displaced minorities from Burma in temporary shelters along the Thai-Burmese border and a growing population of forcibly displaced in major cities. When I started the project in 2016, statistics from UNHCR indicated that there were approximately 10,000 forcibly displaced persons in Thai urban areas. The presence of the latter group prompted my interest in both their livelihoods and the responses of the Thai government, leading to my research question: How does the framework of institutions and practices governing urban forcibly displaced persons in Thailand emerge and develop, and shape their lived experiences?

Chapter 3 traces the post-World War II development of Thai responses to forcibly displaced persons, focusing on how the framing of forcibly displaced persons as a national security issue at the beginning of the Cold War gradually morphed into *strategic*

humanitarianism in the mid-1970s when Thailand experienced an influx of forcibly displaced persons from Indochina. Acknowledging the larger context of Thailand's military regimes aligned with the US throughout the Cold War, I argue that Thailand's approach to forcibly displaced persons was guided mainly by the vague principle of balancing security and humanitarianism, in which Thailand attempted to balance its national security priority and humanitarian assistance, which, due to mounting international pressure and a mass of forcibly displaced persons at its door step, it could hardly avoid. Even in the late 1990s, the government continued to apply *strategic humanitarianism* informed by the principle of balancing security and humanitarianism in managing a large number of the ethnic minorities from Burma who came to seek refuge in Thailand.

Chapter 4 is the crux of the dissertation. It specifically focuses on Thai responses to forcibly displaced persons in urban areas. I discuss how the principle of balancing security and humanitarianism has, since the beginning of the new millennium, shaped Thailand's approaches to forcibly displaced persons. I argue that we have seen the emergence of a dual-track management system, including a national security track used for the groups that pose an immediate national security threat and an immigration track applied more generally to most urban forcibly displaced persons. The chapter describes in detail the different pathways through which urban forcibly displaced persons are arrested, negotiate arrest and bail, and scenarios in which violations of non-refoulement occur.

Chapter 5 emphasizes the most recent development in Thailand's response to urban forcibly displaced persons. It examines the attempt of Department of International Organizations officials to reshape the principle of balancing security and humanitarianism after the 2014 military coup. Ironically, the Thai military leader who presided over the infringement of Thai

citizenship rights felt pressure to make an international pledge in 2016 to better protect forcibly displaced persons. Prayuth Chan-o-cha declared that Thailand would develop a screening mechanism to distinguish forcibly displaced persons from economic migrants, and provide better alternatives to children in detention. After describing the contentious bureaucratic politics between agencies before and after the 2016 pledge, chapter 5 concludes with an explanation of the influential role of conservative policymakers in making the principle of balancing security and humanitarianism a continuing mantra guiding the management of forcibly displaced persons.

Chapter 6 describes the lived experiences of eight urban forcibly displaced persons from five different groups: the Hmong, Khmer Krom, Pakistanis, Palestinians, and Somalis. I explore how Thai responses shape the living conditions and survival strategies of different individuals. Chapter 6 highlights the vital role of the community, employment opportunities, and race in livelihood sustainability and the vulnerability of urban forcibly displaced persons, especially those that lack support networks or skills or are excluded because of their distinctive physical appearance.

On Balancing Security and Humanitarianism

This dissertation is not the first academic work to discuss the principle of balancing security and humanitarianism in Thailand's management of forcibly displaced persons. Chantavanich and Rabe (1990) and Muntarbhorn (1985) mention a similar concept, referring to "a balanced policy of humanitarian and security principles" and "a balance between humanitarianism and national immigration legislation," respectively. The key difference between the present work and previous scholarship, however, is that I locate the principle of "balancing security and humanitarianism" in a broader context of pre- and post-Indochinese forced migration crises. By identifying a guiding principle that informs Thai responses to forcibly

displaced persons, my study provides new insights into how the principle emerged, was developed, and continues to shape the experiences of those who seek refuge in Thailand. Especially since 1975, mounting pressure from the international community and the massive influx of forcibly displaced persons has encouraged Thailand to strategically blend its framing of forcibly displaced persons as a national security issue with humanitarianism, giving rise to the principle of balancing security and humanitarianism. This principle, I contend, continues to define ways Thailand manages forced displacement.

