



## CHAPTER V

### CONCLUSION

The goal of this project is to understand how refugees form a sense of protection grounded in their experience and how the resulting definition can serve as consideration for policy reform. In contrasting their wishes with their actual contact with local law enforcement, refugee agencies and other actors, the Lao Hmong refugees define protection that is all-encompassing and founded in the desire to restore their human dignity. By the means of a grounded theory approach, their vivid testimonies depict disempowering circumstances, full of uncertainty, insecurity, and infantilizing dependence. In their own words, the Lao Hmong long for effective refugee protection in which they fully participate to realize their basic human rights and meet their aspirations.

Challenges to effective refugee protection in Thailand are overwhelmingly political in nature, as it is the case in other countries. Statists would predict that, unless perceived as politically advantageous to states, international laws dictating refugee protection are nearly irrelevant. This project admittedly concedes that serious consideration for states' interests must enter any policy reform debate. But it also argues that the moral obligations of protection and the refugee experience must regain preeminence in reform debates. This study shows that lessons extracted from the Lao Hmong refugee experience find relevance in their practical grounding, but also provide important policy and programmatic considerations for reform. Those lessons dictate the following three principles for refugees:

- (1) Fulfilling and enjoying their basic rights;
- (2) Realizing full participation and self-sufficiency with regards to their protection needs;
- (3) Enjoying culturally appropriate programs, with an emphasis on protecting and promoting the rights of those most vulnerable.

In applying these principles, the protection space would be enlarged and moral

obligations, as well as political and economic advantages, would be simultaneously advanced in the process. A caution must be made: to give emphasis to economic and political gains may risk minimizing the moral obligations of refugee protection. It may distort who a refugee is and revert to a statist framework. It is a valid concern and the impetus for this study. But with creativity, conscious efforts can work the system and appeal to the various agents of protection and their interest without compromising the fundamental rights and demands of refugees. Stressing the agency of refugees themselves in their own protection may be one way to accomplish that dual goal.

In conclusion, it is important to catalog concrete recommendations guided by the findings of this study to address political and programmatic challenges identified in Thailand.

- *Recommendation 1: Thailand must immediately sign the 1951 Convention into national law to create a robust legal framework that promotes and protects refugee rights.* On the international level:
  - a) As the current Chair of the UN Human Rights Council, Thailand should show its commitment to its leadership in promoting and protecting human rights.
  - b) Thailand would regain its humanitarian standing which was eclipsed by recent reports of the government's abusive treatment of Rohingya and Lao Hmong refugees.
  - c) Thailand would restore a positive image with potential international allies given the fragile state of its relationships with regional countries (e.g. ongoing border disputes with Laos, Cambodia and Vietnam).

On the national level, a systematic legal framework would ensure practices that are transparent, consistent, accountable and more respectful of refugees' basic rights.

- *Recommendation 2: Thailand must immediately allow UNHCR to fulfill its protection mandate.* This means lifting geographical and political restrictions currently regulating UNHCR operations. The refugee situation in Thailand is not

improving and will not cease in the foreseeable future. Thailand performed best as a temporary settlement country when refugee affairs were aided by large scale financial, operational and programmatic efforts. As the international authority on refugee protection, UNCHR can perform that coordinating and fundraising role in collaboration with the RTG and other NGO partners to optimize expertise and resources while ensuring rapid and effective delivery of protection and assistance. Proper screening must restart immediately to provide adequate protection to those in need and find solutions for those who do not merit refugee status. Once more, this would largely contribute to greater protection and respect of refugees' rights.

- *Recommendation 3: Protection agents (including local government, non-governmental agencies and individuals) must adopt refugee policies and practice that promote self-sufficiency and empowerment.* Those policies would include granting access to education (primary and secondary) and to work, but also opening up local integration possibilities. The first step would be the issuance of identification documents to access public and social services. Another benefit of a RTG-issued ID is the strong deterrence against abuse by law enforcement forces, especially if it is accompanied by policies that clearly lay out procedures of accountability in case of abuse or other malpractice. Similar grievance procedures must exist along with existing monitoring and evaluation of private programs. Additional steps include language appropriate information and programs by state and private agents, but also specific initiatives to reach and engage more disadvantaged individuals (i.e. women, children, elderly, persons with disability, etc.).
- *Recommendation 4: Refugee protection and assistance programs must utilize technology whenever available and appropriate.* There are few refugees who do not have access to cellular phone technology, either in their homes or in proximity. Using cellular phone and other forms of technology to disseminate information and to deliver services would help decentralize programs, reduce costs and restore refugee autonomy. Examples include using debit card to distribute cash assistance, phone texting for updates and other communications,

etc. In Amman, Jordan, food voucher numbers are sent by texts to be redeemed at participating stores. If lost, refugees can retrieve those numbers through an automated phone system with their refugee ID number, eliminating administrative expenses. Bangkok has the same modern services that would facilitate such an innovative program.

In revealing the superiority of a refugee-center policy reform of protection, this study also uncovered the gap in significant research dedicated to disaggregate the impact of current protection mechanisms on especially disadvantaged groups, such as women, children, etc. Understanding how to best reach and engage those populations may offer additional guidelines to developing truly fair and effective refugee protection.