This dissertation provides a better understanding into the circumstance leading up to a "second exile," as Aleinikoff (2016: 4) describes the scenario that "occurs when [forcibly displaced persons] are excluded from economic opportunities, local services and benefits, and the national social safety net." The state appears willing to assist forcibly displaced persons only if it knows that they will seek refuge only temporarily. With the situation of forcibly displaced persons rarely ending quickly, however, Thailand is reluctant to offer assistance. Because it is difficult to prevent the forcibly displaced from entering its territory, the state pushes for temporary refuge by depriving the forcibly displaced of certain rights and denying access to services (Aleinikoff 2016; 2017). It claims to be merely a transit country, calling for burden-sharing among itself, the country of origin, and third countries. This scenario allows the transit country to play a role as both a sanctuary and a manufacturer of maltreatment, and it contributes to the broken international regime governing forcibly displaced persons.

The exploration of the institutions and practices governing urban forcibly displaced persons in Thailand offers new insights into similar regimes in other transit countries. Either due to international pressure or to regional solidarity, countries such as Lebanon, Turkey, and Bangladesh, have opened their border to people from neighboring countries who seek refuge.

These countries, however, like Thailand, have struggled to create a suitable approach to managing forcibly displaced persons. As the number of forcibly displaced persons has surged, the world has once again witnessed their maltreatment, ranging from temporary border closures to the relocation of forcibly displaced persons into different cities. Officials in these countries have to continually balance national interests and international obligations. To be sure, Thailand is not Turkey or Lebanon; nonetheless, the investigation of Thai responses at least makes intelligible the bureaucratic processes that lead to similar outcomes in other countries.

The study of Thai responses to forcibly displaced persons adds new insights into the scholarship on the socialization of international norms and practices in domestic contexts. The adoption of balancing security and humanitarianism as a guiding principle demonstrates a negotiation between state sovereignty and international obligations and norms. While states, especially those post-colonial ones, comply with international customs and standards, they often do so only to the degree that advances their national interests. Norm adoption is a matter of political deliberation with a degree of compliance and rejection. A state can mediate between international practices and its national interests more conveniently when international laws are essentially state-centered (Aleinikoff 1992).

The government complies with international norms and standards to the degree that it allows Thailand to obtain international assistance for its management of forcibly displaced persons or burnish its international image. The pursuit of humanitarianism does not merely reflect the humanitarian mindset of the state and its bureaucrats but can show an inherent need to advance and protect security interests. The shift towards strategic humanitarianism in the mid-1970s and the creation of a screening mechanism to distinguish forcibly displaced persons from economic migrants in recent years are two pieces of evidence that support this claim.

On Forced Migration and Refugee Studies in Thailand

Another distinctive aspect that distinguishes the present work from most scholarship on forced migration in Thailand is the focus on continuity and change in Thailand's management of forcibly displaced persons. I do not develop arguments by carving out a certain period in the Thai responses to forcibly displaced persons, but rather, I take into consideration how the historical legacy of the past shapes and influences current practices. Through this mode of investigation, this dissertation challenges the literature on forced migration and refugee studies in Thailand, which often contend that the way the government approaches forcibly displaced persons management is fragmented, unpredictable, inadequate, and ad hoc (Amnesty International 2017; Human Right Watch 2012).

From the perspective of the state, "fragmented, unpredictable, inadequate and ad hoc" responses reflect a consistent dynamic. The government is reluctant to provide efficient and well-planned humanitarian aid to those who seek refuge in its territories. The main reason why it has allowed UNHCR and NGOs to remain in Thailand is so that forcibly displaced persons can receive assistance in the absence of state aid. Thus, fragmentation, inadequacy, and ad hoc engagement are an intentional outcome. Aleinikoff (2016) argues the state is one of those actors that is supposed to "put an end" to exile, but is also the actor that "extends" the exile of forcibly displaced persons.

Since the beginning of the Cold War, the top priority of the Thai state when it comes to the management of forcibly displaced persons has been national security. The adoption of the principle of balancing security and humanitarianism since 1975 also facilitates that interest. The best summation of Thailand's response to forcibly displaced persons came from a high-ranking official in the National Security Council: "[Thai responses to forcibly displaced persons] have

never been ambiguous. We have to focus on our national security interests" (Interview#40—December 3, 2018). By making this argument, I do not attempt to normalize Thailand's responses to forcibly displaced persons. On the contrary, I attempt to demonstrate the nature of the Thai state.

This study also contributes additional empirical evidence to our understanding of lived experiences of urban forcibly displaced persons in Thailand. Chapters 4 and 6, in particular, explore the realities of different groups of those populations in Thailand by discussing several issues, ranging from the different forms of arrest to limited access to basic services. Comparing the experiences of five groups of urban forcibly displaced persons in Bangkok reveals how community networks, technical skills, and physical appearance shape Thai institutions and practices. Those who lack access to work, have no technical skills, and face racial stereotyping from Thai nationals may be most vulnerable in exile and experience destitution in Thai society.

By making this claim, I do not suggest that other groups of urban forcibly displaced persons are not vulnerable. They face common challenges, such as the threat of arrest by law enforcement officers who are unaware of their existence and do not recognize their persons of concern status. However, those who have strong community support and technical skills, which allow them to work illegally in Thailand to generate income, may still be better off than those who cannot work. Any possibility of earning income is, therefore, essential for the sustainable livelihood of forcibly displaced persons (Betts and Collier 2017).

Implications for State Policies: Bureaucratic Politics

This dissertation brings back to light the importance of bureaucratic politics (Allison 1971). Chapter 5 highlights the conflict between bureaucratic agencies. In a changing political context, a particular bureaucratic unit may be more privileged than another in shaping the policy

direction at a given moment. Having that privilege, however, does not automatically grant the organization with ultimate power any policy it wants. Other bureaucratic state units can always challenge the proposed policy framework and assert political influence, using new arguments to alter policy.

Bureaucratic politics is key to understanding the attempt of the Department of International Organizations to reshape the principle of balancing security and humanitarianism. The making of forcibly displaced persons policy in Thailand has long been the domain of the National Security Council and the Ministry of Interior. However, the twin forces of global forced migration crises and the Thai junta's need to revive the country's positive international image—damaged after the 2014 and the 2015 repatriation of the Uyghur—allowed officials in the Department of International Organizations to propose changes to existing practices. While this attempt faces fierce opposition from conservative elites who prefer the status quo, it also reflects how political divisions between bureaucratic agencies remain significant for policy outcomes.

Bureaucratic politics can give new importance to Mann's (1993) argument by showing that the state is "polymorphous" and can be crystalized through competing forms, I have not done enough analysis to achieve this goal, leaving the gap for the future researchers. They can explore how bureaucratic politics make the state and how the state, as Mann argues, may not be unified. In reality, while the state may want to impose its authoritative power, that power can be swayed into different directions, calling into question the centralization of the state.

Implications for Transit Countries

This dissertation consistently posits Thailand as a transit country for forcibly displaced persons. It is where forcibly displaced persons seek refuge temporarily before resettling in a third country or voluntarily repatriating to their country of origin. I do not sufficiently demonstrate,

however, how Thailand has turned into a transit country. What are the different dynamics surrounding it? How do we know a transit country when we see one?

Future researchers can take this dissertation as a point of departure, especially for the conceptualization of a transit country. The transit status of those different places should never be taken for granted. Many factors beyond the choice of forcibly displaced persons make them a transit country. Thus, the investigation of the interaction between structural conditions and the decisions of people who are forced to leave their country of origin can provide a better understanding of transit countries. That investigation may also explain why in recent decades several transit countries are turning into long-term hosts.

Policy Inputs

In a global political climate in which the international regime governing forcibly displaced persons is broken, I would like to acknowledge and praise the bold efforts of Kanchana Patarachoke and the Department of International Organizations in providing an alternative to child detention and establishing the screening mechanism to distinguish forcibly displaced persons from the economic migrants. All these efforts are "unprecedented" and "extraordinary." They only occurred in the past few years.

Perennial gaps, however, are left unfulfilled in the way Thailand manages forcibly displaced persons. Aleinikoff (2014: 5) suggests, most forcibly displaced persons are currently living in limbo, a situation in which they are "unwilling to return to states embroiled in violence, unable to participate in the economic and social life of their hosting states (and thus are unable to rebuild their lives in any meaningful way) and given far too few opportunities to start life anew in a country of resettlement." The Thai government, like many other governments, plays a part in manufacturing this condition, especially by excluding forcibly displaced persons from economic

and social opportunity. As a result, instead of avoiding the burden, Thailand creates an additional unintended burden. In one way or another, the government needs to invest resources in engaging with forcibly displaced persons as long as they are still living in Thailand, even if they cannot contribute much in return. Does the Thai government want this situation to continue?

Assisting forcibly displaced persons would indeed create a dilemma: what if they do not return to their country of origin? What if the assistance becomes a pull factor leading more forcibly displaced persons to seek asylum in Thailand? By depriving them of their agency, however, how does Thailand benefit? Perhaps, the better solution may rest in allowing forcibly displaced persons to realize their potential and to use it for the benefits of the host country and their country of origin. This recommendation reaffirms the importance of income-generating activity.

There are a few steps that the Thai government may have to take to realize that goal. First, I believe that the image of encamped forcibly displaced persons from Burma—whom government officials and the Thai public perceive to be inferior—continues to dominate the way Thai society understands forcibly displaced persons. However, today's forcibly displaced persons, especially those living in urban areas who come from distant countries—Palestine, Iraq, and Syria—do not necessarily conform to that image. Many are engineers, teachers, and even physicians. Why should we prevent them from contributing positively to Thai society? A critical step, therefore, is to make these people more visible in Thai society to reshape the way the public perceives them.

Second, education and job training may be the key to creating opportunities for forcibly displaced persons who are less educated and skilled. The Thai government can encourage NGOs to perform the task by helping attract additional resources from overseas. NGOs, such as the

Jesuit Refugee Service and the Asylum Access Thailand, have been working closely with the forcibly displaced. The government could make clear that support for training does not necessarily aim at integrating them into Thai society, but rather at preparing for their return to their motherland or for resettlement. The government has already facilitated these activities in nine temporary shelters along the Thai-Burmese borders. It can certainly extend education and job training to urban areas.

Finally, to avoid attracting additional forcibly displaced persons, the government needs a clear statement regarding limited and selective resettlement opportunity into third countries. The announcement could potentially lead forcibly displaced persons to search for better opportunities elsewhere. There are no guarantees that this practice would become a deterrence; however, the conclusion cannot be reached without trying.

The last question that I asked Ibraahim before I left on June 11, 2017, was whether he would like to go back to Somalia. He said, "No more Somalia [for now]." Then he continued, "If it becomes better, I will return to Somalia. Even animals don't forget where they come from. I want to go back to Somalia" (Interview#7—June 11, 2017). The conversation with Ibraahim reminds me of the first stanza of "Home" by Warsan Shire, a world-renowned Somali poet: "No one leaves home unless home is the mouth of a shark." Ibraahim convinced me that the ultimate dream of most forcibly displaced persons is to be back home. Despite my advocacy for the management of forcibly displaced persons in a host country, I believe that resolving the situation in home countries is an essential means to reinstituting dignity and reconstructing livelihoods. Although this solution seems far-fetched, it should and must be a global priority.

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language sources, I include the original bibliographical information and translation in English. I

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